

Special Meeting
September 23, 2002

1.	Status Report on Zoning Ordinance Update	425
	<u>ADJOURNMENT</u> : The meeting adjourned at 6:53 p.m.	425
	<u>ORAL COMMUNICATIONS</u>	426
1.	Selection of Candidates to Interview for the Planning and Transportation Commission	426
2.	<u>Resolution 8214</u> entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Robert Arriola Upon His Retirement"	426
	<u>APPROVAL OF MINUTES</u>	426
3.	Introduction of an Ordinance Adopting the 2001 California Fire Code with Local Amendments; Making Certain Findings; and Setting a Public Hearing for October 15, 2002	427
4.	Adoption of Resolution Required for the Housing Enabled by Local Partnership (HELP) Program Loan Application	428
6.	Closed-End Motor Vehicle Lease Agreement Between the City of Palo Alto and San Francisco Toyota in the Amount of \$126,311 for the Lease of Five Toyota RAV-4 Electric Vehicles	428
7.	Report to Council on Mitchell Park Library/Community Center Project Community Meetings, Council Consideration of Changes to the Mitchell Park Library/Community Center Conceptual Plan (Oral Staff Report)	428
10.	<u>PUBLIC HEARING</u> : The City Council will consider amendments to the vehicle and equipment storage and	

repair provisions of Palo Alto Municipal Code section 18.88.160.	441
10A. (Old Item No. 5) Utilities Advisory Commission Recommendation on Trinity River Restoration Litigation and Scheduling the Council's Consideration of This Issue	442
CONTINUED DISCUSSION OF ITEM NO. 7	445
8. Cost Analysis and Timing for Internet Broadcasting of Council Meetings	455
9. PUBLIC HEARING: Per the requirements of the United States Department of Justice, Office of Justice Programs for Local Law Enforcement Block Grants, the City Council will hold a Public Hearing to approve the use of grant funds in the Amount of \$17,150 for the Positive Alternatives for Youth (PAY) program	455
COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS	456
11. Conference with City Attorney--Potential/Anticipated Litigation	456
FINAL ADJOURNMENT: The meeting adjourned at 12:30 a.m.	457

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

PRESENT: Beecham, Burch, Freeman, Kishimoto, Kleinberg, Lytle (arrived at 6:22 p.m.), Morton, Mossar, Ojakian

STUDY SESSION



1. Status Report on Zoning Ordinance Update

Vice Mayor Mossar stated she would not participate in the item due to a conflict of interest because her husband was employed by Stanford University and would only participate on properties east of El Camino Real.

Council Member Kleinberg stated she would not participate in the item due to a potential conflict of interest because her husband's law firm represented Stanford in land use matters and would only participate on properties east of El Camino Real.

Director of Planning and Community Environment Stephen Emslie stated he would not participate in discussions regarding Stanford due to a conflict of interest because of his wife's former employment with Stanford.

The staff provided a status report of the Zoning Ordinance Update. Specifically, the update focused on the Industrial Manufacturing Zoning Districts, the development of design prototypes for specific development type, and the use of "form code" in the zoning ordinance. In addition, the Council was provided a report on other elements, including low-density residential zoning, public outreach and new consulting services for parking and economic analysis. The Council provided questions and comments ranging from utilizing the Comprehensive Plan policies, to restricting offices in industrial zones, to analyzing jobs/housing with zoning districts, to developing second units.

No action required.

ADJOURNMENT: The meeting adjourned at 6:53 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:07 p.m.

PRESENT: Beecham, Burch, Freeman, Kishimoto, Kleinberg, Lytle, Morton, Mossar, Ojakian

ORAL COMMUNICATIONS

Wei Wang, 3054 Price Court, spoke regarding settlement proposal.

Bob Moss, 4010 Orme Street, spoke regarding the Palo Alto process.

Herb Borock, P.O. Box 632, spoke regarding the Bressler property, Arastradero gateway structure, and Arastra fund.

SPECIAL ORDERS OF THE DAY

1. Selection of Candidates to Interview for the Planning and Transportation Commission

MOTION: Vice Mayor Mossar moved, seconded by Kleinberg, to interview all the applicants.

MOTION PASSED 9-0.

2. Resolution 8214 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Robert Arriola Upon His Retirement"

Resolution 8215 entitled "Resolution of the Council of the City of Palo Alto Expression Appreciation to Fernando Enciso Upon His Retirement"

MOTION: Council Member Morton moved, seconded by Mossar, to adopt the two resolutions.

MOTION PASSED 9-0.

APPROVAL OF MINUTES

MOTION: Vice Mayor Mossar moved, seconded by Morton, to approve the minutes of July 22 and August 5, 2002, as submitted.

MOTION PASSED 9-0.

CONSENT CALENDAR

Mayor Ojakian noted that Item No. 6 was removed at the request of staff.

City Attorney Calonne noted that the recommendation for Item No. 3 should include the setting of a public hearing for October 15, 2002.

Council Member Freeman requested that Item No. 5 be removed from the Consent Calendar.

Mayor Ojakian noted that Item No. 5 would become Item No. 10A.

Council Member Beecham commented about a conversation he had with Mr. Spreck Rosekrans of Environmental Defense regarding Item No. 5.

Council Member Burch stated he could not participate in Item No. 4 due to a conflict of interest because he was the President of a Homeowners Association that had some below market rate units.

Council Member Freeman stated she could not participate in Item No. 4 due to a conflict of interest because of her ownership in a condominium with a below market rate unit in it.

MOTION: Council Member Morton moved, seconded by Beecham, to approve Item No. 3, as corrected by the City Attorney, and Item No. 4 on the Consent Calendar, with Item Nos. 5 and 6 being removed.

LEGISLATIVE

3. Introduction of an Ordinance Adopting the 2001 California Fire Code with Local Amendments; Making Certain Findings; and Setting a Public Hearing for October 15, 2002

Ordinance 1st reading entitled "Ordinance of the Council of the City of Palo Alto Repealing and Reenacting Title 15 of the Palo Alto Municipal Code for the Adoption of the 2001 California Fire Code and Local Amendments Thereto"

4. Adoption of Resolution Required for the Housing Enabled by Local Partnership (HELP) Program Loan Application

Resolution 8216 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City to Apply to the California Housing Finance Agency for the Housing Enabled by Local Partnership (Help) Program Funds During the 2002-2003 Fiscal Year"

ADMINISTRATIVE

- ~~6. Closed End Motor Vehicle Lease Agreement Between the City of Palo Alto and San Francisco Toyota in the Amount of \$126,311 for the Lease of Five Toyota RAV-4 Electric Vehicles~~

MOTION PASSED 9-0 for Item No. 3.

MOTION PASSED 7-0 for Item No. 4, Burch, Freeman, "not participating."

REPORTS OF OFFICIALS

7. Report to Council on Mitchell Park Library/Community Center Project Community Meetings, Council Consideration of Changes to the Mitchell Park Library/Community Center Conceptual Plan (Oral Staff Report)

Colleague's Memo from Council Members Freeman and Lytle re Proposed Council Response to Community Concerns about the Siting and Design of the Mitchell Park Library and Community Center

Assistant City Manager Emily Harrison said the Council approved a feasibility study for the Mitchell Park Library and Community Center on March 11, 2002. The feasibility study included a specific building location and relocation of tennis and paddleball courts. In June 2002, the Council approved the conceptual design, and on July 15, 2002, the Council adopted a resolution to put a bond measure on the November ballot. Members of the community expressed concern about the Mitchell Park Library and Community Center with respect to the location of the building on the site and the tennis courts. On August 21, 2002, and September 18, 2002, staff held outreach meetings at Mitchell Park. The August 21, 2002, meeting was during the Council vacation and did not have the attendance that the September 18, 2002,

meeting had. The presentation on September 18, 2002, focused on the programs that were to be provided as a result of the new facility rather than the facility's needs. People did not resonate to the needs of the facilities but wanted to know what they would get for their money if they approved the proposal. Staff put together a visual representation of the conceptual plan, leaving the paddleball and tennis courts in place. Many people were uncomfortable with staff's answers to what would happen to the tennis courts if they were relocated. Staff spent considerable time between August 21, 2002, and September 18, 2002, to come up with a specific answer. The most frequently asked question was why the tennis and paddleball courts needed to be relocated. At the September 18, 2002, meeting, staff advised the plan was to improve tennis facilities in south Palo Alto, which was to upgrade and light the six existing courts at Cubberley. Staff would work with Palo Alto Unified School District (PAUSD) on the courts at JLS Middle School to turn them into quality courts. Staff looked at what they could relocate at Mitchell Park. The second most frequently asked question was whether the tennis and paddleball courts could be saved if the building were relocated on the site. If the building was relocated and the tennis and paddleball courts were preserved, the pro was a considerable cost savings of \$400,000. The cons were the fact that the conceptual plan envisioned an integration of the Community Center and Library with the park that would not be done, and there were circulation challenges introduced by the building relocation. Another frequently asked question was why the building needed to be so big. The Community Center activities and joint uses that would be enabled by having the Community Center and Library fully integrated. Staff talked about the homework center and building a facility to allow growth in the future. Questions were also asked about financing, the cost of the project, and whether the building was able to accommodate technology in the future. Other questions related to parking and massing of the project.

Dawn Merkes, Project Manager, Group 4 Architects, said design values were a tool used to take individual preferences and then move them to a vision for the community. The design values were established at the public meetings, as well as the Site Advisory Committee and Board and Commission meetings that were held. Tennis and paddleball courts were important needs for south Palo Alto.

Pedestrian and bicycle circulation, integrating public transportation, creating a civic presence, minimizing exposure to neighbors on the south, and allowing security surveillance by the Police Department were important in the site planning and development process. The current scheme was an "L" shaped building developed on parkland, and the modified scheme showed that placing the building adjacent to Middlefield Road would retain the existing tennis and paddleball courts. Both were viable options and met many of the established design value criteria. Both schemes had similar construction costs, but the current scheme was more costly with the relocated tennis courts. The opportunity existed for the Library to remain operational during construction. Pros for the modified scheme were that the tennis and paddleball courts would be retained, and more of a building presence on Middlefield Road was created. Cons related to the opportunity to take advantage of the site. The current scheme had a better opportunity to have the integrated site approach. In the current scheme, pros were related to the opportunity to take advantage of the site and integrate the building into the site. The con was that the tennis courts had to be relocated, which had additional cost, and there would be less building presence on Middlefield Road.

Council Member Freeman asked whether staff knew the relative usage of the Mitchell Park tennis courts compared to other City courts.

Ms. Harrison said staff was unable to provide an answer.

Director of Community Services Paul Thiltgen said the Mitchell Park and Rinconada courts had the most use because they were lighted.

Council Member Morton said the tennis and paddleball courts would be impacted during construction of the new building. His perception of what the Council was saying was the paddleball and tennis courts would be replaced if the alternative design were selected.

Ms. Merkes said the tennis courts would be impacted but, with shoring techniques, impacts would be minimized. The paddleball courts would stay where they were. The tennis courts needed to be closed and partially rebuilt after construction.

Council Member Kleinberg asked where the request for the work on the modified plan came from.

Ms. Harrison said the request came from Project Planner Bob Morris.

Council Member Kleinberg asked how a modified plan that was not discussed by the Council or LAC was developed.

Ms. Harrison said staff attempted to physically try to fit the building, with relocating the tennis courts.

Council Member Kleinberg clarified the plan was totally conceptualized because of staff's response to concerns that were voiced at the August 21, 2002, meeting. The plan had not gone through the City process.

Ms. Harrison said that was correct.

Council Member Kleinberg said both plans took care of the issue of children having to cross parking lots and not being in danger.

Ms. Merkes said students had to cross the driveway and go through the parking lot to get to the Library and Community Center. Both options allowed for a safer route for pedestrians.

Council Member Kleinberg asked what the cost would be to renovate the tennis courts after construction of the buildings.

Ms. Merkes said there was no estimated cost, which would probably be a portion of the \$400,000 cost to relocate the courts.

Council Member Lytle asked how far the Community Center and existing Library were from Middlefield Road.

Ms. Merkes said the modified scheme was five feet closer than what existed.

Council Member Lytle asked what the setbacks were in the neighborhood for two-story houses.

Ms. Merkes said she would get the information.

Council Member Kishimoto thought the modified plan was close to Plan 3, which was reviewed by the Council in March 2002.

Ms. Merkes said Plan 3 was a site planning option in the feasibility study phase. The required setback was 25 feet along Middlefield Road.

City Manager Frank Benest said one option during the feasibility stage was the design with the Community Center and Library placed back to back. At the conceptual stage, staff selected the preferred option.

Council Member Kishimoto asked about area being dedicated to parkland.

Project Planner Tricia Schimpp said the current Library sat on land that was not dedicated parkland. The Community Center and park were located on dedicated parkland.

Council Member Freeman asked whether the current Library was considered a Public Facilities (PF) Zone.

Ms. Schimpp said the entire site, with the current Library, Community Center, and Mitchell Park were zoned PF. The Mitigated Negative Declaration indicated the current Library site would become dedicated parkland, which was a permitted use within the park and PF District.

Council Member Freeman asked whether there was a history why the parcel that the Library was on was not dedicated parkland.

Ms. Schimpp said she was unaware of the history.

City Attorney Ariel Calonne said the College Terrace Library was not on dedicated parkland, which might have been related to the desire to have a child care center at that site. Childcare centers are not permitted on parkland.

Council Member Freeman asked whether other libraries in Palo Alto were located on dedicated parkland.

Mr. Calonne said of the park sites he looked at, the College Terrace Library was not dedicated.

Mayor Ojakian said some libraries were not on parkland.

Council Member Lytle acknowledged and credited the LAC, the Park and Recreation Commission (PARC), the Architectural Review Board (ARB), architects, and staff for the outstanding product the Council received regarding the Mitchell Park Community Center siting issues. The Colleague's Memo, dated September 19, 2002, was written with the suggestion that the design be adjusted to help the process that was directed when the Council adopted the motion to place the Library Bond on the ballot. The park intrusion topic was a question in the community, and the Council wisely left the door open for further conversation with the community. The Colleague's Memo asked that the full size and program developed by the LAC be retained. The design review process would be followed with the involvement of boards and commissions. Developing more than one concept option was not unusual. The compromise valued the integrity of the original Mitchell Park design. Bringing the community closer together on as many issues as possible was wise.

Council Member Freeman stated the purpose of the Colleague's Memo, dated September 19, 2002, was fundamental. The Council's responsibility was to respond to requests from the citizens. When the Council approved the conceptual design on June 10, 2002, questions were asked about conceptual design. The Council needed to revisit the conceptual design. A suggestion in the Colleague's Memo saved recreational facilities, which could offer the ability to better use some of the \$400,000 that was reported to demolish and rebuild tennis courts elsewhere. The letter suggested that Mitchell Park land would be preserved for recreational use.

Mayor Ojakian noted all speaker cards had to be turned in by 8:32 p.m.

Vice Mayor Mossar clarified neither scheme intruded on playing fields.

Ms. Merkes said that was correct.

Vice Mayor Mossar clarified the tennis courts had to be rebuilt.

Ms. Merkes said the tennis courts were likely to be partially rebuilt, and costs needed to be considered.

Vice Mayor Mossar said the \$400,000 was to move the tennis courts but also money to leave the courts in place.

Ms. Merkes said that was correct, as shown in the modified scheme with the location of the Community Center close to the tennis courts. With the underground basement, the shoring and the equipment would have an impact on the existing courts.

Vice Mayor Mossar clarified the fence along the tennis courts formed a barrier between the Community Center and the park.

Ms. Merkes said that was correct. The existing site plan showed the high fence surrounding the courts.

Council Member Freeman said the movement of the tennis courts to an unknown area might have an impact on the current fields.

Keith Wu, Palo Alto Tennis Club President, said the Palo Alto Tennis Club was a public club, originally formed in the 1930's and officially incorporated in 1953. Members are offered approximately ten tournaments per year, monthly drop-in tennis events, two social tournaments, and men's and women's singles and double and mixed doubles events. As of early September, there were 586 members in the Club and there were 667 at the end of the prior year. With respect to the Council's deliberations about whether or not the existing tennis courts at the park should be left intact, the tennis courts at Mitchell Park were heavily used by members of the Palo Alto Tennis Club, members of USTA League teams and other local tennis players. The courts were well used on weekends. The suggestion was made that any courts eliminated by the building of the new Library and Community Center would be replaced by new courts somewhere in south Palo Alto. Two courts in the new location were of limited value. Ideally, there should be three replacement courts. The courts should be lighted with toilet facilities adjacent to the courts.

Council Member Kleinberg asked whether the Club was open to non-Palo Altans.

Mr. Wu said the Club was open to residents of Palo Alto and neighboring communities. Approximately one half of the members were Palo Alto residents. The most concrete

proposal that addressed the tennis court issues was the modified scheme. The modified scheme was presented at the September 18, 2002, meeting. Members of the Club supported the modified scheme.

Wayne Martin, 3687 Bryant Street, said the circulation of the Library usage was in general decline for the past ten years. The City Manager claimed that during the following ten years, approximately \$1.5 billion would flow through the General Fund, but yet the City claimed it could not fund \$6 million for a children's library. The need for a large building in the park, based on usage alone, was not clear. John Burwald called him and asked him to speak on his behalf. Mr. Burwald felt the project split the community and should be put back in committee for one or two years. The measure should be taken off the ballot before other issues came up that would pit group against group in the community over the financing of the Library.

Glenn Affleck, 3830 May Court, supported the improvement of the Library and Community Center, but not at the sacrifice of other park features. At a meeting in June 2002, the architect presented six potential locations for the large building in Mitchell Park. All six alternatives included removal of the two tennis courts, which was the first time he heard that the Council voted to relocate the two tennis courts. At the August 21, 2002, meeting, the model of the proposed Library/Community Center was first presented in a physical form, and the audience raised the issue about the relocation of the tennis courts as a major concern. The modified scheme showed the retention of the two tennis courts. A staff member discussed the alternatives for the tennis courts by using Cubberley and Terman. The JLS courts were padlocked because the PAUSD had a strict policy against allowing the City Recreation Department to use their facility. The courts were undersized. Lights would not be placed at Cubberley without objection from the neighbors.

Parks and Recreation Commissioner Richard Beckwith, 2325 Columbia Street, was an advocate for playing fields and youth. He supported the current plan. The City was capable of moving the courts to locations that were comparable or better. The existing paddleball courts were undersized. The paddleball players were elated to hear the City considered relocating and correcting the size of the paddleball courts.

Bill Copeland, 3835 Carlson Court, said the process of developing a measure and getting people to understand the measure was a mystery to him. His impression was that there was no contract at the present time, and he was unclear what Measure D represented. Spending \$40 million on a new facility was a concern. Increasing the facility five times did not only serve the Library. The public did not have an opportunity to discuss how it felt about the project.

David Weiss, Murdoch Drive, said he opposed the measure and building a complex that infringed on the park. The complex could be made smaller and more modest. Many in the community did not like the project.

Sharon Olson, 327 Kingsley Avenue, said the vote was to renovate and build two libraries and a community center. The original plan for Mitchell Park Library had many important features. The site lines into the park were beautiful, and the building was setback from the road. Hasty decision should not be made to negate all the good features of the plan because a small group convinced the Council the project was inconvenient, difficult, or undesirable to move a few tennis courts. The Council was urged to choose the best and wisest plan.

Susan McKenzie, 3378 Vernon Terrace, said the problem she had heard about was where the building was placed and how the decision was made. People would not be voting on the Bond Measure to have library books in the Library.

Library Advisory Commissioner Mary Jean Place, 809 Northampton Drive, said it was important to have the courage to stay the course once a decision was made. There was consideration of the tennis and paddleball courts with agreement among that community. There was an open, evaluation process involving many hours of citizens, committee members, and staff in public meetings. The process was closely followed. Libraries were one of the highest used public facilities in the community, serving young children, teens, young parents, seniors, business people, Internet users, and athletes. A plan was created to address the needs in the New Library Plan, and a handsome, well-sited facility was created to satisfy the needs. The plan in the staff report (CMR:282:02) was supported.

Dieter Folta, 97 Erstwild Court, participated in many of the meetings on the project. At the beginning of the

meetings, discussion was about a \$90 million bond. The need for a bond was questioned. Approximately 600 homes were sold per year during the prior ten years, with the average sales price of approximately \$1 million to \$1.3 million. Those 600 people paid approximately \$12,000-15,000 per year for property taxes each year. The economy was down and people were being laid off. A \$50 million bond was questioned.

Mayor Ojakian asked the City Manager to provide an explanation on property taxes.

Mr. Benest said the City received approximately eight or nine cents on the dollar of property taxes. Most of the property tax dollars went to the school district, state, or county.

Karen White, 146 Walter Hays Drive, said the "Yes on Measure D" campaign was off to a strong start. A small margin would make the difference in November. An effective compromise could be reached at the current meeting. The conceptual plan for Mitchell Park evolved through a process that included neighbors, facility users, and City staff. More than a small, but vocal group, raised concerns about Mitchell Park siting. Those who attended the August 21, 2002, meeting heard the potential for moving the building toward Middlefield Road and applauded enthusiastically. The community outreach confirmed the preference for modifying the conceptual design in order for the measure to pass. The Council needed to maximize the chance for success by modifying the Mitchell Park siting to preserve existing recreational facilities and dedicated parkland, while maintaining a building sized adequately for Library and Community Center uses.

Annette Glanckoff, 2747 Bryant Street, said the Council was asked to unanimously adopt the Colleague's Memo, which would remove opposition to the areas of concern and greatly improved chances to adopt the bond measure. As a user of the Mitchell Park Library and Community Center, there was no question that both buildings were in bad shape and desperately in need of major improvements. More books, library materials, services, and improved facilities were needed. The modified plan sited the proposed buildings closer to Middlefield Road and left the tennis and paddleball courts in place.

Stephanie Munoz, 101 Alma Street, said the Council had a fighting chance of getting the Library for the residents. The building was large and expensive. The libraries were not currently using all their space. The cost included only the shell of the Library. The encroachment on the open space was the straw that would break the camel's back. The Children's Library desperately needed to be rehabilitated.

Library Advisory Commissioner Lenore Jones, 3465 Kenneth Drive, said the approved plan was based on two important factors: the programs and the community design values. The program included things such as the Children's Program room that opened up into the Children's Garden, outdoor reading areas and terraces, indoor and outdoor spaces for the Community Center classes and event rooms. The community values including maximizing the integration of the indoor/outdoor spaces, safe, attractive, and successful pedestrian and bicycle access between the park and the building, and beautiful views of the building from the park. By insisting that the tennis courts not be moved, a building was created that was boxed in on four sides. The Council was urged to reject the proposal and suggested that an ad hoc committee be established to look at available sites for tennis courts in south Palo Alto and make a recommendation to the Council for relocation or retention. The community deserved a Library and Community Center that it could be proud of.

Jean Wilcox, 4005 Sutherland Drive, requested the new Mitchell Park Library/Community Center be moved back toward Middlefield Road. The new modified scheme was endorsed as a first step toward a conceptual plan. When the Council made the decision to build the new Library over the tennis and paddleball courts, the Council did it with tunnel vision, thinking only of the architectural advantages of the Library and Community Center. South Palo Altans were thinking about preservation of their recreational facilities, saving open space, and maintaining the beautiful park. When the Council decided not to increase the size of the Main Library, the argument from north Palo Alto residents was they did not want their vegetable gardens built over. Instead, the Council went for an alternative plan that proposed a huge complex be built over the tennis courts used extensively by south Palo Altans. Making the new Library closer to the present Library was an important piece of the Palo Alto Committee Against Measure D Campaign. Moving the Library and saving the tennis courts

was important to South Palo Alto. The Council was urged to formally approve moving the location of the new Mitchell Park Library identified as the modified scheme closer to Middlefield Road and away from the tennis and paddleball courts.

Mayor Ojakian asked whether anything had been approved with the Main Library.

Mr. Benest said no.

Library Advisory Commissioner Tom Wyman, 546 Washington Avenue, said it would be useful to get some guidelines that could be used in finalizing the location and the design of the new Library/Community Center after the election. One principle might be to keep the park outlook for the Library and Community Center. The buildings could be moved closer to Middlefield Road, which would minimize the extent that the buildings would encroach into Mitchell Park space. One reason to move the Library further back from Middlefield Road in the original plan was the thought the Mitchell Park Library would continue operation during construction. Construction of the new tennis courts should be done prior to removal of the old tennis courts. Full public input was necessary as architectural designs were finalized. Taking steps to ensure the new buildings were in context with the neighborhood was essential.

Parks and Recreation Commissioner Edie Keating, 3553 Alma Street, #5, hoped the Measure would pass. Her son was a student at JLS and said the Mitchell Park Library was overflowing with students every day. Residents wanted the tennis courts saved. The Council was applauded for looking at options that would save the tennis courts. The voters of Palo Alto were asking for prudence and for the modified plan. The Council was urged to keep the parts of Mitchell Park that were well-loved the way they were and let the residents have the Library.

Garry R. Thomas, 3765 Wright Place, said the current design succeeded in integrating the park and people flow with the Library and Community Center. The modified scheme isolated the Library and Community Center from the park, which was difficult for people flow. If the design were compromised simply on the basis of the location of two tennis courts, the quality of life and values that Palo Alto was proud of would be compromised and degraded.

Lanie Wheeler, Libraries Plus Committee Co-chair, said the opportunity to rebuild and restore the buildings was matched by her enthusiasm and commitment to rebuild the community in the City. A victory in the November election, at the expense of other users of Mitchell Park, would be hollow, if attainable. The Council was urged to give the community the assurance that the current uses existing on the Mitchell Park site would be preserved.

Gary Fazzino, Library Plus Committee Co-chair, said politics was the art of compromise, and every great initiative was the result of open discussion, debate, and compromise. Library advocates wanted to repair the antiquated library facilities, Mitchell Park neighbors wanted to preserve badly needed recreational facilities, and south Palo Altans wanted the benefit of a major community resource. The Council was encouraged to support the Colleague's Memo, dated September 19, 2002.

Bob Moss, 4010 Orme Street, said people talked about putting the current scheme building on the tennis courts as encroaching on open space. A tennis court was paving with a fence around it, not open space. A staff member noted there were three courts next to the creek and a fourth could be added with no problem. Greer Park was promised tennis courts more than 20 years prior but courts were not built. If the only issue were finding places for tennis courts, there were places available in south Palo Alto, such as Greer and Mitchell Parks. A number of sites, designs, and layouts were looked at, and it was the consensus of people that the current scheme was better. The modified plan needed to be studied to make sure it functioned properly. The modified plan was a goal.

Library Advisory Commissioner Tina Kass, 1730 Cowper Street, LAC member, said a number of her colleagues on the LAC were told that the Colleague's Memo, dated September 19, 2002, was a response to concerns expressed by residents regarding relocation of tennis and paddleball courts. There was a public meeting on May 9, 2002, with 36 tennis and paddleball court users. The conclusion was they wanted new courts rebuilt prior to eliminating existing courts, to involve users in the relocation process, to relocate near existing courts to facilitate tournaments, to keep the courts in the Mitchell Park area, and lighting was essential. Several Council Members told residents the current site design needed to be changed to preserve open

space. Between June 2001 and June 2002, the planning for the current scheme took place. The Site Planning Committee consisted of nine community members who met at least once per month for one year. Public meetings were held and broadly publicized. Fourteen meetings were held between November 2001 and May of 2002. Two community meetings were held, with 85 participants. Special interests, primarily tennis and paddleball players were considered and accommodated.

Jay Borenstein, 2158 Williams Street, said alternatives had not been presented to the community as to the relocation of the tennis courts, timeframe, and budget. The tennis and paddleball playing community had to have on faith that a good job was done with the relocation prior to considering an alternative. Good libraries were important, but the modified plan was not something the architects or others involved had put much time into studying.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

MOTION: Council Member Kishimoto moved that Item No. 10A be moved forward for discussion.

MOTION DIED FOR LACK OF A SECOND

RECESS: 9:40 p.m. to 9:50 p.m.

BY A CONSENSUS OF THE COUNCIL bring forward Item Nos. 10 and 10A for continuance.

10. PUBLIC HEARING: The City Council will consider amendments to the vehicle and equipment storage and repair provisions of Palo Alto Municipal Code section 18.88.160. The existing section does not contain specific restrictions in residential zones on storage of vehicles on unpaved surfaces, visibility triangles, and front yards and does not restrict hours of outdoor screened vehicle repair. The amendments to be considered would restrict the parking of vehicles on unpaved surfaces, visibility triangles, and front yards and would restrict outdoor-screened vehicle repair to between the hours of 8:00 a.m. and 10:00 p.m. The amendments to be considered also would clarify the penalty provisions of the section.

Ordinance of the Council of the City of Palo Alto
Amending Palo Alto Municipal Code Section 18.88.160
Pertaining to Vehicle Equipment Repair and Storage

MOTION: Vice Mayor Mossar moved, seconded by Kleinberg, to open and continue Item No. 10 to October 15, 2002.

MOTION PASSED: 9-0.

10A. (Old Item No. 5) Utilities Advisory Commission Recommendation on Trinity River Restoration Litigation and Scheduling the Council's Consideration of This Issue

MOTION: Council Member Morton moved, seconded by Burch, to continue Item No. 10A to October 21, 2002.

Council Member Freeman said she asked to have item 10A removed because the Council's prior motion on August 5, 2002, was that the item would return so Council would be able to take action. The report to the Council did not have that as an option but asked that the item be extended to an uncertain date. When the motion returned to the Council, she wanted it in the form that was described in the minutes.

Council Member Lytle said several Council Members wanted the item on the agenda for action on August 5, 2002, but were informed by the City Attorney that the Council was not able to take action.

SUBSTITUTE MOTION: Council Member Freeman moved, seconded by Lytle, that the item would return to Council on October 15, 2002, allowing the Council to make a decision informing all interested parties and the necessary staff would be in attendance.

Mayor Ojakian asked Assistant City Manager Emily Harrison whether the item could be agendized for October 15, 2002.

Ms. Harrison said she had to consult with the City Clerk because there were several noticed public hearings for that date.

Council Member Beecham opposed the substitute motion. He spoke with Mr. Spreck Rosekrans of Environmental Defense

earlier in the day, and Mr. Rosekrans requested that the item remain on the October 21, 2002, agenda.

Council Member Kleinberg asked whether the item could be considered early in October.

Council Member Burch said Council Member Freeman made a comment that the Council made a decision, which was not reflected in the minutes and asked whether or not that was true.

Council Member Beecham said he had listened to the tape of the meeting. The second motion was the directive for bringing the item back and was restated three times. The staff's summary of the motion was reasonably accurate.

City Manager Benest took responsibility for the staff recommendation to bring the item back in October. Staff felt the Council would benefit from knowing the initial judgment by the judge. Staff tried to help the Council manage its agenda in order that a full discussion was not held twice.

Council Member Freeman referred to the minutes of August 5, 2002, page 94-349, which stated that the issue of the Trinity River be agendized. The Council was presented with a request for an extension and no action.

Council Member Beecham believed the staff recommendation was calculated to have the item return to the Council in order for the Council to take action prior to any action taken at NCPA and at a time when all interested parties were available.

Assistant City Manager Harrison said the item could be agendized for October 15, 2002, if that was what the Council wished.

Council Member Lytle said the ability to have flexibility to do what the Council wanted had to be a fundamental, sacred trust.

Herb Borock, P.O. Box 632, said the motion made on August 5, 2002, asked that the item be brought back for action. The Council directed staff to do things. Council Members needed to help the maker and seconder of the motion improve the motion if necessary.

Vice Mayor Mossar said staff brought back a staff report that would have allowed the Council to take action. Staff did what they were asked to do.

Council Member Kishimoto said there was a high level of frustration because the issue on the current agenda was the second time the Council had expected to take action. The item should be agendized for October 15, 2002, or October 21, 2002, regardless of the summary judgment.

Council Member Morton said the Council made three motions and all had the sense that the Council wanted staff to agendize the item when all interested parties could participate. The substitute motion was not supported. The item should be heard on the night that staff agendized it, which was October 21, 2002.

Council Member Lytle said she was under the impression the Council was not able to take action based on the way the agenda item was written.

Mr. Calonne said the Council could take action on the UAC recommendation if it chose to.

Council Member Lytle removed herself as seconder of the motion.

SUBSTITUTE MOTION DIED FOR LACK OF A SECOND

Council Member Freeman was concerned about information that was presented and the processes the Council went through. The proposed recommendation did not include anything about making a decision on whether or not the Council wanted to continue with the City of Palo Alto on the lawsuit.

Mr. Calonne said the Brown Act called for a brief general description of the action to be taken. The title of the subject item talked about a recommendation from the UAC and scheduling the Council's consideration. The UAC recommendation was detailed in the staff report, and the UAC voted to support the ongoing involvement in the litigation. The notice was adequate. At the prior meeting, he felt the agenda title was not detailed enough to let interested parties know that the Council might vote on the matter.

MOTION PASSED 8-1, Kishimoto "no."

CONTINUED DISCUSSION OF ITEM NO. 7

Council Member Beecham said prior to the Council break, there were 70 people in the audience, and 60-65 of that group of people supported Measure D. The Council voted to unanimously support Measure D. His colleagues were urged to remember what the common objective was.

Council Member Morton said the PARC debated long and hard over the Council's decision to support design 4-3 or 3-4. The PARC accepted the fact there would be some impact on recreation facilities at Mitchell Park. The PARC's primary concern was with recreation. The design enabled the users of the Community Center and the Library to share the park. The Council was asked to surrender hours of work by the community and dishonor those who contributed their time and energy if the Council impulsively changed the design. The Council was asked to make a clear statement that tennis would be preserved in Mitchell Park. The Council needed to assure the community it would not degrade or diminish the recreational opportunities in Mitchell Park. The people were willing to move their paddleball courts elsewhere because they would get full-size courts in the process. The Council was asked to reinforce its commitment to take community input prior to finalization of the measure. Committing to any design was premature. The community needed to be assured that (1) there would be tennis at Mitchell Park, and (2) the Council would listen intently and sympathetically to all the community input.

MOTION: Council Member Morton moved, seconded by Kleinberg, to commit that there will be tennis courts preserved at Mitchell Park, and for the Council to indicate to the community that this is a conceptual design and would welcome community input after the measure is approved, the design reviewed by the Architectural Review Board, and returned to the Council for final design.

Council Member Kleinberg heard different statements about the tennis courts and asked staff to state where the courts could be relocated and whether some of the statements and concerns about the relocations had the problems that were stated such as lighted courts near homes and locked tennis courts.

Mr. Thiltgen said there was room to accommodate one additional court near the existing three courts at Mitchell

Park. The tennis courts at JLS were locked because of nearby construction. The PAUSD had plans to rebuild the courts. Staff would work with the PAUSD to upgrade the courts.

Council Member Kleinberg asked about the size of the courts.

Mr. Thiltgen said staff would make sure any courts that were added would be built in a way to accommodate the right size. Lights were not appropriate because the courts backed up to homes.

Council Member Kleinberg clarified the courts at Cubberley were to be lighted.

Mr. Thiltgen said that was correct. The courts at Cubberley were located next to the school buildings and parking lot.

Council Member Kleinberg asked whether the existing courts at Mitchell Park were lighted.

Mr. Thiltgen said that was correct. Lighting would be added to a new court.

Council Member Kleinberg asked whether there were any environmental issues that the Council should be aware of.

Mr. Thiltgen said there was enough land for two courts, but a second court would encroach into the 100-foot setback from the creek.

Council Member Kleinberg asked about the cost of one additional tennis court.

Mr. Thiltgen said the \$400,000 had to be used on two courts in different locations. A second option that had not been looked at was to add one more court at Cubberley. There was space at Greer Park for tennis courts and space for an additional court at JLS.

Council Member Kleinberg clarified that money would not be spent on JLS and Cubberley's courts.

Mr. Thiltgen said JLS and Cubberley were not included in the \$400,000 cost. The City had an agreement with the PAUSD with regard to maintenance and capital work.

Council Member Morton asked whether there were any conditions in which one tennis court could encroach into the 100-foot setback from the creek.

Mr. Thiltgen said there was a variance possibility, but the City needed County permission to encroach.

Council Member Kleinberg said the Colleague's Memo, dated September 19, 2002, asked for architectural design options to be reviewed and considered in an open process. The question was asked as to who had the final vote.

Mr. Calonne said the Architectural Review Board (ARB) usually made recommendations to the Planning Director.

Council Member Kleinberg clarified the Planning Director had the final vote.

Mr. Calonne said that was correct unless there was an appeal.

Mr. Benest said a recommendation on a major City facility went to the Commissioners, ARB, and the Council. The process was open with much input.

Council Member Kishimoto said she voted for the modified version when it came before the Council in the spring of 2002. In June, she supported the version that the Council agreed on. She supported the modified version.

Council Member Burch said there was no comparison between the current plan and the modified plan in the way the building looked in the park. The people who designed the current plan worked over one year with residents of south Palo Alto. People who had concerns were misled or misinformed. The second point of the Colleague's Memo, dated September 19, 2002, said "Develop architectural design options for the exterior of the building, to be reviewed and considered in an open public evaluation process." The Council was committed to do that. There were concepts and site plans but no design of the building. The Council's job was to direct the process, listen to the people, and make decisions. The Council should concentrate on what it would get from the project rather than what would be lost.

Council Member Beecham was committed to finding the best possible facility for Mitchell Park. He supported the Colleague's Memo, dated September 19, 2002.

Council Member Freeman said the Colleague's Memo, dated September 19, 2002, did not say the modified plan was the final plan. The Colleague's Memo stated, "Modify the concept site plan to protect existing Mitchell Park recreational facilities." Item 1 in the Colleague's Memo said "Develop architectural design options." "Options" was the operative word. The Council needed to look at three or four different architectural styles. The process needed to be directed, which was what the Council did by holding two additional Mitchell Park meetings. The Council directed the process because it heard there were issues that needed to be aired, and there was an ability for the people to express opinions. The Council listened to the people at the two prior meetings and at the current meeting, and there were differences of opinion as to what should happen. There was an issue about the retention of the tennis courts. The Council represented the will of the people and needed to do what the people thought was best. The Council needed to look at options. The Colleague's Memo opened up the dialogue that needed to happen in order to create a more cohesive community.

Mayor Ojakian said the motion was to keep the tennis courts at Mitchell Park and asked how that differed from the Colleague's Memo.

Council Member Freeman said the Colleague's Memo was to keep the tennis courts where they were.

Mayor Ojakian's understanding of the Colleague's Memo was that the tennis courts were left as they currently existed. The motion before the Council was to keep the courts at Mitchell Park but not necessarily in their current configuration.

Council Member Lytle asked whether California Environmental Quality Act (CEQA) clearance was done on any of the alternatives mentioned by staff for the tennis courts.

Mr. Calonne said there was no California Environmental Quality Act (CEQA) clearance for the receiver sites.

Council Member Lytle heard at the first Mitchell Park meeting that the clearance would take approximately six months to complete.

Ms. Harrison said the time frame was more on community outreach that was required to make sure that all the people were involved in the discussion process as to where the courts were located.

Council Member Lytle clarified the Council had not necessarily disclosed all environmental impacts at the current time with the options that might be considered.

Mr. Calonne said that was correct.

Council Member Lytle asked whether the City had the same type of rights and use of JLS school property for tennis courts as the City had for parkland.

Ms. Harrison said the agreement with the PAUSD was for the joint maintenance and renovation of fields and tennis courts. If the Council undertook any renovations of those courts, that would be part of the agreement.

Council Member Lytle asked whether the City had the same rights to use of PAUSD property as residents had of City parkland.

Mr. Calonne said the right was contractual and bound by the agreement.

Council Member Lytle clarified the Council needed to negotiate with the PAUSD prior to any assurance the option was viable.

Mr. Calonne said that was correct.

Ms. Harrison said the City had preliminary conversations with the PAUSD, but the PAUSD only intended to put back in place what was there. The negotiation was about making the courts better than what existed originally.

Council Member Lytle asked whether the City could count on putting tennis courts into the 100-foot setback for Santa Clara Valley Water District (SCVWD).

Mr. Thiltgen said one tennis court would be relocated in the area. The City did not ask the SCVWD if it were possible to locate a tennis court in the setback.

Council Member Lytle suspected when the Council finished analyzing where things would be moved in Mitchell Park, the Council would end up finding its options were limited. The Colleague's Memo had an advantage of giving an assurance to people, prior to completion of a six-month process, that there was a solution. The design from staff was not what was intended by the Colleague's Memo. The Colleague's Memo asked for a new process to build off rather than negate the process. Working through several concept plans prior to finalizing design for a civic facility was typical. The Colleague's Memo could be amended to allow for more flexibility.

Vice Mayor Mossar did not see much difference between the Colleague's Memo and the motion on the floor. The Council was clear the last time it discussed the issue about honoring the tennis courts to make sure their needs were met. There was no opposition to having the courts stay at Mitchell Park. The Council acknowledged it might have to move some or all of the tennis courts. The Council was always open to a supportive, open public process. The Council needed the public to determine the issue was important enough to spend money on.

Mayor Ojakian said the Library was located in the right location and was the appropriate size building. Many other cities built libraries of a similar size. The tennis courts needed to stay at their existing location in Mitchell Park. Circulation of the site was very important, given the fact the area had several schools around it. The Colleague's Memo left flexibility to the building configuration. He would not support the motion.

Council Member Kleinberg said the proposal was difficult. The process disturbed her because it was piecemeal. Tennis recreation was vital in the community. The public process was thorough, lengthy and diverse. The Council was asked to look at a proposal that did not have a public review. The prior process was completely, publicly reviewed. Many meetings were held, and the issue was discussed in the media. The Council voted a few months prior regarding the site plan as a conceptual plan only with the requirement that the tennis courts be kept. The Council lived up to its

obligations and commitments to the public. Her vote was focused on the integration of the building with the park and on preserving outdoor space for children's reading for the sculpture garden. The Council's prior vote mandated the courts be relocated. One speaker said there was a consensus in south Palo Alto about the site plan, and that south Palo Alto voices had spoken for the new site plan. The Council heard diversity of voices at the current meeting. The discussion of compromise was not public but was a privately worked out compromise. The Council did not have the public input from the most recent meetings. The Council's vote was to be flexible enough that the design could be looked at again. A statement was made that the Council needed to do something that was necessary, essential, and a compromise. Whether any of the proposals were necessary, essential or a compromise was not clear. The Council was asked to come up with a bad solution for a good cause. Council Member Morton's motion was flexible and allowed the Council the greatest opportunity to honor the process that the Council concluded.

Council Member Freeman did not feel the public was mistrusting the Council at the current time. The process proved when local government continuously opened the door to public input, the Council listened and took action. The Council brought an issue to the table that needed to be discussed, which increased the credibility and trust of the Council. People wanted to know that their elected representatives listened to them to make educated decisions.

Council Member Burch was unsure the Council looked at all the implications being addressed. If the Council took action on the modified plan, many people would want additional meetings.

Council Member Morton re-emphasized the importance of the vote to him. The vote was about his word.

MOTION FAILED 4-5, Burch, Kleinberg, Morton, Mossar "yes."

MOTION: Council Member Lytle moved, seconded by Freeman, to direct staff to modify the concept site plan to protect existing Mitchell Park recreational facilities, including the tennis courts and paddleball courts, while preserving the proposed Library and Community Center programs already approved by Council.

Council Member Kleinberg understood from the members of the public who worked on the Master Library Plan and members of the LAC that preserving the tennis and paddleball courts in their existing locations meant the building had to be repositioned in such a way that the proposed Community Center and Library programs would not be preserved.

Council Member Morton said the motion meant the Council voted against one year's worth of work.

Vice Mayor Mossar said the motion included all the programmatic features of the plan adopted in June 2002. Her understanding from staff and the consultant was that all the programmatic elements would not be accommodated.

Council Member Lytle said the architect assured her that programs would be accommodated with the new revised plan.

Vice Mayor Mossar said there was disagreement in what she heard from the earlier presentation and what Council Member Lytle's understanding was with the architect.

Ms. Merkes said in terms of the programmatic requirements from the building programs developed by the previous consultants, both schemes fit the full building programs; however, the exterior spaces that complimented the interior spaces did not have the same opportunities in the modified plan as in the current scheme.

Council Member Freeman reiterated the internal programmatic features that were requested by all the Commissions involved with the project and were indicated by the people who discussed it at the meetings would be maintained in the interior of the building. The exterior parts of the building that were amenities might be changed and might be decreased or increased in certain instances.

Council Member Burch said the City had the opportunity to build a beautiful facility in south Palo Alto, but two tennis courts dictated the process.

MOTION PASSED 5-4, Burch, Kleinberg, Morton, Mossar "no."

MOTION: Council Member Freeman moved, seconded by Kishimoto, to direct staff to develop architectural design options for the exterior of the building to be reviewed and considered in an open public evaluation process. Public

comment on architectural alternatives will ensure the most "neighborhood-sensitive" design for the Mitchell Park facility.

Council Member Freeman heard differing opinions on the actual architecture. More community input was essential in creating the cohesiveness that was needed to ensure the passing of the bond measure.

Council Member Kleinberg asked how the proposal for the design options for the exterior of the building in an open public evaluation process were different from what the Council had decided to do.

Ms. Harrison did not believe there was anything different from the process that was normally followed.

Council Member Kleinberg asked whether the language of the alternatives insuring the most neighborhood sensitive design was in keeping with the Comprehensive Plan (Comp Plan) or any other rules.

Ms. Schimpp said the process included going before the boards and commissions for review and recommendation to the Council.

Ms. Harrison said there were usually different things that were weighed in design decisions.

Mr. Benest said a key criterion was having neighborhood-friendly and neighborhood-sensitive designs.

Council Member Morton said he was involved in the community meetings since the beginning of the process. He asked what might be done differently than what was already done.

Ms. Harrison asked whether the Council's intent was to insure that staff received direction to be sensitive to the neighborhood in moving forward in the design process.

Council Member Lytle said her understanding of the language was that the Council had a certain architectural style before it such as a steel and glass contemporary type look. The Council wanted to see choices and a process established where the community could weigh in on the choices to assure the Council got the most neighborhood-sensitive style. The

point was to set up an array of choices for the community to have input into the process.

Council Member Burch questioned "neighborhood sensitive." People had different opinions, and some people would not like the final product.

Council Member Kleinberg recalled a general concept drawing that was presented to the Council by the architects. The Council was told at the time that the drawing was not a proposed Library and Community Center.

Ms. Merkes said elevations and drawings needed to be done sooner solely for the Proposition 14 application.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove the word "most" before "neighborhood-sensitive" design.

Mayor Ojakian said he considered not voting for the motion because the wording was vague. The architects needed to be given latitude for siting of the building.

Council Member Morton clarified the architects could have any design option that met the modified scheme, which was to leave the tennis courts in place.

Mayor Ojakian said yes.

Council Member Morton could not support the motion on that basis.

MOTION PASSED 7-2, Burch, Morton "no."

MOTION: Council Member Kishimoto moved, seconded by Lytle, to direct staff to agendaize consideration of a discussion of a park dedication ordinance for the Mitchell Park Library.

Ms. Harrison said there was no money to do any additional design between the current time and the election in November 2002.

Mr. Benest said the next stage of design would happen subsequent to the bond measure.

Mayor Ojakian said the motion from Council Member Kishimoto was to direct the architect to dedicate the piece of land that was currently not parkland.

Mr. Calonne said staff would return with a discussion of dedication, which might include a City Manager's recommendation.

Mayor Ojakian said staff would be directed to agendaize the item and return with pros and cons.

Mr. Calonne said that was correct. The PARC might have a role to play and should not be left out.

Council Member Kishimoto accepted the City Attorney's suggestion.

Mr. Calonne said the rubber met the road when the design was sufficiently advanced to support a park improvement ordinance. The control point for the Council was approval of a park improvement ordinance that had relatively specific diagrams, plans, and layouts for what would be constructed. That was an important control point for the Council and the public because the park improvement process was designed to be referendable in the case the public did not like the structure.

MOTION PASSED 8-1, Beecham "no."

City Manager Benest requested that Item No. 8 be removed from the agenda at the request of staff.

~~8. Cost Analysis and Timing for Internet Broadcasting of Council Meetings~~

PUBLIC HEARINGS

9. PUBLIC HEARING: Per the requirements of the United States Department of Justice, Office of Justice Programs for Local Law Enforcement Block Grants, the City Council will hold a Public Hearing to approve the use of grant funds in the Amount of \$17,150 for the Positive Alternatives for Youth (PAY) program

Mayor Ojakian declared the public hearing open and receiving no requests from the public to speak, he declared the Public Hearing closed.

MOTION: Council Member Morton moved, seconded by Kleinberg, to approve the acceptance of Local Law Enforcement Block Grant (LLEBG) funds in the amount of \$17,150.

MOTION PASSED 9-0.

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Kleinberg commented on the new recycling program being piloted. She congratulated both the Palo Alto Sanitation Company (PASCO) and staff for their efforts to increase and expand recycling.

Council Member Freeman reminded her colleagues about an invitation to a dinner on Friday, September 27, 2002, for the Mayor and Council Members from Niihari, Japan.

Council Member Morton spoke regarding a letter dated September 18, 2002, from the Mayor to the Board of Supervisors regarding the Council review of the proposed Stanford Open Space/Field Research Zoning District text.

Council Member Kishimoto announced a second community workshop regarding El Camino Real on Saturday, September 28, 2002, at the Mitchell Park Community Center.

Council Member Lytle stated that Ann Drager noted that the County had not yet heard from the Palo Alto City Council after they had requested an extension of the comment period planned for the proposed Office Space (OS) Zoning.

Council Member Kleinberg requested that staff consider alternatives to solid cement walls for Wei Wang.

Mayor Ojakian announced that on Saturday, September 28, 2002, the Council would have Sidewalk Office Hours from 10 a.m. to noon at Alma Plaza and the Farmers Market.

CLOSED SESSION

The meeting adjourned at 12:00 a.m. to a Closed Session.

11. Conference with City Attorney--Potential/Anticipated Litigation
Subject: Significant Exposure to Litigation
Authority: Government Code section 54956.9(b)(1) & (b)(3)(A)

The City Council met in Closed Session to discuss matters involving potential/anticipated litigation as described in Agenda Item No. 11.

Mayor Ojakian announced that no reportable action was taken on Agenda Item No. 11.

FINAL ADJOURNMENT: The meeting adjourned at 12:30 a.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.