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26. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION
Subject: Alyssa C. v. City of Palo Alto, U.S. District Court, Northern
District of California, Case No.: C070111223

ADJOURNMENT: The.....23

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:03 p.m.

Present: Barton, Beecham, Drekmeier, Kishimoto, Klein, Kleinberg, Morton, Mossar

Absent: Cordell

Council Member Mossar requested to move Closed Session Item 27 forward and the Study Session would be complete by 6:30.

City Attorney Gary Baum stated Closed Session Item 26 would remain at the end of the agenda.

Mayor Kishimoto stated Item 27 would be moved forward to become Item 1A.

MOTION: Council Member Mossar moved, seconded by Morton, to move Item 27 forward to become Item 1A so it would be heard at 6:30 p.m. and, if possible, the City Attorney would try to move Item 26 to be heard at the same time.

Mr. Baum stated Item No. 27 would be first since he was the presenter.

MOTION PASSED 7-1, Klein no, Cordell absent.

STUDY SESSION

1. Presentation of the Build It Green Program

No action required.

- 1A. (Old #27) CONFERENCE WITH CITY ATTORNEY – ANTICIPATED LITIGATION

Subject: Significant exposure to litigation on one matter

Authority: Government Code Section 54956.9 (b)(3)(A)

Mayor Kishimoto stated no reportable action was taken.

ORAL COMMUNICATIONS

Joe Rolfe, 1360 Emerson Street, spoke regarding non-profit organizations at the Palo Alto Art & Wine Festival being moved out of the line of direct communication with the community.

Greg Kerber, Birch Street, spoke concerning police misconduct regarding the Policy of Human Rights.

SPECIAL ORDERS OF THE DAY

2. Vote and Appointment of Candidate to the Planning and Transportation Commission

First Round of Voting for the Planning and Transportation Commission

Voting for Lee Lippert BARTON, BEECHAM, DREKMEIER, KISHIMOTO,
KLEIN, KLEINBERG, MORTON, MOSSAR

City Clerk Donna Rogers announced on the 1st ballot, Lee Lippert with eight (8) votes with Council Member Cordell absent, was appointed to the Planning and Transportation Commission for a four-year term ending July 31, 2011.

3. Vote and Appointment of Candidate to the Library Advisory Commission

First Round of Voting for the Library Advisory Commission

Voting for Christina Detchemendy BARTON, DREKMEIER, KISHIMOTO

Voting for Robert Redfern-West BEECHAM, KLEINBERG, MORTON,
MOSSAR

Voting for Ann Shelby Valentine KLEIN

City Clerk Donna Rogers announced that Council must take another vote since none of the candidates obtained the requisite five votes needed for appointment.

Second Round of Voting for the Library Advisory Commission

Voting for Christina Detchemendy BARTON, KISHIMOTO

Voting for Robert Redfern-West BEECHAM, DREKMEIER, KLEIN,
KLEINBERG, MORTON, MOSSAR

Ms. Rogers announced on the 2nd ballot, Robert Redfern-West with six (6) votes was appointed to the Library Advisory Commission to fill an unexpired term ending January 31, 2008.

4. Proclamation Commending the Service of Margo Dutton to the Children and Families of Palo Alto

Margo Dutton thanked the Council for the opportunity to serve the community.

No action required.

CONSENT CALENDAR

Vice Mayor Klein stated he would not participate in Item 7 due to a conflict of interest because his wife was employed by Stanford University.

Council Member Mossar stated she would not participate in Item 7 due to a conflict of interest because her husband was employed by Stanford University.

Mayor Kishimoto noted an amendment to Item No. 6 had been put before the Council as an at places item.

Nicholas Jellins, 841 Menlo Avenue, Menlo Park, spoke regarding the move of businesses to accommodate the construction for Item No. 12.

Robert Moss, 4010 Orme Street, suggested reconsideration of the project map for Item No. 15 in reference to Fry's Electronics.

Scott Yeman, 2025 E. Bayshore, stated concern for the easements requested on their property by the project.

Bob Budelli, 2027 E. Bayshore, requested more time to complete the move from the property in question for Item No. 12.

MOTION: Council Member Morton moved, seconded by Klein, to pull Item 15 from the Consent Calendar to become Item 16A

Council Member Mossar asked the result of delaying the project to allow Ciardella's to complete their move from the property.

Director of Public Works Glenn Roberts stated there were three concerns to delay the project. The award of the contract needed to be approved tonight prior to the bid expiration; the easement lines were movable; and there has been demonstrated history on the assistance to maintain Ciardella's.

MOTION: Council Member Mossar moved, seconded by Kleinberg, to pull Item 12 from the Consent Calendar to become Item 16B.

MOTION: Council Member Barton moved, seconded by Morton, to approve Consent Calendar Item Nos. 5 through 16.

5. Approval of Response to Santa Clara County Civil Grand Jury's Report Regarding Improvements Needed for Disaster Preparedness in Santa Clara County
6. Resolution 8741 entitled "Resolution of the Council of the City of Palo Alto Adopting a Compensation Plan for Management and Professional Personnel and Council Appointees and Rescinding Resolution Nos. 8554, 8593, 8609 and 8622; and Resolution 8748 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1701 of the Merit System Rules and Regulations to Incorporate the 2007-2008 Compensation Plan for Management and Professional Personnel and Council Appointees"
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~~Approval of Amendment Number 1 to Contract No. C06113651 between the City of Palo Alto and Schaaf & Wheeler, Consulting Civil Engineers.~~

13. Approval of a Utilities Enterprise Fund Contract with K. J. Woods Construction, Inc. in the Amount of \$228,850 for Trenching and the Installation of Electric Substructures at El Camino Real and Quarry Road for Relocation of Alma Substation Capital Improvement Project (EL-05003)
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16. Resolution 8742 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Sign and File a Financial Assistance Application for a State Revolving Fund Loan in an Amount Not to Exceed Twenty-Five Million Dollars from the State Water Resources Control Board on Behalf of the Palo Alto Regional Water Quality Control Plant for the Design and Construction of the UV Disinfection Facility; and Approval of Wastewater Treatment Enterprise Fund Amendment No. 1 to Contract No. C06116829 with RMC Water & Environment in the Amount of \$1,000,000 for Design Services for the Ultra-Violet Disinfection System at the Regional Water Quality Control Plant"

MOTION PASSED for items 5, 6, 8-11, 13, 14 & 16 8-0, Cordell absent.

MOTION PASSED for item 7: 6-0, Klein, Mossar not participating, Cordell absent.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

- 16A. (Old #15) Resolution 8743 entitled "Resolution of the Council of the City of Palo Alto Supporting the Focus Our Vision (Focus) Program and Authorizing Submission of an Application to Designate the Area in the Vicinity of the California Avenue Caltrain Station as a Priority Development Area (PDA)"

Council Member Morton questioned the possibility to adjust the map to not incorporate the Fry's Electronics property.

Director of Planning and Community Environment Steve Emslie stated the map could be adjusted to eliminate the Fry's Electronics area.

Council Member Morton asked for staff's position.

Mr. Emslie stated staff's position was that the area be included in the map since the PDA and the Focus Program are about transportation and connection and not exclusively about redevelopment.

Council Member Morton asked whether the chance of qualification for State bonds would be impaired if the area was removed.

Mr. Emslie stated no.

Council Member Morton stated Fry's Electronics could be added in later.

Mr. Emslie stated the program recommended the area be 100 acres. Removing Fry's Electronics from the map would leave approximately 88 acres.

Council Member Morton requested that consideration be given to removing Fry's Electronics from the designation.

Vice Mayor Klein moved to strike the Fry's Electronics area from the PDA.

MOTION: Council Member Morton moved, seconded by Klein, to approve the staff recommendation with the removal of Fry's Electronics site from the Priority Development Area (PDA) and Pedestrian Transient Oriented Development (PTOD).

Council Member Mossar stated the larger area, including Fry's Electronics, had been a study area in the Comprehensive Plan from the beginning.

Council Member Morton encouraged the removal of Fry's Electronics, which could be added at a future time.

Herb Borock, P.O. Box 632, stated this issue is a serious planning issue and requires a recommendation from the Planning and Transportation Commission.

Mayor Kishimoto stated the item will go through the Planning and Transportation Commission.

MOTION FAILED 2-6 Klein, Morton yes, Cordell absent.

MOTION: Council Member Mossar moved, seconded by Kleinberg, to approve staff recommendation to:

- 1) Adopt the Resolution of Local Support for the California Avenue/Ventura Priority Development Area; and
- 2) Authorize the City Manager, or his designee, to execute the necessary documents to accept the designation and to comply with any Association of Bay Area Government (ABAG) reporting requirements.

AMENDMENT: Vice Mayor Klein moved, seconded by Morton, that the Council exclude on Page 3 of the City Manager's Report, "The Fry's site is an integral part of the PDA, anchoring the Southern portion of the area. Redevelopment of this area could facilitate pedestrian and bicycle linkages to California Avenue and the Caltrain station. It also has the potential for incorporating additional parkland or open space into the area."

AMENDMENT FAILED 2-6 Klein, Morton yes, Cordell absent.

MOTION PASSED 8-0 Cordell absent.

16B. (Old #12) Ordinance 4963 entitled "Ordinance of the Council of the City of Palo Alto Adopting the Budget for the Fiscal Year 2007-08 to Provide an Additional Appropriation of \$2,934,577 to Capital Improvement Program (CIP) SD-06102, San Francisquito Creek Storm Water Pump Station; and

Approval of Amendment Number 1 to Contract No. C06113651 between the City of Palo Alto and Schaaf & Wheeler, Consulting Civil Engineers.

Council Member Mossar stated it is important to accommodate Ciardella's move schedule and perhaps Senator Simitian's Office would be helpful.

Director of Public Works Glenn Roberts stated staff would work with Cal-Trans to expedite Ciardella's move.

MOTION: Council Member Mossar moved, seconded by Kleinberg, to approve the staff recommendation for the ordinance and Amendment No. 1 and to request staff assist Ciardella's transition from their current site to their new site.

MOTION PASSED 8-0 Cordell absent.

UNFINISHED BUSINESS

17. Approval of an Acquisition and Development Agreement Between the City of Palo Alto, Eden Housing, Inc. and Community Housing Alliance, Inc. for the Proposed Alma Street Affordable Multi-Family Rental Housing Project

MOTION: Council Member Barton moved, seconded by Morton, to approve the staff recommendation for the Alma Street Affordable Multi-Family Rental Housing Project Acquisition and Development Agreement (ADA) between the City, Eden Housing and the Community Housing Alliance (CHA), as amended. The Agreement provides for the conveyance of the Alma Substation parcel to Eden Housing and CHA, a City loan of \$3 million for acquisition of the adjacent Ole's Automotive Repair Shop parcel and general parameters for future development of the combined site.

Vice Mayor Klein asked whether the amendment needed to be moved by the majority.

City Attorney Gary Baum stated no.

AMENDMENT: Vice Mayor Klein moved, seconded by Morton, to add the provision to the contract that the building be LEED silver certified.

Council Member Kleinberg stated she did not support the amendment.

Council Member Barton stated he did not support the amendment.

Mayor Kishimoto asked whether the intention was to be LEED Certified or the equivalent.

Director of Planning and Community Environment Steve Emslie stated he would confer with the builder.

Council Member Mossar stated she did not support the amendment.

Mr. Emslie stated the applicant was willing to commit to the Green Point standard.

REVISED AMENDMENT: Vice Mayor Klein moved, seconded by Morton, to add the provision to the contract that the building would need to be green point rated (Build It Green).

AMENDMENT PASSED 5-3 Barton, Beecham, Mossar no, Cordell absent.

MOTION PASSED 8-0 Cordell absent.

18. Colleague's Memo from Mayor Kishimoto and Council Members Beecham and Drekmeier Recommending the Council to Direct Staff to Explore the Feasibility of College Terrace Parking Permit Program

Council Member Barton stated he would not participate in Item 18 because he has a conflict of interest since he has a client in the neighborhood.

Council Member Beecham asked staff to comment on the cost of implementing the recommendation.

Mr. Emslie stated the recommendation came with designated resources, which enabled the completion of the study without affecting staff workload.

Council Member Beecham asked whether there was a need to absorb resources from other departments.

Mr. Emslie stated there was a need for collaboration but no more than a typical multi-departmental project.

MOTION: Council Member Beecham moved, seconded by Drekmeier, to approve the recommendation to direct staff to initiate an assessment of a residential parking permit program in College Terrace and report the results back to Council. The assessment would include approximately two outreach meetings in the community to conceptually design a potential program and a survey of all households to ascertain support. Staff would be authorized to retain outside expertise as needed to supplement staff, using funds deposited with the City from Stanford University for the College Terrace permit parking program pursuant to the 2000 General Use Permit conditions of approval.

Council Member Morton questioned the probability of migration of parking traffic between California Avenue and PALY.

Mr. Emslie stated a key element in the scope of the contract would be the effects of moving traffic.

Council Member Mossar noted concern about fundamental policy questions that had not been asked prior to having staff study implementation.

Vice Mayor Klein asked for a timeline

Mr. Emslie stated it would take 12 months to return with a recommendation.

Vice Mayor Klein felt a definitive timeline needed to be set and asked why the proposal was \$100,000 for consulting services.

Mr. Emslie stated the requested data was not expected to utilize the full amount proposed.

Vice Mayor Klein supported the study and requested to move the assessment forward within a shorter timeframe than proposed.

Council Member Kleinberg would not support the study without having consensus from the neighborhood in question and the involvement of the community causing the problem.

Council Member Beecham asked whether there were funds dedicated for the purpose of the regional program.

Mr. Emslie stated yes.

Council Member Beecham noted most college neighborhoods were permitted parking.

Council Member Morton asked about the difficulty of starting the feasibility study with the question to the residents of needing the permit program.

Mayor Kishimoto supported the study.

INCORPORATED INTO MOTION WITH CONSENT OF MAKER AND SECONDER to direct staff to provide a status report prior to August 2008.

MOTION PASSED 5-2, Kleinberg, Mossar no, Barton not participating, Cordell absent.

PUBLIC HEARINGS

19. Resolution 8744 entitled "Resolution of the Council of the City of Palo Alto Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment of the Respective Properties Herein Described"

Mayor Kishimoto read the script on weed abatement and asked the City Clerk whether she had received any written objections.

City Clerk Donna Rogers stated no.

Council Member Mossar stated Stanford University was on the list of properties and inquired as to the conflicts to Council Members.

City Attorney Gary Baum stated the amount was less than \$250,000 and
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there was no contract involved and, therefore, there were no conflicts.

Public Hearing was opened and closed at 8:24 p.m.

Mayor Kishimoto stated since no individuals appeared or filed written objections against the weed abatement assessments, the Resolution passed by the Council on this matter will reflect the finding.

MOTION: Council Member Klein moved, seconded by Drekmeier, to approve staff's recommendation to hear and consider objections from affected property owners of proposed assessments related to completed weed abatement work and adopt the resolution to approve and/or modify the assessments for weed abatement.

MOTION PASSED: 8-0 Cordell absent.

20. 1st Reading - Ordinance Amending Section 18.76.020 of Chapter 18.76 and Section 18.77.020 of Chapter 18.76 of Title 18 of the Palo Alto Municipal Code to Provide a Sustainability and Green Building Finding (18.76.020 (D)(15)) and Add Council Adopted Sustainability Policies in the Section on Applications (18.77.020(A))

Council Member Drekmeier stated the Council was amending the Municipal Code with considerable work to follow.

Mr. Emslie stated yes.

Council Member Drekmeier requested that there be incentives for adaptive reuse of the old building materials.

MOTION: Council Member Morton moved, seconded by Barton, to approve the Planning and Transportation Commission (P&TC), Architectural Review Board (ARB) and staff recommendations to adopt the Ordinance which will:

- 1) Amend the Palo Alto Municipal Code (PAMC) Section 18.76.020 (d) Findings, (15), to provide a sustainability finding for ARB approval similar to that found in Section 18.16.090(b)(8) for Commercial District Context-Based Design Considerations and *Findings*, and
- 2) Amend the PAMC Section 18.77.020 Applications (a) *Filing of application and application contents*, to add item (5) 'Council-adopted Sustainability Policies,' allowing staff to require information regarding the proposed sustainable features of the three categories of projects subject to Chapter 18.77 (namely, projects subject to the standard staff review, architectural review and low-density residential review processes.)

Mr. Baum stated the amendments are legally viable and he is ready to proceed.

Council Member Barton stated the staff recommendation was the issue for discussion. As seconder of the motion, there would not be a discussion of telling the community how to build.

Council Member Mossar agreed the community did not appreciate being told what can and cannot be done on their private property.

MOTION PASSED: 8-0 Cordell absent.

21. Approval of a Record of Land Use Action and Request for a Tentative Map of Park Plaza: for Condominium Purposes to Merge Three Parcels into One Parcel to Allow for Legal Separation of Ownership for 84 Residential Condominium Units on the Upper Floors and 11 Research and Development Condominium Units on the Ground Floor, and a Negative Declaration at 2865 Park Boulevard and 195 Page Mill Road

MOTION: Council Member Kleinberg moved, seconded by Mossar to continue this Item 21 to a date uncertain.

MOTION PASSED: 8-0 Cordell absent.

REPORTS OF OFFICIALS

22. Authorization of a Letter from the Mayor to the Santa Clara Valley Transportation Authority (VTA) Board of Directors in Opposition to the Comprehensive Operations Analysis Recommendations for Bus Service in Palo Alto

Transportation Manager Gayle Likens noted corrections that had been made to the staff report.

Mayor Kishimoto stated she had been working with VTA in supporting the City transit service, acknowledging there is a City shuttle service paid for through the General Fund.

John Risto stated VTA intended to work with the City to accommodate the needs by adjustments or modifications of services.

Penny Ellson, 513 El Capiton Place, recommended maintaining Route 88 in some manner.

Norman Carroll, 3061 Emerson Street, addressed the need for maintaining open lines of service throughout the City.

Arthur Keller, 3881 Corina Way, spoke regarding the bus lines associated with the schools and their time schedules.

Herb Borock, P.O. Box 632, suggested involving the community with the routes and quality of the lines.

Robert Moss, 4010 Orme Street, stated in order to maintain ridership, the lines needed to be more efficient.

Council Member Mossar stated the response to VTA needed to state reasons why Palo Alto deserves better service.

MOTION: Council Member Mossar moved, seconded by Barton, to request staff to strengthen the language in the letter to the Valley Transportation Authority with reasons why Palo Alto deserves a good transit system and provides the history about how Palo Alto got into a situation where the transit system was inadequate.

Mayor Kishimoto asked why VTA determined to change the line in January of 2008.

Mr. Risto stated the staff proposed a balance between service and cost neutral.

Mayor Kishimoto asked whether the changes were considered budgetary or needs based.

Mr. Risto stated the goal was to maintain service within a budget.

Mayor Kishimoto stated the understanding from Mr. Burns was that it would not be budgetary.

Mr. Risto stated there was room for adjustment within the proposed plan. If one area required more service than another area, it would be adjusted to maintain the budgetary structure of VTA.

Vice Mayor Klein asked for clarification on the adjustment of service.

Mr. Risto stated the original objective was to keep it cost neutral. If there were additional resources for one community, there would be reduced service levels elsewhere.

Vice Mayor Klein asked what the criteria were for the study.

Mr. Risto stated the criteria of the comprehensive operational analysis (COA)
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were to apply the standards of ridership.

Vice Mayor Klein asked if the previous study was done on Palo Alto.

Mr. Risto stated no. The community bus service would be a special effort.

Vice Mayor Klein asked what the criteria were for the community bus service.

Mr. Risto stated the he did not have the detailed route criteria.

Vice Mayor Klein supported the motion.

Council Member Kleinberg stated the COA is focused on efficiency, cost neutrality, and service in the core area with the greatest potential for increased ridership. The quality of service or community concern are not mentioned in the COA.

Council Member Morton proposed no changes be made to the VTA schedule until the study was complete and the shortfalls were worked out.

MOTION PASSED: 8-0 Cordell absent.

23. Resolution 8747 entitled "Resolution of the Council of the City of Palo Alto Declaring the Councils' Intention to Levy Reassessments and to Issue Refunding Bonds; Resolution 8746 entitled "Resolution of the Council of the City of Palo Alto Adopting a Reassessment Report, Confirming and Ordering the Reassessment by Summary Proceedings and Authorizing and Directing Related Actions"; and Resolution 8745 entitled "Resolution of the Council of the City of Palo Alto Authorizing the Issuance of Refunding Bonds and Approval" and Authorizing Related Documents and Actions for the University Avenue Off-Street Parking Assessment District Limited Obligation Improvement Bonds"

MOTION: Council Member Morton moved, seconded by Barton, to approve the Resolutions.

MOTION PASSED: 7-0 Cordell, Mossar absent.

COUNCIL MATTERS

24. Colleague's Memo from Vice Mayor Klein and Council Members Barton and Drekmeier Recommending the Council to Direct Staff to Study the Pros and Cons of Maintaining a Composting Facility in Palo Alto

Council Member Drekmeier stated the current Zero Waste Operational Plan
08/06/07

has been heard by the Policy and Services Committee and the Council.

MOTION: Council Member Drekmeier moved, seconded by Klein, to direct staff to study the pros and cons of maintaining a composting facility in Palo Alto. Specifically, staff would be asked to:

- 1) Quantify the reduction in greenhouse gas emissions that would result from maintaining a composting facility in Palo Alto.
- 2) Compare the financial costs of composting in Palo Alto versus transporting green waste off-site.
- 3) Compare the pros and cons of in-vessel composting with windrow composting, with particular attention paid to land acreage needed and overall cost.
- 4) Explore potential locations for a composting facility, including somewhere on the current landfill site, other land in the vicinity of the Palo Alto Regional Water Quality Control Plant (RWQCP), the unused portion of the Palo Alto airport bordering Embarcadero Road, and the Los Altos Water Treatment Plant.
- 5) Analyze the impact on Byxbee Park of maintaining a composting facility near the RWQCP.

Emily Renzel, 1056 Forest Avenue, recommended the Operational Report be consistent with the adoption of the strategic plan on a regional approach.

Ralph Britton, 240 Rinconada, urged the removal of the Airport for consideration of the composting site.

Council Member Morton noted there would be the loss of rent for the current composting site and the cost to transport the composting outside of the community.

Council Member Mossar asked about the staff commitment to fill the items included in the Motion.

Glenn Roberts stated staff was prepared to follow Council direction. He stated staff would return with a work plan and schedule early this fall.

Council Member Kleinberg stated her concern for turning dedicated parkland into a composting site.

AMENDMENT: Council Member Kleinberg moved, seconded by Kishimoto, to modify Item 4) to remove the language that refers to the current landfill site, which is dedicated parkland, and the language that refers to the unused portion of Palo Alto Airport

Mayor Kishimoto stated the Baylands Master Plan called for a portion of the Airport to be incorporated.

Council Member Beecham asked for the cost to complete the effort.

Mr. Roberts stated he would not provide an amount at this time.

Council Member Beecham did not support the Motion.

Council Member Morton supported the Motion.

Vice Mayor Klein did not support the Amendment.

AMENDMENT FAILED: 2-6, Kishimoto, Kleinberg yes, Cordell absent.

Mayor Kishimoto did not support the Motion and asked for an update on the Baylands Master Plan.

Mr. Emslie stated staff was approximately six to nine months away from a complete recommendation to the Council regarding the Baylands Master Plan.

MOTION PASSED 5-3, Beecham, Kishimoto, Kleinberg no, Cordell absent.

25. Designation of Voting Delegate and Alternates for the League of California Cities Annual Conference

Mayor Kishimoto nominated Council Member Barton as the delegate.

Council Member Barton stated although he would be able to attend the conference, but he had a commitment the day of the vote.

Mr. Baum stated the rules had changed and League staff can no longer attend in place of a Council Member.

Ms. Rogers agreed stating a Council Member must attend.

MOTION: Mayor Kishimoto moved, seconded by Mossar, to designate Council Member Barton as the voting delegate for the 2007 League Conference.

MOTION PASSED 8-0, Cordell absent.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Mossar suggested Will Travis, Executive Director of the San Francisco Bay Conservation and Development Commission (BCDC), be

invited to make a presentation to the Council on Global Climate Change in the San Francisco Bay Area.

Council Member Drekmeier noted non-profits should be able to set up information tables at Lytton Plaza, which is a public park. He also noted a potential union strike of Prudential Overall Supply Inc., Milpitas, whom Palo Alto uses for cleaning uniforms. He questioned the protocol of a Council Member writing a letter to the company.

Council Member Kleinberg stated individual Council Members could address their own position on issues but could not speak for the Council.

Vice Mayor Klein noted he attended a dinner of the Central Division of California League of Cities. Topics discussed were relationships with the media, various pieces of legislation pending on Proposition 90, and major restrictions to zoning properties. He stated concerns regarding the wide range of individuals who provided negative comments regarding the deficiencies of the City's new website.

Director of Administrative Services Carl Yeats said staff was reviewing the negative comments received on the City's new website.

Council Member Kleinberg said she had received many negative comments from the community regarding the City's new website.

Vice Mayor Klein said a policy should be established to resolve the controversial issue of Fire Department personnel attending funerals.

Mr. Yeats said staff was working on the issue.

Council Member Kleinberg asked whether the Council would be involved in the Fire Department issue.

Mr. Yeats said staff was working with the City Manager on whether a Fire Department vehicle could be taken out of the City limits.

Council Member Barton said it was important for comments or issues with the City's new website to be made with the link at the bottom of the webpage so feedback would be received by the authors of the website.

Council Member Morton asked whether his attendance was imperative for a quorum at the Special Meeting of August 16, 2007; he stated he would not be available as he would be in Oregon.

Ms. Rogers stated Council Member Morton was number 5 to make up a quorum on August 16, 2007.

Council Member Kleinberg requested written clarification as to what could be discussed during Council Comments, Announcements, and Reports from Conferences.

Mayor Kishimoto commented that Council's attendance at the August 16, 2007 Council Meeting was needed. She reminded her colleagues that Tuesday, August 7, 2007 was National Night Out at 6 p.m.

CLOSED SESSION

26. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION
Subject: Alyssa C. v. City of Palo Alto, U.S. District Court, Northern District of California, Case No.: C0701112
Authority: Government Code section 54956.9(a)

Mayor Kishimoto stated no reportable action was taken.

ADJOURNMENT: The meeting adjourned at 11:30 p.m.

ATTEST:

APPROVED:

City Clerk

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.