

Special Meeting  
January 16, 2007

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The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:00 p.m.

PRESENT: Barton, Beecham, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Morton, Mossar

#### SPECIAL ORDERS OF THE DAY

1. Resolution 8683 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Virginia Warheit upon Her Retirement"

**MOTION:** Council Member Morton moved, seconded by Barton, to adopt the resolution.

**MOTION PASSED 9-0.**

2. Resolution 8684 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Bill Miks upon His Retirement"

**MOTION:** Council Member Barton moved, seconded by Morton, to adopt the resolution.

**MOTION PASSED 9-0.**

#### ORAL COMMUNICATIONS

Mark Petersen-Perez, 434 Addison Avenue, spoke regarding the Taser International Annual Report. He requested the Council dismantle the Taser Task Force.

Herb Borock, P.O. Box 632, spoke regarding the ultra high speed broadband Request for Proposals (RFP) evaluation process.

Kathy Miller, 849 Lincoln Avenue, said the Children's Library fundraising efforts were a success. She presented the City with \$400,000 of private funds to furnish the Children's Library.

Aram James requested the Council reject the Police Department's request to purchase tasers. He reiterated it was imperative the public have accessibility to City records.

#### APPROVAL OF MINUTES

**MOTION:** Council Member Morton moved, seconded by Barton, to adopt the minutes of December 4, 2006, as submitted.

**MOTION PASSED 9-0.**

CONSENT CALENDAR

**MOTION:** Council Member Kleinberg moved, seconded by Mossar, to remove Item No. 6 from the Consent Calendar to become Item No. 8a.

Vice Mayor Klein noted he would not participate in Item No. 7 due to a conflict as his firm represents the Palo Alto Weekly.

**MOTION:** Council Member Morton moved, seconded by Barton, to approve Consent Calendar Items No. 3-5 and 7.

3. Ordinance 4930 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 2.28.230 of Chapter 2.28 (Fiscal Procedures) of the Palo Alto Municipal Code Regarding Claims Against the City"
4. Resolution 8685 entitled "Resolution of the Council of the City of Palo Alto Declaring Intention to Reimburse Photovoltaic Solar Panel Project (PE-05001) Expenditures from Clean Renewable Energy Bonds to be Issued by the City"
5. Acceptance of Annual Status Report on Developers' Fees
7. Approval of Agreement with the Palo Alto Weekly in the Amount of \$150,000 for Newspaper Advertising Services

**MOTION PASSED 9-0** for items 3 through 5.

**MOTION PASSED 8-0** for Item No. 7, Klein not participating.

PUBLIC HEARINGS

8. Public Hearing: To declare that all weeds growing upon any Private Property or in any Public Street or Alley, as Defined in Section 8.08.010 of the Palo Alto Municipal Code, Constitute a Public Nuisance, which Nuisance Must be Abated by the Destruction or Removal Thereof

Mayor Kishimoto opened the Public Hearing at 7:32 p.m.

James McCroskey, 4158 Oak Hill Ave., inquired as to the make-up of a weed.

Assistance City Manager Emily Harrison stated Deputy Fire Chief Dan Firth had researched the composition of a weed.

Deputy Fire Chief Dan Firth stated the definition of a weed was vegetative material that could present a fire hazard. Vegetation that grows above 6 inches in height would present a fire hazard.

Council Member Kleinberg asked whether there would be a conflict with some Council Members as the weed abatement would take place on Stanford University property.

City Attorney Gary Baum stated the cost was below \$250,000 and there was no contract and, therefore, there would not be a conflict.

Mayor Kishimoto closed the Public Hearing at 7:34 p.m.

**MOTION:** Council Member Morton moved, seconded by Mossar, to adopt the resolution ordering the abatement of weeds in the City of Palo Alto.

Resolution 8686 entitled "Resolution of the Council of the City of Palo Alto Ordering Weed Nuisance Abated"

**MOTION PASSED 9-0.**

8A. (Old Item No. 6) Policy and Services Committee Recommendation that Council Incorporate Into its Procedures Language Regarding Council Colleague Memos

Assistant City Manager Emily Harrison said the titles of the Colleague Memos should fully inform the public of their content.

Council Member Cordell stated the Policy and Services Committee recommended the language proposed by the City Attorney regarding the Brown Act be included in the Colleagues Memos procedures.

Mayor Kishimoto asked whether there was proposed wording.

Ms. Harrison read the wording proposed by the City Attorney. "The Brown Act requires that the public be fully informed of the potential action by the Council via the Agenda 72 hours before a scheduled Council meeting. In order to satisfy the Brown Act requirements, the Council should consult with the City Attorney to ensure that the proposed title to the Colleagues Memo contains all actions that the Council members want completed on the night of the Council review."

**MOTION:** Council Member Morton moved, seconded by Cordell, to approve the Policy and Services Committee recommendation to incorporate into Council Procedures the language outlined in CMR:109:07 to address Council Colleague Memos.

Council Member Mossar asked how the Policy and Services Committee anticipated work implications for staff resources, current work priorities, and budgetary concerns.

Council Member Cordell said when a Colleague Memo was proposed and had a budgetary impact, the budget would be recited in the Memo.

Council Member Mossar clarified the Policy and Services Committee's intention was written into the Colleague Memo. If the budgetary information and the work load are not completely dealt with at that time, the action would be to refer it to staff for further review to be brought back for Council action at a later date.

Council Member Cordell agreed that was the purpose of the Policy and Services Committee recommendation.

Council Member Morton asked whether actions on the Colleague Memos could be referred to the Finance Committee or the Policy and Services Committee rather than to staff

Council Member Kleinberg commented the policy states the Council would discuss the Memo and then direct it to the City Manager.

Council Member Cordell stated the recommendation was "Council Members are encouraged to share a draft of the proposed Colleague Memo with the City Manager or appropriate Senior Staff prior to finalization."

Council Member Kleinberg asked whether the language should be revised to state "Prior to preparing the Colleague Memo, Council Members will consult with the City Manager or the relevant Council Appointed Officer (CAO)." She asked why the due date for Colleague Memos changed from Thursday by noon to Wednesday.

City Clerk Donna Rogers said that Wednesday gave more time for completing the packet without additional stress on the clerical staff.

Assistant City Manager Emily Harrison said Colleague Memos written by staff were required one week prior to the Council Meeting.

City Attorney Gary Baum added nothing was placed on the Agenda without checking with the other CAO's for scheduling. If a policy issue belonged on the agenda, the City Manager needed to be informed.

Council Member Kleinberg stated the City Manager's involvement in the Colleague Memos was for time management purposes and not to control

what was on the Agenda. She enquired whether the rules of urgency could be waived by a vote of the Council.

Ms. Harrison stated the Council had waived procedures for urgent matters on previous occasions.

Council Member Kleinberg stated the two-week time frame for the staff to prepare the resource impacts could be waived by the Council in an urgency situation.

Council Member Cordell suggested language to be added "where the matter is an urgent one, on vote of the Council, the matter may be agendized for immediate action."

Council Member Kleinberg said the Council does not vote to agendize an item; the Council votes to waive the timeframe.

Council Member Cordell suggested the language change to "The Council may take immediate action."

Council Member Morton stated the friendly amendment would read "Council Members would consult with the City Manager and any other Council Appointed Officers (CAO's) as appropriate."

Council Member Kleinberg noted staff suggested that Council Members notify the City Manager when intending to submit a Colleagues Memo.

Council Member Beecham requested the removal of any timeframe in the language. The practical case was the Council Members would speak with staff regarding the time needed for their review and agenda placement.

City Manager Frank Benest stated Council consulted with the City Manager's office regarding the scheduling, content, and the resource impacts.

Council Member Beecham asked whether staff preferred a two-week timeframe in the language.

Ms. Harrison said staff preferred to have a full discussion regarding the Colleague Memos and the resource impacts without returning to Council. Colleague Memos had been received by staff on Thursday mornings, which required significant staff effort and with no opportunity to provide input.

Council Member Beecham believed the timeframe of Colleague Memos should remain open.

Ms. Harrison said there had been occasions when Council adopted an action recommended in a Colleague Memo without the resource impact information.

Council Member Beecham said he understood the importance of the resource impact portion of Colleague Memos but suggested avoiding a specific timeframe.

Mayor Kishimoto stated the request was to remove "for Council action within two meetings" from the policy language and she asked whether the amendment would be accepted by the maker and seconder.

Council Member Morton suggested the following wording ". . . the Council will discuss the Colleague Memo and direct the City Manager to agendize the matter for future Council action."

Council Member Kleinberg stated the language being removed was "action may be taken immediately."

Mayor Kishimoto clarified there were two incidents, one in which the Memo had to return to the Council and one where action could be taken that night. The last sentence "Action can be taken immediately where there are no resource impacts" did remain in the language.

Council Member Kleinberg stated the urgency language would be necessary and should read: "Action may be taken immediately by the Council on Colleague Memo's where there is urgency for decision making."

**INCORPORATED INTO MOTION WITH CONSENT OF MAKER AND SECONDER** the following revisions:

1. Language is added to the policy at the end of the first paragraph: "The Brown Act requires that the public be fully informed of the potential action by the Council via the agenda 72 hours before a scheduled Council meeting. In order to satisfy Brown Act requirements, the Council Member should consult with the City Attorney to ensure that the proposed title to the colleague memo contains all actions that the Council Members want completed on the night of the Council's review."
2. Third sentence be revised to read: "Prior to preparing a colleague memo, Council Members will consult with the appropriate CAO or senior staff prior to finalization. Additionally, the council members will provide the colleague memo to the City Manager as a courtesy for scheduling purposes."

3. Delete the phrase in the second sentence, second paragraph: ".....council action within two meetings, allowing City staff time to prepare a summary of staffing and resource impacts."
4. Following last sentence add the following sentence: "Also, where the matter is an urgent one, upon vote of the Council, the matter may be voted upon immediately."

Vice Mayor Klein asked the City Attorney to explain the current process of an urgent matter where an action required more than the normal majority of members.

Mr. Baum stated the Brown Act required a super majority for a significant emergency to agendaize an item. When the item was already on the Agenda, the procedure would not apply. The matter appeared to be on the Agenda and, therefore, the Brown Act procedure did not apply.

**MOTION PASSED: 9-0**

#### REPORTS OF COMMITTEES AND COMMISSIONS

9. Policy and Services Committee Recommendation for Council Approval of Draft Revisions to the Public/Private Partnership Policy

Council Member Cordell said the policy was unanimously approved by the Policy and Services Committee. Three types of partnerships were defined; Alliances, Joint Ventures, and Co-Sponsorship.

Assistant City Manager Emily Harrison stated there were two corrections to the draft policy.

Bob Moss, 4010 Orme, said the Public/Private Partnership policy would not impede on the current cooperative agreements and grants.

Melanie Burns, 11987 Murietta Lane, Los Altos Hills, stated she had concerns for how the new policy implementation plan would affect the City's share of community project funds.

Phil Plymale was concerned with the revisions to the Public/Private Partnership Policy. A Public/Private working group and a specific set of pros and cons were no longer required, which could affect the community adversely.

Council Member Barton stated the Policy was intended to initiate the conversation with the community for those interested in a partnership. This Policy was meant to lay the groundwork for Public/Private partnerships.

Mayor Kishimoto stated the revisions to the Policy were guidelines and not standards.

Council Member Morton stated the guidelines assisted staff with the management of requests for Public/Private Partnerships.

Vice Mayor Klein requested revisions to the Policy. The paragraph on the bottom of page two read: "Due to Government procuring and labor requirements" and the proposed language was to delete that phrase. The last sentence of the paragraph read: "The project must meet the approval of the City Attorney and the City Manager or his/her designee." and he proposed the sentence be deleted.

City Manager Frank Benest said the City Manager carried out policy direction from the City Council.

Vice Mayor Klein said that was not the stated language.

Mr. Baum said he hoped the Council would follow the advice of the City Attorney and/or City Manager, but the Council always had the right to waive the Policy.

Mayor Kishimoto suggested changing the language from "meet the approval of" to "reviewed by".

**MOTION:** Council Member Cordell moved, seconded by Morton, to approve the Policy and Services Committee recommendation to update the City's Public/Private Partnership Policy.

Mayor Kishimoto verified the deletion of the phrase "due to Government procuring and labor requirements."

Vice Mayor Klein agreed that the motion was to delete the phrase.

**INCORPORATED INTO MOTION WITH CONSENT OF MAKER AND SECONDER** on page 2 to delete the phrase: "Due to government procuring and labor requirements....." On page 3, first paragraph, delete the sentence, "In these cases the project must meet the approval of the City Attorney and City Manager or his/her designee." Also, change phrase to "unless written agreement approved by City Attorney has been made by the Alliance organization....."

Council Member Cordell suggested the use of the word "reviewed" seemed superfluous.

Council Member Morton explained the sentence was added to provide a way to review the request.

Council Member Beecham stated when the City Manager did not want to accommodate the request it would not progress.

Mayor Kishimoto said in many cases the project would be completed quicker and less costly by going outside the City.

Assistant City Manager Emily Harrison stated staff often recommended to the proposed partners that they think about project management, as long as the City's risk management and legal boundaries were met.

Mayor Kishimoto said the language appeared to discourage the use of outside parties to perform project management.

Ms. Harrison said the City encouraged less costly and timely project management.

Mayor Kishimoto suggested additional language to read: "The City will welcome opportunities to have outside organizations to manage the project."

Ms. Harrison agreed the language should be positive and encourage partnerships.

Council Member Kleinberg said the first paragraph of the policy stated the appropriate language.

Council Member Morton suggested the language be modified to read: "City staff would manage most proposed projects and activities unless an agreement had been reached with the alliance organization to provide in-kind services or to provide direct oversight or management as specified project."

City Attorney Gary Baum requested to replace the words "an agreement" with "written agreement."

Council Member Cordell stated the definition of an alliance was an agreement with organizations whose mission was to support City programs and services. She did not object to the wording "written agreement" as a substitute.

Council Member Beecham supported the motion and agreed the policy was a benefit to the community.

Council Member Kleinberg questioned that the guidelines did not appear to apply to all organizations. She suggested the guidelines be specific to the individual alliance or joint venture.

Mayor Kishimoto asked whether the guideline language needed to be changed.

Council Member Cordell suggested when the guidelines were approved, they would be reorganized before returning to Council.

Council Member Morton stated the question regarding guideline two would be resolved by removal of the word "alliance".

Council Member Kleinberg said the suggestion of the removal of the word "alliance" from the guidelines would then apply to all organizations.

Council Member Morton said there was an agreement required between partnering organizations.

Council Member Kleinberg proposed a language change to read: "The partnering organization should also have the demonstrated experience on its Board of Directors to achieve and sustain project tasks."

Council Member Cordell said she agreed with the demonstrated experience phrase although she had a concern excluding organizations without a board of directors.

Council Member Kleinberg preferred that organizations wishing to partner with the City have accountability, stability, continuity, and reliability.

Council Member Cordell accepted the amendment with the language "having demonstrated experience."

Council Member Kleinberg stated without an organization the City could look to for accountability, the City would be legally liable.

**INCORPORATED INTO MOTION WITH CONSENT OF THE MAKER AND SECONDER** to add "demonstrated experience" in the second sentence of the first bullet on page thee.

Council Member Kleinberg proposed a language change to read: "The partnering organization must demonstrate the ability to make a substantial commitment."

Council Member Cordell said the current language gave sufficient guidance to staff and the Council regarding the requirements of a partnership.

Council Member Barton concurred that the intention of the Policy was to be an invitation to begin a conversation to lead to a specific set of criteria to allow the project to move forward.

Council Member Beecham said he based partnerships on performance objectives rather than the members of the organization or board of directors.

Council Member Cordell asked when a joint venture proposal came to staff would it always be necessary to go before Council.

Director of Community Services Richard James stated joint ventures would always go to the Council because they are contractual agreements and, generally, changes in policy or requests for resources. Alliance type proposals are generally handled at the staff level.

Council Member Kleinberg questioned that the previous statement was not clearly indicated on the staff and the Council's review portion of the Policy.

Mr. James said there was a section on resources and policy change. Every joint venture would have a contract or memorandum of understanding (MOU) attached to it.

Council Member Kleinberg stated the term "contract or MOU" was defined as complex in nature or to take place over an extended time period.

Mr. James said the complexity of nature referred to alliances but all joint ventures moved forward to Council.

Council Member Kleinberg said the Policy was clear the Council would review complex contracts.

Mr. James said anything outside the definition of a joint venture would be a co-sponsorship or an alliance.

Mayor Kishimoto clarified the policy reads: "Should staff deny a joint venture request, the requesting party may appeal to the Finance Committee for recommendation to the Council." Therefore, some joint ventures would be resolved at the staff level.

Council Member Kleinberg said all joint venture arrangements are contractual by definition and must go to the Council.

Mr. James said agreements with alliance organizations could be quite complex and take place over a long period of time.

Mayor Kishimoto clarified all joint ventures would not be sent to the Council.

Council Member Kleinberg clarified Mr. James said all joint venture agreements would go to the Council.

Mr. James stated all joint ventures would go to Council in the form of an agreement if staff agreed the project was worthwhile. When staff disagreed with the proposal, the group had the ability to go to the Finance Committee.

Council Member Kleinberg noted the language on the top of page four reads: "As required, the City Manager or his designee will convene an ad hoc committee of representatives from departments affected by the proposal to evaluate and make a recommendation on its merits." She recommended the ad hoc committee include representatives of the public stakeholder groups.

Council Member Beecham stated there were minor and major issues with any project. The City worked out a core framework and the project was brought to the Council for acceptance.

Council Member Kleinberg noted not every matter returns to the Council. The Policy states in such cases as listed below the City Manager's recommendation would come back to the Council.

Mayor Kishimoto said if the project was rejected, it could be appealed or it would die before it reached the Council.

Council Member Mossar considered referring the Policy back to the Policy and Services Committee for review of the concerns brought forward that evening.

Council Member Morton responded to Council Member Kleinberg's concern with the phrase "as required" and he suggested a language change to "as appropriate."

Council Member Barton proposed the City Manager be required to have a member of the public in the committee.

Council Member Cordell stated the Policy impacts the community and felt it should return to the Policy and Services Committee for further discussion.

Council Member Kleinberg suggested the following language change: "Council approval would be necessary when a project or proposal involves the transfer of management or operation of City facilities."

**SUBSTITUTE MOTION:** Council Member Cordell moved, seconded by Klein, to not take action on the policy at this time but to refer it back to the Policy and Services Committee for discussion and to return to the Council with final recommendations.

Assistant City Manager Emily Harrison requested all comments and/or requested changes be sent to Assistant to the City Manager Kelly Morariu.

Vice Mayor Klein noted the information placed before them was a framework and not guidelines. He referred to the Junior Museum and Zoo and questioned whether the Council should continue to hold them in the abeyance or was there consensus for staff to move forward in determining if a relationship would be possible.

Ms. Harrison stated the budget planning for 2007-08 had begun and, therefore, any changes regarding City management of the Jr. Museum and Zoo would be difficult to incorporate in the normal budget process.

Mayor Kishimoto asked whether there were any other changes.

City Manager Frank Benest stated staff would like to move forward in discussions with the Friends of the Junior Museum and Zoo.

Council Member Cordell stated the Junior Museum and Zoo would move forward when the Policy was finalized.

City Attorney Gary Baum stated the discussion should be agendaized for a later date.

Mayor Kishimoto commented the set of policies governing Public/Private Partnerships was critical. She asked how volunteer groups might be covered under this Policy.

Ms. Harrison stated the City had volunteer waiver forms and insurance.

Council Member Beecham stated it would be a general policy and not focused on one organization.

Council Member Morton cautioned the volunteer community would stop participating if the policy were too stringent.

**SUBSTITUTE MOTION PASSED** 8-1 Drekmeier no.

## COUNCIL MATTERS

10. Colleagues Memo from Council Members Cordell and Drekmeier to Request the City Council Consider Renaming a Street in Palo Alto to King Boulevard in Honor of Dr. Martin Luther King, Jr. and Coretta Scott King

**MOTION:** Council Member Drekmeier moved, seconded by Cordell, to direct City staff to explore the feasibility of the economic impact of renaming a street in Palo Alto to "King Boulevard" in honor of Dr. Martin Luther King, Jr. and Coretta Scott King.

Council Member Drekmeier stated naming a street after Dr. King and his wife would be a great honor and would serve as a reminder of what had been accomplished, and is still to be pursued, in civil rights and civil liberties.

Council Member Cordell stated after Dr. King's passing, Coretta Scott King became very active in the forefront of the Civil Rights movement. Mrs. King was given forty honorary degrees, authored three books, and had a nationally syndicated column.

Stephanie Munoz, 101 Alma, stated Council energy should be directed towards what Dr. King would do instead of naming a street after him.

Aram James suggested renaming Foothills Park or University Avenue after Dr. King and his wife.

Tamala Williams, 240 Wilton, recommended if a street were renamed, a connection with Embarcadero or University Avenue would bring multicultural cities together.

Joy Ogawa said the economic impact on the residences and businesses of renaming a street should be reviewed

Ann Ozer, 1850 Sand Hill Road, #27, encouraged the Council to rename a significant location after Dr. King and his wife.

Herb Borock, P.O. Box 632, did not support the renaming of a street.

Bob Moss, 4010 Orme, stated the City had policies on naming streets that should be followed.

**INCORPORATED INTO MOTION WITH CONSENT OF THE MAKER AND SECONDER** to request that staff explore other options such as naming a park or a library in honor of the King family.

Council Member Drekmeier agreed with Council Member Cordell on the possibility of renaming something other than a street.

Council Member Mossar suggested a Mayoral appointed committee on researching the impact and policy of renaming something of significance to the King legacy in the City of Palo Alto.

**MOTION WITHDRAWN BY MAKER AND SECONDER.**

**MOTION:** Council Member Drekmeier moved, seconded by Cordell, to refer this agenda item to the Policy and Services Committee.

Council Member Kleinberg agreed stating a street would not be special enough to honor what the King Family had accomplished for the Civil Rights movement.

Council Member Morton said consent of the community would be required before renaming a street.

Vice Mayor Klein said he would consider naming a new facility but not renaming an existing facility or street.

Mayor Kishimoto supported the motion of moving forward for review by the Policy and Services Committee.

Council Member Morton stated he would oppose the motion.

**MOTION PASSED** 7-2 Klein, Morton no.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Beecham reported he attended the California Energy Commission meeting last week in Sacramento to testify on compliance with SB1386 and Palo Alto's efforts on reducing greenhouse gas emissions.

Council Member Barton stated he also traveled to Sacramento last week to the League of California Cities Environmental Quality Committee on Climate Change. The committee was unable to come to an agreement because of disagreement whether climate change was actually occurring.

Council Member Cordell noted she requested the New York Times front page article be at places that evening, which was entitled "Unfilled City Manager Posts Hint at Future Gap" and included a photo of Frank Benest. She also referred to the article in the San Jose Mercury News regarding police departments and the public record act and requested more information on that article.

Mr. Benest said there were many concerns by all cities audited regarding the methodology used for the audit of police departments and requests for public records.

Council Member Mossar referred to a letter at places from Congresswoman Anna Eshoo's office and the impact of changes in Congress regarding the Army Corps of Engineers and the San Francisquito Creek feasibility study. She said there was funding for the Army Corps of Engineers and the San Francisquito Creek feasibility study in 2007 and work would continue. The Joint Powers Authority was optimistic on the ability to receive more funding.

Council Member Morton reported he recently attended the opening of the Mitchell Park Teen Center with Mayor Kishimoto. Funding for the computer part of the Center came from generous contributions from Hewlett Packard and the Recreation Foundation, and a public/private partnership. He also noted the Teen Center has not yet been named.

Mayor Kishimoto said there would be a Caltrain presentation on Friday at 2 p.m. at Mountain View City Hall entitled "Beyond the Baby Bullet", which is the vision for the next 25 years. Also, there have been discussions with staff to launch brown bag lunch meetings on the culture of "Building a Green Economy Through Innovation." The first one will be held on Wednesday, January 31 at IDEO at noon. She requested her colleagues to think about speakers and topics for upcoming meetings which will be held every other month.

Mr. Emslie reported the Association for Bay Area Governments (ABAG) would be hold a public hearing, which forms the basis for the Bay Area cities' housing allocations. Palo Alto would be attending this meeting and submitting a letter. The methodology and projections for applying the housing allocations are a concern for the cities since the figures are extremely high. There would be an allocation for Palo Alto as a whole, as well as an additional allocation around the three local transit centers.

Council Member Kleinberg commented that ABAG and the Metropolitan Transportation Commission (MTC) are in partnership regarding housing and transportation oriented development. Last year, the partnership presented the vision and policy, which indicated since there is not enough transit ridership to justify more transit, they would have to force cities to build more housing around transit nodes to increase the ridership. Since Palo Alto has three transit nodes, it has a disproportionately large number of the new housing units, more than any other Santa Clara County city.

Mr. Benest reported the City Managers had a forceful and direct conversation with Henry Gardner, ABAG Executive Director, about this issue.

Mayor Kishimoto reported she has requested that the report and bids for fiber to the home project be transmitted to the Council a week prior to the scheduled Council Meeting of February 20, 2007. She also proposed a sub-committee of the Council be appointed by the mayor to advise the Council on this matter.

Council Member Cordell requested the meeting that evening be adjourned in memory of Dr. Martin Luther Jr. and Coretta Scott King. She reflected on the poignant and ever so relevant words he spoke on April 14, 1967, at Stanford University Memorial Auditorium: "It may well be that we will have to repent in this generation, not merely for the vitriolic words of the bad people and the violent actions of the bad people, but for the appalling silence and indifference of the good people, who sit around and say "wait on time." Somewhere, we must come to see that social progress never rolls in on the wheels of inevitability. It comes through the tireless efforts and the persistent work of dedicated individuals and, without this hard work time itself becomes an ally of the primitive forces of social stagnation. So, we must help time. We must realize that the time is always right to do right."

ADJOURNED TO CLOSED SESSION AT 10:30 p.m.

#### CLOSED SESSION

11. CONFERENCE WITH CITY ATTORNEY -- POTENTIAL/ANTICIPATED LITIGATION  
Subject: Written liability claim against the City of Palo Alto by Joyce and John Newbury  
Authority: Government Code Section 54956.9(b)(1) & (b)(3)(1)
12. CONFERENCE WITH CITY ATTORNEY -- POTENTIAL/ANTICIPATED LITIGATION  
Subject: Written liability claim against the City of Palo Alto by State Farm General Insurance Company (Goldman)  
Authority: Government Code Section 54956.9(b)(1) & (b)(3)(1)
13. CONFERENCE WITH CITY ATTORNEY -- POTENTIAL/ANTICIPATED LITIGATION  
Subject: Written liability claim against the City of Palo Alto by William Goldman  
Authority: Government Code Section 54956.9(b)(1) & (b)(3)(1)

**Mayor Kishimoto stated no reportable action was taken.**

FINAL ADJOURNMENT: The meeting adjourned in memory of Dr. Martin Luther King Jr. and Coretta Scott King at 10:45 p.m.

ATTEST:

APPROVED:

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City Clerk

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Mayor

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.