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October 22, 2007

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FINAL ADJOURNMENT: The meeting was adjourned at 8:00 p.m. in the Council Chambers.	8

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:10 p.m.

Present: Barton, Beecham, Cordell, Drekmeier, Kishimoto, Kleinn, Kleinberg, Mossar, Morton

SPECIAL MEETING

1. Annual Meeting with Supervisor Liz Kniss Regarding City and County Issues

No required action

Mayor Kishimoto noted Item No. 8 was recommended to be continued.

ORAL COMMUNICATIONS

Carrie Manley, 764 Marion Ave, spoke regarding extending an invitation to community discussion with Dr. Kevin Skelly, the new PAUSD Superintendent.

Carole Hyde spoke regarding the Palo Alto Humane Society.

Aram James spoke regarding the public records act needing a clear policy for public use.

Emily Harrison gave an update on flood preparedness.

SPECIAL ORDERS OF THE DAY

2. Selection of Applicants to Interview for the Public Art Commission

MOTION: Council Member Mossar moved, seconded by Morton, to interview all applicants for the Public Art Commission.

MOTION PASSED 9-0.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Cordell, to approve the minutes of September 10, 2007 as submitted and September 17, 2007, as corrected.

MOTION PASSED: 9-0.

CONSENT CALENDAR

MOTION: Council Member Morton moved, seconded by Barton, to approve Consent Calendar Items 3-6.

3. Request for Approval to Cancel November 5, 2007 Regular Council Meeting

4 4. Finance Committee and Utilities Advisory Commission Recommendation to the Council to Adopt Two Resolutions: 1) Resolution 8760 entitled "Resolution of the Council of the City of Palo Alto Adopting New Ultra-Clean Local Distributed Generation Incentive Program" and 2) Resolution 8761 entitled "Resolution of the Council of the City of Palo Alto Approving Natural Gas Rate Schedule G-Cog Gas for Electric Generation Service"

4 5. Approval of the City of Palo Alto Sanitary Sewer Management Plan Task Development Schedule as Required by the State Water Resource Control Board

6. Ordinance 4971 entitled "Ordinance of the Council of the City of Palo Alto Amending the Budget for Fiscal Year 2007-08 to Accept Additional Grant Funding from State of California 9-1-1 Emergency Communications Office in the Amount of \$54,000 and Provide Additional Appropriation to Capital Improvement Program (CIP) Project Number TE-06002, 9-1-1 Emergency Phone System Upgrade"

MOTION PASSED: 9-0.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

UNFINISHED BUSINESS

PUBLIC HEARINGS

7. Public Hearing: Approval of License Agreement with T-Mobile for Placement of Telecommunications Facilities on City Owned Property Located at 1082 Colorado Avenue

Manager of Real Property Bill Fellman stated the lease was for an antenna to be placed on a PG&E tower.

MOTION: Council Member Morton moved, seconded by Kleinberg, to accept staff recommendation to hold a public hearing and subsequently approve and authorize the City Manager to execute the license from the City of Palo Alto to T-Mobile, for the development and operation of telecommunications facilities near a Pacific Gas & Electric (PG&E) tower on City-owned property

located at 1082 Colorado Avenue (on the south side of Colorado Avenue near the intersection of Colorado Avenue and Simkins Court).

Public Hearing opened and closed without any speakers

MOTION PASSED: 9-0.

PUBLIC HEARINGS

8. Adoption of a Mitigated Negative Declaration; Adoption of a Resolution Approving a Comprehensive Plan Land Use Designation Of Light Industrial (No Designation Currently Exists); and Adoption of an Ordinance Rezoning Approximately 1.8 Acres of Caltrans-Owned Land, Located at the Southwest Corner of the Caltrans Right-of-Way at San Antonio Avenue and U.S. 101 (Bayshore Freeway) North of the Terminus of Transport Road, from Public Facilities District (PF) to General Manufacturing (GM) for 1001 San Antonio Avenue (Ciardella's)

Council Member Barton stated he had conflict of interest on the item as he has a client with property across the street from 1001 San Antonio Avenue

MOTION: Council Member Cordell moved, seconded by Mossar, to continue the item until the applicant files the appropriate documents; the Planning Department should return the item to Council in an expedited manner.

Assistant City Manager Emily Harrison stated the item would return in early 2008.

Council Member Morton asked whether Ciardella's will continue to operate.

Director of Planning and Community Environment Steve Emslie stated Ciardella's had been instructed not to operate until the zoning was approved and the staff level architectural review has been completed.

Council Member Morton asked whether the Applicant understood the process.

Mr. Emslie stated the Applicant chose to move onto the site without the proper land use permits.

Council Member Morton stated the County took over the site.

Mr. Emslie stated he was referring to the relocated site which was currently owned by CalTrans.

Council Member Mossar stated concern for putting Ciardella's out of business for a number of months.

Mr. Emslie stated the core issue is the operation of the site and the land use decisions have been blended due to the Applicant occupying the site prior to the architecture review being in place.

The Public Hearing opened at 7:28 p.m.

Sheri Furman, 3094 Greer Rd., supported staff recommendation and recommended to expedite their application.

Nicholas Jellins, 841 Menlo Ave, Menlo Park, supported the staff recommendation to adopt: the mitigated negative declaration, the resolution on the Comprehensive Plan designation and rezoning the site.

Chris Griffith, 601 California Avenue, San Francisco, agreed with staff recommendation, and stated the environmental impact needed to be completed.

Bob Moss, 4010 Orme, spoke regarding Ciardella's receiving special treatment.

Rick Ciardella, 957 Rose Ave, Menlo Park, stated Ciardella's had been cooperative with the neighboring businesses involving the move.

Public Hearing closed at 7:50 p.m.

City Attorney Gary Baum recommended Council not proceed at this time, as passing the zone change with an inadequate environmental impact review could cause legal action against further work on the site.

Mr. Emslie stated six weeks would be an aggressive estimate for return, upon the applicant's expedient return of items required.

Council Member Morton asked why it took five months to return a response on the project and if this is the timeframe Council would be looking at for the item to return.

Mr. Emslie stated the more complete the Applicant was the more expedient the process.

Council Member Morton asked what the Architectural Review Boards (ARB) decision was.

Mr. Emslie stated the review was at staff level.

MOTION PASSED: 8-0 Barton not participating

REPORTS OF COMMITTEES AND COMMISSIONS

ORDINANCES AND RESOLUTIONS

REPORTS OF OFFICIALS

COUNCIL MATTERS

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Morton noted that California Avenue's traffic and businesses had been impacted with a large number of power outages.

Assistant City Manager Emily Harrison said the Electrical Operations Engineering staff was going to meet with the California Avenue Development Association to explain the issues. An information report would be included in the next packet explaining the deterioration of the undergrounding system in the area.

Council Member Morton spoke about correspondence received from individuals in the Charleston/Meadow area regarding foot traffic access through the Hyatt project.

Director of Planning and Transportation Steve Emslie said direction from the Council was to preclude access to new developments. He noted if the undeveloped strip of land between the Elks property and Dinah's Motel were redeveloped, it could provide an opportunity for future access from Wilkie Way and El Camino Real.

Council Member Beecham stated he had passed out an article from the New York Times regarding water and drought issues in the West and urged his colleagues to read it.

Council Member Cordell noted on October 30, 2007, City Attorney Gary Baum would receive an award as Pro Bono Attorney of the Year by the Santa Clara County Bar Association.

CLOSED SESSION

The Council Adjourned into Closed Session at 7:57 p.m.

9. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Subject: City Manager, Frank Benest
Authority: Government Code Section 54957(b)(1)

No reportable action was taken.

ADJOURNMENT: The meeting was adjourned at 10:30 p.m. to October 23, 2007 at 7:00 p.m. in the Council Chambers.

October 23, 2007
Council Chambers

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 arrived at 7:15 p.m.,
Kishimoto, Kleinn, Kleinberg arrived at 7:05 p.m., Mossar,
Morton

9. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Subject: City Manager, Frank Benest
Authority: Government Code Section 54957(b)(1)

No reportable action was taken.

FINAL ADJOURNMENT: The meeting was adjourned at 8:00 p.m. in the Council Chambers.

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.