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December 16, 2002

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The City Council of the City of Palo Alto met on this date in the Council Conference Room at 5:35 p.m.

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

ABSENT: Burch, Lytle

SPECIAL MEETING

1. Interview of Candidates to the Parks and Recreation Commission

Council Member Morton noted for the record that he had conferred with the City Attorney regarding one of the applicant's for the Parks and Recreation Commission (Jenny Dearborn), who was a client of his business. Due to the fact that the Parks and Recreation Commissioners were not compensated, there was not a conflict for him to participate.

No Action Required.

ADJOURNMENT: The meeting adjourned at 6:35 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:35 p.m.

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

SPECIAL MEETING

1. Study Session - Single Family Individual Review Program: One-Year Status Report

Staff presented an overview of the program that became effective November 19, 2001, noting that 104 applications had been submitted with distribution throughout the City, that application rates increased despite the economic downturn, that the guidelines had been well received by applicants and designers, that the Zoning Ordinance Update would include text changes to the ordinance, and that the application fees for second floor expansions did not cover administration costs for those applications. Future of Single Family Neighborhoods Advisory Group members Carol Harrington, Annette Glancoff Ashton and John Northway spoke to the program, noting that education of neighbors about what to expect was key to minimizing controversy and forwarding Craig Woods' comments to the Council. During Public Comments, Roger Kohler noted his issues with the guidelines and lack of staff. The Council noted their appreciation for staff's efforts, concern about program staffing, support for the necessary escalation of application fees, and suggestions for customer feedback and use of the City's website for outreach.

No action required.

ADJOURNMENT: The meeting adjourned at 7:25 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:32 p.m.

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

ORAL COMMUNICATIONS

Mary Davey, Los Altos Hills, spoke regarding 211 Information Referral.

Nona Tobin, Executive on Loan from San Jose to United Way, spoke regarding 211 Information Referral.

Kerry Yarkin, 135 Churchill Street, spoke regarding Interim Traffic Standards.

John K. Abraham, 736 Ellsworth Place, spoke regarding the complaint process and the Noise Ordinance.

Greg Kerber, Birch Street, spoke regarding the complaint policy.

Irvin Dawid, 753 Alma Street, spoke regarding CDBG Citizen Advisory Commission application.

Mayor Ojakian said the Mayor selected members for the Community Development Block Grant Program (CDBG) at the end of each year and confirmed Mr. Dawid's application was received.

Art Kraemer, 1116 Forest Avenue, spoke regarding Chaucer Street Bridge.

Bunny Good, P.O. Box 824, Menlo Park, spoke regarding the Art Center: suicide for the whole family.

City Manager Frank Benest provided an update on the City's emergency plan and activities surrounding the recent storms.

Vice Mayor Mossar said City staff and San Francisco Joint Powers Authority (JPA) staff kept her well informed on the status of the recent storms. The Chaucer Street Bridge increased flooding hazard. The JPA was focused on looking for a larger systems fix for the problems but found the request for funding was held up in Washington, D.C. However, the JPA continued to ask for funding and cooperation from the Army Corps of

Engineers. She noted Congresswomen Anna Eshoo, and Senators Diane Feinstein and Barbara Boxer were trying to get funds from Washington for the project. She urged citizens to get involve by getting on the JPA e-mail list where meeting notifications and information of general interest were available. She advised citizens to attend a meeting with the Army Corps of Engineers in Menlo Park, scheduled for January 9, 2003, and a regular JPA meeting scheduled for January 23, 2003, in the Council Chambers.

Council Member Kleinberg said correspondence to both Senators was also valid on e-mail via the Internet.

CONSENT CALENDAR

City Manager Benest noted on Item No. 3 the resolution was correct, but there was one correction to the staff report. There was not a cash incentive return on the PORAC PPO option.

MOTION: Council Member Morton moved, seconded by Burch, to approve Consent Calendar Item Nos. 1 - 13.

Council Member Lytle had questions on the long-range costs of Item Nos. 2, 3 and 4.

City Manager Benest said the big saving in 2003 was employees changing from Public Employee Retirement Systems (PERS) PERSCare to PERSChoice.

Council Member Lytle asked if that decision positioned the City to better control the escalating health care cost.

Mr. Benest said it was for the year 2003.

LEGISLATIVE



1. Ordinance 4774 entitled "Ordinance of the Council of the City of Palo Alto Amending the Budget for Fiscal Year 2002-03 in the Amount of \$596,066 for the Construction of Trails, Bay Trail Path and Foot Bridge (CIP 10001, Open Space Trails), Construction of Baylands Parking Lots (CIP 10003, Baylands Parking Lot Improvements), and Design and Fabrication of Interpretive Exhibits (Open Space Operating Budget)"
2. Approval of Resolutions Amending and Restating the Deferred Compensation Plan for Regular Employees, and Incorporating Tax Law Changes, by Adoption of ICMA and Hartford Plan and Trust Documents (as amended) in Place of City's Current Deferred Compensation Plan Document and Trustee Designations; Approval of Resolutions

Appointing the City Manager and Director of Administrative Services to Act on Behalf of the City Under the Plans

Resolution 8237 entitled "Resolution of the Council of the City of Palo Alto Amending and Restating the City of Palo Alto's Deferred Compensation Plan for Regular Employees, and Incorporating Tax Law Changes, by Adoption of the ICMA Deferred Compensation Plan and Trust Document, As Amended"

Resolution 8238 entitled "Resolution of the Council of the City of Palo Alto Appointing the City Manager and the Director of Administrative Services to Act on Behalf of the City Under the City of Palo Alto's Deferred Compensation Plan for Regular Employees, including the ICMA Deferred Compensation Plan and Trust Document, As Amended"

Resolution 8239 entitled "Resolution of the Council of the City of Palo Alto Amending and Restating the City of Palo Alto's Deferred Compensation Plan for Regular Employees, and Incorporating Tax Law Changes, by Adoption of the Hartford Deferred Compensation Plan and Group Annuity Contract (Trust Substitute), As Amended"

Resolution 8240 entitled "Resolution of the Council of the City of Palo Alto Appointing the City Manager and the Director of Administrative Services to Act on Behalf of the City Under the City of Palo Alto's Deferred Compensation Plan for Regular Employees, including the Hartford Deferred Compensation Plan and Group Annuity Contract (Trust Substitute), As Amended"

3. Approval of Resolutions Amending Memoranda of Agreement and Compensation Plans in Accordance with the Agreements Between City and Employee Groups to Adopt City of Palo Alto's PERS Choice/PORAC Medical Incentive Plan for Calendar 2003

Resolution 8241 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Management and Confidential Personnel and Council Appointed Officers Adopted by Resolution No. 8194, and Amended by Resolution No. 8223, to add the City of Palo Alto's PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

Resolution 8242 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Classified Personnel (SEIU) adopted by Resolution No. 8056, and Amended by Resolution Nos. 8059 and 8141, to add the City of Palo Alto's PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

Resolution 8243 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Fire Department Personnel (IAFF) Adopted by Resolution No. 8030, to Add the City of Palo Alto's PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

Resolution 8244 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Police Non-Management Personnel adopted by Resolution No. 8082, to add the City of Palo Alto's PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

Resolution 8245 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Fire Chiefs' Association Management Personnel Adopted by Resolution No. 8125, to Add the City of Palo Alto's PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

Resolution 8246 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1401 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the City of Palo Alto and Local 715A, SEIU, AFL-CIO, CLC, to Add the City of Palo Alto PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

Resolution 8247 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1501 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the City of Palo Alto and Local 1319, International Association of Fire Fighters, to Add the City of Palo Alto PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

Resolution 8248 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1601 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the City of Palo Alto and the Palo Alto Peace Officers' Association, to Add the City of Palo Alto PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

Resolution 8249 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1801 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the City of Palo Alto and the Palo Alto Fire Chiefs' Association, to Add the City of Palo Alto PERS Choice/PORAC Medical Incentive Plan for Calendar Year 2003"

4. Approval of Resolutions Amending Memoranda of Agreement and Compensation Plans in Accordance with Agreements between City and Employee Groups to Adopt an Alternate Medical Benefit Plan

Resolution 8250 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Management and Confidential Personnel and Council Appointed Officers adopted by Resolution No. 8194, and Amended by Resolution No. 8223, to Add an Alternate Medical Benefit Plan"

Resolution 8251 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Classified Personnel (SEIU) adopted by Resolution No. 8056, and Amended by Resolution Nos. 8059 and 8141, to Add an Alternate Medical Benefit Plan"

Resolution 8252 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Fire Department Personnel (IAFF) adopted by Resolution No. 8030, to Add an Alternate Medical Benefit Plan"

Resolution 8253 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Police Non-Management Personnel adopted by Resolution No. 8082, to Add an Alternate Medical Benefit Plan"

Resolution 8254 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Fire Chiefs' Association Management Personnel Adopted by Resolution No. 8125, to Add an Alternate Medical Benefit Plan"

Resolution 8255 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1401 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the City of Palo Alto and Local 715A, SEIU, AFL-CIO, CLC, to Add an Alternate Medical Benefit Plan"

Resolution 8256 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1501 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the City of Palo Alto and Local 1319, International Association of Fire Fighters, to Add an Alternate Medical Benefit Plan"

Resolution 8257 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1601 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the

City of Palo Alto and the Palo Alto Peace Officers' Association, to Add an Alternate Medical Benefit Plan”

Resolution 8258 entitled “Resolution of the Council of the City of Palo Alto Amending Section 1801 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the City of Palo Alto and the Palo Alto Fire Chiefs' Association, to Add an Alternate Medical Benefit Plan”

5. Resolution Declaring Results of the Consolidated Special Election

Resolution 8259 entitled “Resolution of the Council of the City of Palo Alto Declaring Results of the Consolidated Special Election Held on Tuesday, November 5, 2002”

ADMINISTRATIVE

6. Acceptance of Office of Traffic Safety Grant in the Amount of \$97,322 for Seat Belt and Child Safety Seat Educational and Enforcement Program
7. Request for Authorization to Increase the Amount of the Existing Contract for Legal Services with the Law Firm of Brobeck, Phleger & Harrison, LLP, No. S1137688
8. Agreement Between the City of Palo Alto and Children's Creative Learning Centers (CCLC) in the Amount of \$50,000 for Backup Childcare Services for City of Palo Alto Employees
9. Auditor's Office Quarterly Report
10. Amendment No. 1 to Contract No. C1131960 Between the City of Palo Alto and DES Architects & Engineers in an Amount Not to Exceed \$24,220 for Services Associated with Additional Design Development, Construction Documents, Bid Assistance, and Reimbursable Expenses for Improvements to Three Baylands Parking Lots and Harbor Road (CIP 10003)
11. Approval of Amended “Citizen Participation Plan for the City of Palo Alto Community Development Block Grant (CDBG) Program”
12. Agreement Between the City of Palo Alto and Avenidas in the Amount of \$120,000 for Funds Allocated during Fiscal Year 2002-03 under the Community Development Block Grant Program



13. Agreement Between the City of Palo Alto and Palo Alto Community Child Care, Inc. in the Amount of \$98,000 for Funds Allocated during Fiscal Year 2002-03 under the Community Development Block Grant Program

MOTION PASSED 9-0.

Mayor Ojakian said the City received \$3.5 million in State funds through grant projects.

Mr. Benest said one of the efforts under long-range financing that was approved by Council was to be more aggressive with Federal and State grants. In addition to the \$3.5 million there were added funds from Federal Legislators earmarked in the budget, and he hoped they would remain in the final budget.

Mayor Ojakian thanked City Auditor Sharon Erickson for the quarterly report.

PUBLIC HEARINGS



14. PUBLIC HEARING: The City Council will hear a referral by the Director of Planning and Community Environment of a recommendation from the Architectural Review Board for approval of design details of the Homer Avenue Undercrossing Project, a pedestrian tunnel located approximately between the intersection of Homer Avenue and Alma Street and connecting to the Palo Alto Medical Foundation under the Caltrain/Peninsula Corridor Joint Powers Board railroad right-of-way, including a recommendation by the Historic Resources Board regarding the placement of a fence monument at the terminus of Homer Avenue at Alma Street

Director of Planning and Community Environment Steve Emslie said the item was placed before Council for deliberation due to differences of opinion between the Architectural Review Board (ARB) and Historic Review Board (HRB) regarding placement of a monument. Their opinions centered on the construction of the Homer Street Tunnel and the preservation and relocation of the monument. The ARB considered the monument to be inconsistent with the design objectives of the undercrossing. The HRB considered the monument to be an important element of Palo Alto's history and should have been incorporated into the undercrossing where it could continue to contribute to the characteristics of Homer Avenue.

Mayor Ojakian asked if the discussion dealt only with the placement of the monument.

Mr. Emslie said that was correct. The design was 95 percent completed and it was a matter of whether or not to incorporate the monument into the design of the undercrossing.

Mayor Ojakian stated it was relatively a narrow issue being discussed.

Drew Maran, Vice Chair, Architectural Review Board, said the ARB felt the structure was not a monument but a fence post. The Board felt strongly the Historic Resources Board (HRB), the architect, and staff did a great job of considering the problem and honored their efforts. As a result of a joint meeting with the HRB, the architect recommended moving the monument to another intersection. The ARB felt the architect did an excellent job on the design. They found it inappropriate, after working on the design for almost a year, that a new element be introduced to the design well after the City had commissioned someone for the design.

Martin Bernstein, Chair, Historic Resources Board, P.O. Box 1739, said the tunnel was designed to submerge from the Alma Street level. Removal of the monument would have made it difficult to determine where the tunnel entrance began. The Public Works Department suggested the placement of signs to indicate the tunnel's entrance. Signs were the weakest urban response of informing people where something existed. He asked the monument be kept on center with Homer Avenue.

The Mayor declared the Public Hearing open at 8:45 p.m.

Judith Wasserman, Architectural Review Board Member, 751 Southampton Drive, said the monument was an undesirable obstruction and not fitting to the undercrossing design.

Bunny Good, P.O. Box 824, Menlo Park, spoke on retaining the monument since it was a part of a gift to the City in 1902.

Irvin Dawid, 753 Alma Street, Apt. 126, said the Undercrossing Project would provide a safer access to bikes and pedestrian, and he supported Mr. Bernstein's comments.

Beth Bunnenberg, Vice Chair, Historic Resources Board, 2351 Ramona Street, gave a brief background history on the monuments that were given to the City as part of the City Beautiful Movement in 1909.

Paul Goldstein, 1024 Emerson Street, said he was concerned about the massiveness of the monument and how it would undo the architect's work in creating light and opening to the entrance of the tunnel. The monument created a visual barrier that would not allow a person in the tunnel to see if

anyone was at the other end. Tunnels are naturally uncomfortable and adding a blind spot at the end could lessen one's feeling of security.

Karen Holman, 725 Homer Avenue, spoke regarding the landscape wall that surrounded the monument along Alma Street. She said removal of the trees would expose the clinic building and the future Opportunity Center would drastically change the experience of coming down Homer Avenue.

Bob Moss, 4010 Orme Street, suggested repainting the monument so it would blend in with the tunnel structure and not to move it so it could retain its historic perspective.

The Mayor declared the Public Hearing closed at 9:03 p.m.

MOTION: Council Member Morton moved, seconded by Lytle, that the City Council approve the incorporation of the monument into the Alma Street/Homer Avenue Undercrossing Project with the condition that the existing fence monument be preserved in its current location.

Council Member Morton recommended the monument remain at its current location.

Council Member Lytle gave a brief historic summary of the City Beautiful Movement of 1900 and how the monuments came about at the terminus of streets. She had concerns regarding skateboards jumping on the monument. She said by leaving the monument at its current location it would eliminate signage needs and would be utilized as a marker.

Senior Assistant City Attorney Wynne Furth clarified the motion of Council Member Morton, seconded by Council Member Lytle was not staff's recommendation. Instead it was to place the monument closer to its current location.

Mayor Ojakian said it was staff's recommendation to include the monument in the design and not to lower it from its current location.

Mr. Emslie said it would need to be relocated to the top or bottom of the steps because the elevation was changed.

Council Member Morton said the monument should be moved to the top of the steps to avoid confusion.

AMENDMENT: Council Member Burch moved that the monument not be included in the Homer Tunnel but relocated to another site to be determined.

AMENDMENT FAILED FOR LACK FOR SECOND

Vice Mayor Mossar said she understood the concept of the motion but was uncomfortable about supporting it. She wanted to amend the motion by taking into consideration all of the monuments, their locations, who owned them, and their maintenance. The monument could be relocated to a better place, and she suggested looking into the future treatment of the other monuments.

Mayor Ojakian said in the way the motion was described, he asked the Senior Assistant City Attorney whether the motion was general enough to allow latitude for staff to locate the monument in the best possible location at the top of the stairs.

Ms. Furth said the motion was clear and presumed that minor adjustments necessary to deal with engineering issues were acceptable to Council.

Mr. Emslie said he viewed the motion as clear direction.

Council Member Morton requested staff's proposal on preservation and restoration or treatment of the remainder of the monuments.

Ms. Furth advised to act on the current motion first and then to direct staff on treatment of the remaining monuments.

Council Member Burch said he would not support the motion.

Council Member Freeman asked why the monument had to be lowered from its current location.

Mr. Emslie said by lowering the monument, it reduced the impact to the structure but would still retain access to it.

Council Member Freeman asked what the distance was to the edge of Alma Street.

Mr. Emslie said it was approximately 10 feet from the street.

Council Member Freeman asked if by lowering the monument a few steps would it allow people to congregate around the monument rather than stand directly on the street.

Mr. Emslie said there was a generous amount of landing area at the top of the steps at the Alma Street elevation.

Council Member Freeman asked if one were able to get a full view of the monument if they were in the tunnel looking out.

Mr. Emslie said to bring that into perspective, it was more about making sure the monument was visible from Homer Street looking towards the tunnel. It would provide a visual focal point to identify the tunnel rather than the impact from looking out of the tunnel.

Council Member Freeman asked whether there were safety issues surrounding the monument by placing it dead center.

Mr. Emslie said all obstructions needed to be well lighted.

Council Member Freeman asked about provisions to discourage skateboards from skating down the rails.

Mr. Emslie said anti-skate techniques were incorporated on the rails.

Major Ojakian said currently we are discussing only issues about the monument.

Council Freeman said she learned there were no safety issues surrounding the monument nor did staff have major issues regarding the placement of the monument. Homer Avenue was an historic section and the monument bridged the gap between the historic side and the new modern section bringing together communities on both sides of the street.

Council Member Kleinberg viewed the monument as a safety hazard. She said she would not support the motion unless she was guaranteed that it was lighted and no one could hide behind the structure with the intent of hurting someone.

Council Member Beecham accepted staff's recommendation to lower the monument.

SUBSTITUTE MOTION: Council Member Beecham moved, seconded by Mossar, to accept the staff recommendation that the City Council approve incorporation of the monument into the undercrossing project in the center of the project near the bottom of the semi-circular stairway, facing the center of the T-intersection of Alma Street and Homer Avenue.

Council Member Mossar said retaining the monument in the lower location was a compromise solution that worked better than other alternatives for the bicycle community and HRB.

Council Member Beecham said in reviewing the drawings he did not think the monument would be an obstruction that would prevent light from entering the tunnel.

Council Member Kishimoto suggested placing the monument on axis with Homer Avenue by leaving it in its exact location.

Mr. Emslie said suggestions and preferences such as safety; lighting issues and visual nature would all be taken into account in deciding the ultimate placement of the monument.

Council Member Beecham restated the motion to send the item back to staff for the ARB and staff to review and to take into account safety and integration with the overall design in the monument's final placement on axis with Homer Avenue.

Council Member Kishimoto said not to necessarily send the item back to the ARB but review with the architect the placement of the monument.

INCORPORATED INTO THE MOTION BY THE MAKER AND SECONDER that Council return the item to staff for review with the architect of precise location of the monument with the direction: 1) to have the alignment on axis with Homer Avenue; 2) for staff to take into consideration safety, including security lighting; and 3) for the appropriate integration of the monument with the existing design.

Mr. Emslie said modifications to the design would need to be dealt with at staff level due to a tight timeframe.

Council Member Kleinberg asked to include appropriate security lighting in the design.

Mayor Ojakian referred to the monument/fence post as a gift. As a gift from a prior council member, the public should know that it should be maintained and kept in perpetuity.

Council Member Lytle asked if by keeping the monument on alignment would it be a visual terminus and seen from Homer Avenue.

Mayor Ojakian said that was the intent.

SUBSTITUTE MOTION PASSED 8-1, Burch "no."

MOTION: Vice Mayor Mossar moved, seconded by Kleinberg, to ask staff to return to Council with information regarding the various monuments and recommendations, incorporating them into Palo Alto's civic life.

MOTION PASSED 9-0.

REPORTS OF OFFICIALS

15. City Council Sidewalk Office Hours

MOTION: Council Member Freeman moved, seconded by Mossar, to continue holding sidewalk office hours on a quarterly basis in 2003.

Council Member Kleinberg suggested not including Saturdays in the schedule.

MOTION PASSED 9-0.

COUNCIL COMMENTS, QUESTIONS AND ANNOUNCEMENTS

Council Member Burch stated the Mayor has done an excellent job over the past year.

Mayor Ojakian thanked Council, staff, and his family for their support over the past year as the Mayor of Palo Alto.

ADJOURNMENT: The meeting adjourned at 9:45 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.