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October 14, 2003

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The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:00 p.m.

CITY COUNCIL

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

PARKS AND RECREATION COMMISSION

PRESENT: Cribbs, Garvey, Gioumousis, Hagan, Keating, Steiner, Torin

SPECIAL MEETING

1. Joint Meeting with Parks and Recreation Commission

**No action required.**

ADJOURNMENT: The meeting adjourned at 7:00 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:05 p.m.

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

Mayor Mossar reported Palo Alto firefighters, police officers and other city staff would be involved in a series of emergency training exercises during the month of October. Exercises would take place on Oct 15, 23 and 27 and would be located at 901 San Antonio Road.

#### ORAL COMMUNICATIONS

Ken Horowitz, 525 Homer Avenue, spoke regarding "No" on Measure B.

Tony Spitaleri spoke regarding Measure C and the empty promise of affordable housing for firefighters.

Mayor Mossar requested that staff provide Council with facts regarding the relationship between firefighter salaries and their eligibility for subsidized housing.

John Abraham, 736 Ellsworth Place, spoke regarding the Noise Ordinance.

Sophia Dhrymes spoke regarding roadblocks.

Mike Liveright, 260 Byrant Street, apologized to the Council and spoke regarding traffic.

Josh Mogal, Downtown North Neighborhood Association, 429 Ruthven Avenue, spoke regarding traffic calming.

#### SPECIAL ORDERS OF THE DAY

1. Selection of Candidates to be Interviewed for the Architectural Review Board

**MOTION:** Council Member Morton moved, seconded by Ojakian, to interview all the candidates.

**MOTION PASSED** 9-0.

2. Appointment to the Human Relations Commission

Assistant City Clerk Deanna Riding announced that Valerie Menager (with six votes) was appointed on the first ballot to an unexpired term ending March 31, 2004.

#### APPROVAL OF MINUTES

**MOTION:** Council Member Burch moved, seconded by Morton, to approve the minutes of July 28, 2003, as corrected, and August 2, 2003, as submitted.

**MOTION PASSED 9-0.**

#### CONSENT CALENDAR

Council Members Freeman and Lytle requested to remove Item No. 3 for discussion.

Mayor Mossar requested that Item No. 3 be deferred.

City Manager Frank Benest stated Item No. 3 would be on the October 20, 2003, agenda under Unfinished Business.

Alan Davis, 3370 St. Michael Drive, spoke on behalf of the International Federation of Technical Employees, Local 21, who represented many of the professional and managerial employees in Palo Alto. The union had concerns about some aspects of the Management Compensation Plan, Item No. 3. He said the management furlough was not just a mandatory obligation it was a one percent wage reduction. For members of the Service Employees International Union (SEIU) and many of the other bargaining units, the furlough was voluntary. He said if the furlough were voluntary for management as well, it would be looked upon more favorably and would not have a negative moral impact. With respect to the proposed medical plan, some of the employees would take a \$300 per-month hit because of the recommendations. If the costs were broken down, it amounted to a very small matter with respect to the total budgetary savings. He urged the Council to defer action on the item because actual cost savings would not be realized until April of 2004.

Mayor Mossar announced that Item Nos. 5 and 6 were removed at the request of staff.

**MOTION:** Council Member Burch moved, seconded by Ojakian, to approve Consent Calendar Item Nos. 4 and 7 through 9.

Mayor Mossar stated she would not participate in Item No. 9 due to a conflict of interest because her husband managed a Trust Fund for his mother, which included telecommunications stock.

Council Member Kishimoto stated she would not participate in Item No. 9 due to a conflict of interest because she owned telecommunications stock.

Council Member Morton would not participate in Item No. 8 due to a conflict of interest because he had been an auditor for Adolescent Counseling Services, Inc. and also Item No. 9 because he held telecommunications stock, which could influence other contracts.

### LEGISLATIVE

3. Approval of Resolutions Amending Compensation Plan for Management/Confidential Employees and Amending the Merit Systems Rules and Regulations

~~Resolution of the Council of the City of Palo Alto Adopting a Compensation Plan for Management and Confidential (Hereafter "Management and Professional") Personnel and Council Appointed Officers, and Rescinding Resolution Nos. 8096, 8117, 8165, 8181, 8194, 8223, 8241, 8250, and 8311~~

~~Resolution of the Council of the City of Palo Alto Amending Section 1701 of the Merit System Rules And Regulations~~

**Continued to October 20, 2003.**

### ADMINISTRATIVE

4. Report of Williamson Act Contracts Within the City of Palo Alto



5. ~~Amendment No. One to Contract No. C2140022 between the City of Palo Alto and Innerspace Engineering Corp. in the amount of \$21,750 to Provide Architectural Design Services for Building Changes Required for Compliance with Federal and State Disabled Access Standards, and Engineering Design for Lighting and Fire Sprinkler Systems Associated with the Construction of Storage Mezzanines~~



6. ~~Approval of Amendment No. One to Existing Contract No. S1128584 between the City of Palo Alto and URS Greiner Woodward Clyde, Inc. in the amount of \$25,581 to Provide Engineering Design Services for Electrical and Plumbing Systems Associated with the Construction of an Automotive Washing Facility~~



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8. Agreement between the City of Palo Alto and Adolescent Counseling Services Inc. in the Amount of \$111,197 for Funds Allocated During Fiscal Year 2003-04 Under Community Development Block Grant Program
9. Extension of the Fiber To The Home Trial

**MOTION PASSED** 9-0 for Item Nos. 4 and 7.

**MOTION PASSED** 8-0 for Item No. 8, Morton "not participating."

**MOTION PASSED** 6-0 for Item No. 9, Kishimoto, Morton, Mossar "not participating."

#### PUBLIC HEARINGS

10. 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 of the City of Palo Alto will hold a Public Hearing to approve the use of grant funds for the development and implementation of an Early Identification and Intervention System (EIIS).

Mayor Mossar declared the Public Hearing open and hearing no requests to speak declared the Public Hearing closed.

**MOTION:** Council Member Burch moved, seconded by Morton, to approve the staff recommendation to adopt the Budget Amendment Ordinance (BAO) in the amount of \$12,397 that amends the fiscal year 2003-04 budget to appropriate funds received by the City from the Federal Bureau of Justice Assistance (BJA) and allocated by Santa Clara County for the continuation of the Local Law Enforcement Block Grant (LLEBG) program.

Ordinance 4806 entitled "Ordinance of The Council of The City of Palo Alto to Amend the 2003-04 Budget to Accept and Expend Local Law Enforcement Block Grant (LLEBG) Funding in the Amount of \$12,397 and to Transfer Matching Funds in the Amount of \$1,377 from the Police Department to the LLEBG Subfund"

**MOTION PASSED** 9-0.



11. Public Hearing: The City Council will consider the Request by the Palo Alto Unified School District (PAUSD) of an application for a proposed specific plan amendment to the Terman Specific Plan to allow modifications to the City-owned park site located at 655 Arastradero Road, Terman Park, to accommodate four new basketball courts, remove two existing tennis courts, and related site improvements. The

Council will also be considering a Park Improvement Ordinance. Zone District: Public Facilities (PF).

Council Member Burch, City Representative on the City/School Liaison Committee, said the proposed specific plan was the result of many meetings and discussions in order to allow the Palo Alto Unified School District (PAUSD) to proceed with basketball courts for the students of Terman Middle School.

Council Member Kishimoto, City Representative on the City/School Liaison Committee, expressed her compliments to the staff and various commissions, as well as the neighborhood group.

Mayor Mossar declared the Public Hearing open.

Martha Bowden, 27833 Saddle Court, Los Altos Hills, expressed thanks to the City Council, the Planning staff, the neighborhood group, and the Parks and Recreation Commission (PARC).

Herb Borock, P.O. Box 632, said the addendum to the Environmental Impact Report (EIR), which included a Park Improvement Ordinance, omitted the park boundaries. In addition, the resolutions in Attachments C and D failed to show the continuation of the Park and how a gate cut off access to the asphalt concrete parking area. He also understood an encroachment permit had been granted to widen an existing bicycle path; however, he did not see how the City could have issued an encroachment permit on a piece of a project prior to the Council taking action that evening.

Bob Golton, Deputy Superintendent, Palo Alto Unified School District (PAUSD), expressed thanks to City staff, the PARC, and the Planning staff. He urged the Council's approval of the proposed specific plan.

Mayor Mossar declared the Public Hearing closed.

**MOTION:** Council Member Burch moved, seconded by Kleinberg, to approve the staff and Planning and Transportation (P&TC) recommendation:

1. Adopt the resolution as a responsible agency considering the Terman Middle School Final Environmental Impact Report (Final EIR) and Addendum (Attachment A).
2. Adopt the resolution amending the Terman Specific Plan to reduce the number of required city tennis courts from four to two (Attachment B).
3. Adopt a Park Improvement Ordinance allowing the Palo Alto Unified School District (PAUSD) to construct improvements on City dedicated parkland (Attachment C).



4. Approve the Agreement for Temporary Use of City Property to Construct Basketball Court and Playing Field Improvements At Terman Park and for Cost Sharing Between the City of Palo Alto and the Palo Alto Unified School District (Attachment D).
5. Approve the First Amendment to the Agreement for Joint Use of Terman Site (Attachment E).

Ordinance 1<sup>st</sup> Reading entitled "Ordinance of the Council of the City of Palo Alto Approving and Adopting a Plan for Improvements to Terman Park"

Resolution 8343 entitled "Resolution of the Council of the City Of Palo Alto as a Responsible Agency Considering the Final Environmental Impact Report and Addendum and Making Findings for the Palo Alto Unified School District 655 Arastradero Road Terman Park Basketball Court Project Pursuant to the California Environmental Quality Act"

Resolution 8344 entitled "Resolution of the Council of the City of Palo Alto Amending the Terman Specific Plan to Reduce the Number of Required City Tennis Courts From Four to Two"

Agreement for Temporary Use of City Property to Construct Basketball Court and Playing Field Improvements at Terman Park and for Cost Sharing Between the City of Palo Alto and Palo Alto Unified School District

First Amendment To Agreement For Joint Use of Terman Site

Council Member Kishimoto asked for a response to Mr. Borock's comments regarding excluding the gateway.

Interim City Attorney Wynne Furth said some of Mr. Borock's comments addressed changes, which had previously been authorized in the Park Improvement Ordinance submitted in June 2003.

Council Member Kishimoto clarified the gateway issue affirmed the no vehicle access.

Ms. Furth said that was correct. She also noted the exhibits were prepared in such a way as to show what portions the Council were being asked to approve, not to show the entire park.

Council Member Kishimoto said as part of the plan, the City had incorporated a letter of agreement with the Jewish Community Center (JCC) to continue sponsorship of summer camps at the Terman Gym. She asked whether that would have implications on the City's ability to use the pool for neighborhood or City uses.

Director of Community Services Paul Thiltgen, said that was incorporated as part of the original agreement and was based on the fact the PAUSD had given first priority to the JCC because of the funding, as well as the City's agreement with the JCC to use Cubberley.

Council Member Kishimoto clarified the agreement had been previously approved.

Mr. Thiltgen said yes.

**MOTION PASSED 9-0.**

12. Public Hearing: The City Council will consider Adopting Recommendations from the Planning and Transportation Commission regarding approval of several actions related to the former Churchill Avenue Traffic Calming Project (exact boundaries yet to be defined). Limited interim traffic calming measures for just Churchill Avenue could be considered.

Director of Planning and Community Environment Stephen Emslie, said the Churchill Avenue traffic-calming project was first initiated in April 2001. An unusually large number of Working Group meetings and project area meetings were held between June 2001 and June 2002. The Planning and Transportation Commission (P&TC) began discussing the project at its meeting of September 25, 2002, and received testimony from various viewpoints on the decision to proceed with the two alternate plans that were developed with the neighborhood Working Group. The first alternative plan included a speed reduction, as well as a reduction in volume on Churchill Avenue. The reduction in volume was achieved through a left-turn prohibition from Embarcadero Road to Churchill Avenue. The volume reductions were of concern to several residents in the neighborhood because volume led diversion traffic to adjacent neighborhood streets. The second alternative plan discussed by the community and Working Group involved speed reductions without the diversion of traffic. Staff supported moving forward on items where there was clear community support; however, they were concerned about not being diverted from their work program to the extent of diverting from other neighborhood traffic calming issues, such as the Downtown North Trial.

Planning and Transportation Commissioner Bonnie Packer said the Planning and Transportation Commission (P&TC) discussed the issues that faced Churchill Avenue, both east and west of Alma Street, and the various impacts from other areas that would cause traffic problems. The Commission voted to bring to the Council the concerns of the residents and possible interim measures, but only in the context of the Planning staff's present workload. She said the P&TC and staff had looked at ways to expand the scope of representation.

Mayor Mossar declared the public hearing open.

Priscilla Bates, 339 Kellogg Avenue, expressed concern about the diversion of traffic to her street. She said when Churchill Avenue was closed off at Bryant Street traffic came up Kellogg Street. She was opposed to street closures and urged the Council not to solve the traffic problem on Churchill Avenue by diverting traffic to other streets, which were not suitable for more traffic.

Mayor Mossar declared the public hearing closed.

**MOTION:** Council Member Lytle moved, seconded by Morton, to approve the Planning and Transportation Commission recommendation and follow through with the work program implementation beyond other ongoing priorities, as follows:

- (a) Addition of the "South of Embarcadero" area (exact boundaries to be defined), plus the area from Alma to El Camino Real, to a list of future neighborhood traffic studies, to be undertaken when sufficient funding and staffing resources have been identified and City Council approval to proceed has been given;
- (b) Nomination of Churchill Avenue from Embarcadero Road to El Camino Real for consideration on a future list of "school-commute corridors;"
- (c) Request staff to undertake a re-evaluation of limited interim measures to provide some relief and traffic calming on Churchill without the risk of traffic diversion to neighborhood streets; and
- (d) An additional change to the Neighborhood Traffic Calming Program (NTCP) procedures for collector street projects: the identification of an appropriately sized "notification area" that would be notified of the collector street project and be included in an "advisory survey."

Council Member Lytle favored the P&TC staff recommendation with an acknowledgement that the assignment would have to follow the work program prioritization process.

Council Member Morton said he hoped when staff looked at potential projects they would include discussions, neighborhood information, and find ways to slow down traffic without neighborhood dissention.

Council Member Kishimoto supported the motion. She said the City did not have the right set of tools to address both collectors and residential arterials. The basic problem was the confluence of CalTrain, the school commute, and the 600,000-plus vehicles per day on the street.

Council Member Kleinberg said she was looking forward to a conversation  
10/14/03

about how the project would fit into the Council's priority for traffic-calming dollars.

Vice Mayor Beecham asked whether staff could include a re-evaluation of limited interim measures in the work plan and, if so, when would that take place. He asked what the timeline would be if it were put behind other priorities.

Mr. Kott said it was unlikely it could be done in the current year, but could be done in the next fiscal year.

Mayor Mossar said the question was whether staff would be able to get to the re-evaluation of limited interim measures, given that there were other priority projects.

Mr. Kott said it was possible. He said staff would need to engage a lot of people on Churchill Avenue and those in the surrounding neighborhoods, which was a substantial undertaking.

Vice Mayor Beecham said staff report CMR:464:03 indicated there had already been 10 meetings. He did not see going through that same type of process in a few years. He recommended removing Item C of the proposed Motion above.

Council Member Lytle said she would rather leave it in and allow it as part of next year's prioritization.

**SUBSTITUTE MOTION:** Vice Mayor Beecham moved that the recommendation not include Item C.

### **SUBSTITUTE MOTION FAILED FOR LACK OF A SECOND**

Council Member Morton referred to Figure 1 of the proposal and clarified the inclusion of Item C did not require the Council's consent. Those who were constitutionally opposed to roundabouts could remain so and still support the measure.

Mr. Emslie said that was correct.

Council Member Kleinberg asked how staff was going to include the parents at Palo Alto High School in the Churchill Avenue traffic-calming study.

Mr. Kott said there were a lot of opportunities to reduce congestion on Churchill Avenue based on getting the students and parents comfortable with biking to and from school.

Mayor Mossar said there were already traffic safety committees at Palo Alto

High School. She clarified that Council Member Kleinberg wanted to make sure staff would work with the parent groups.

Mr. Kott said yes.

Mayor Mossar said she had heard concerns from residents about the inability to get out of their neighborhood because of the traffic on Churchill Avenue between El Camino Real and Alma Street. It seemed the City had trapped a group of residents by virtue of street closures in the Southgate neighborhood to prevent cut-through traffic. She said she was comfortable taking a look at other opportunities and not doing the Churchill project right away, but was uncomfortable telling the residents of Southgate that for another year or two they would be stuck in their neighborhood. She asked whether there was possible compromise.

Mr. Kott said it would be difficult to remove those cars from Churchill Avenue in the short-term. In the long-term, changes could be made in the City's infrastructure or dramatic changes in the amount of cars that people needed to use.

Council Member Burch said in previous discussions with the PAUSD, "keep clear" signs were stamped in the street at the opening to 25 Churchill Avenue, the Board of Education. He said by stamping "keep clear" at the access roads on both sides it allowed residents to turn either right or left from the street.

Mayor Mossar asked whether that was possible.

Mr. Kott said it would require some enforcement, but it was a clear possibility.

Mayor Mossar asked whether the maker of the motion would be willing to include the staff exploration of "keep clear" signs on those streets.

Council Member Lytle said yes.

Council Member Morton asked whether the incorporation was a request to include a study about "keep clear" signs.

Mr. Kott said the drivers were obligated to keep both intersections clear..

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to include "keep clear" street markings between El Camino Real and Alma Street on Churchill Avenue in recommendation (c).

Vice Mayor Beecham supported the motion.

Council Member Kishimoto supported the motion. She said over the past two years the City had gained more experience on collector calming. There were failures on Louis Road, but the calming tables and speed-reader on Channing Avenue seemed to be going well.

**MOTION PASSED 9-0.**

UNFINISHED BUSINESS

13. Council Members Hillary Freeman and Yoriko Kishimoto Regarding City of Palo Alto Mayoral and Vice Mayoral Elections

Council Member Freeman said she and Council Member Kishimoto would like the Policy and Services Committee to work with staff to recommend a process for the election of the Palo Alto Mayor and Vice Mayor. She believed it to be a formal continuation of a study session on the process of selection to be placed on a public agenda that was recommended by Council Member Kleinberg and agreed upon by Vice Mayor Beecham and Council Members Burch and Lytle. She said it was her intent to minimize any personal contention on a Council of nine, where equitable rotation was not mathematically possible and to ensure there was 100 percent transparency in the public process.

Council Member Kishimoto said her main point was to separate the political election of the Mayor and Vice Mayor from the traditional ceremony held at the beginning of the year. She suggested concentrating the ceremony and celebration of the Mayor and Vice Mayor at the same time as the State of the City address.

Mayor Mossar declared the Public Hearing open.

Norman Carroll, University and Emerson, said he thought the matter should be tabled until after the November election and possibly even after selection of the Mayor in 2004.

Herb Borock, P.O. Box 632, stated the current procedures regarding the ceremony and celebratory congratulations began in 1992 with the selection of Gary Fazzino as Mayor. Mr. Borock recommended the Policy and Services Committee consider setting a policy to go back to the way it was prior to 1992.

Mayor Mossar declared the Public Hearing closed.

Council Member Burch, Chair of the Policy and Services (P&S) Committee, said he would undertake the matter if his colleagues chose to refer it to the P&S Committee; however, he was opposed to its referral. He did not believe the process for selecting the Mayor and Vice Mayor was broken and was not

opposed to the possibility of separating it from the celebration. It was meaningful to him to continue the tradition of having newly seated council members sworn-in before their families and friends, and constituents, with the acknowledgment and recognition of those persons who had previously served. He concurred with Mr. Borock's comments that the process should not take the entire evening and the Council could go forward with other business.

Council Member Morton asked staff whether there was any action that could be taken other than to refer the matter to the Policy and Services Committee. He asked if it was possible to ratify the current procedure or did it require the matter to be agendaized for a future agenda.

Interim City Attorney Wynne Furth said if the Council was contemplating those changes, it required revising the Palo Alto Municipal Code (PAMC). If the matter involved a decision to affirm the current process, it was essentially a decision not to refer the matter to the P&S Committee.

**MOTION:** Council Member Morton moved, seconded by Burch, to ratify the current process of having Council choose the Mayor and Vice Mayor at the first meeting of year.

Council Member Morton concurred with the comments of Council Member Burch. He also believed the Council had a long time tradition that had served the City well. He said the way the process worked was 100 percent transparent and was well-liked by the community.

Council Member Kleinberg asked, as a point of information, whether the maker of the motion wanted to reaffirm the current process and separate the celebration portion.

Council Member Morton said he was not going to comment on whether or not to continue the festive part of the process.

Mayor Mossar clarified the motion was silent on the celebration aspect.

Council Member Kleinberg asked Council Members Freeman and Kishimoto to state with specificity what their concerns were.

Council Member Kishimoto said she would expect any due process would be compliant with the Brown Act and City Charter.

Council Member Kleinberg clarified there were no problems with that aspect. Council Member Kishimoto said that was correct. She said two years prior Council Member Kleinberg had asked to talk about the criteria for selecting the Vice Mayor. Her purpose was to provide an opportunity for her colleagues to discuss how the process worked. She remembered as a newly-

elected Council Member, not having had an opportunity to work with anyone on the Council, the caveat that her vote for the Vice Mayor was not a guarantee of support for that person the following year as Mayor. Her key point was the separation of the political election from the celebratory event.

Council Member Freeman noted last year's election caused considerable press coverage. She said she would really like to know each candidate's platform and their leadership perspective. That type of information was not available unless the candidates themselves provided it. Although the process itself was democratic when the vote was taken, she would only be able to find out the appointed candidate's platform in his/her acceptance speech. The Colleagues Memo (Memo) did not refer to any Brown Act violation. It stated the Council must be Brown Act compliant with any kind of changes made if the P&S Committee so desired.

Council Member Lytle concurred with the separation of the election celebration from the reorganization function.

Council Member Burch said through the experience of running for a Council seat, sitting on platforms, listening to different perspectives on the needs of the City, and then sitting and watching how people performed during Council meetings gave a good indication of what kind of person should sit in the Mayor's seat. It was not a popularity contest. It required selecting the best person to chair and control the meeting, and help the Council work together as a team. He believed it was a good system and wanted to see it continue. Council Member Morton said Palo Alto was a Charter City. The Mayor served as an executive officer and therefore did not set policy. The Council set policy.

Council Member Freeman said the matter was time sensitive because the Memo requested that action be instituted for the January 2004 election. She also indicated the Memo outlined the role of the Mayor and Vice Mayor in addition to running council meetings.

Mayor Mossar clarified Palo Alto had a strong city manager form of government and, therefore, the Mayor did not set agendas for the Council. She expressed support for putting off the celebratory portion of the election process.

Council Member Freeman clarified although the City Manager set the agenda he was willing to take input from the Mayor. She said she was not involved in the decision-making process on whether or not to have the customary election celebration.

**MOTION PASSED** 8-1, Freeman "no."



Council Member Kleinberg asked whether the Council could vote on the celebratory portion of the election process that evening.

Ms. Furth said the Council would need to reagendaize the celebratory part of election process.

Mayor Mossar said the customary election celebration was not part of a policy, the City Charter or the Comprehensive Plan (Comp Plan). It was just a tradition. She suggested her colleagues discuss the issue under Council Comments.

#### 14. Council Members Hillary Freeman and Yoriko Kishimoto Regarding an Environmental Advisory Commission

Council Member Kishimoto asked for her colleagues support in referring the concept of creating an Environmental Advisory Commission (EAC) to the Policy and Services (P&S) Committee. Two years prior, the Council adopted the first Citywide sustainability policy. Since then, staff and volunteers, under the leadership of the City Manager, had made great strides in making Palo Alto operations more sustainable. Through a supportive and educated residential and business community, an enthusiastic and committed City staff and Council, and a wonderful environmental non-profit community, Palo Alto would become a model for a sustainable community, as it developed and changed into the 21<sup>st</sup> Century. There was not a structure in place to keep the momentum going under the current model due to budget constraints. She urged her colleagues to join in referring the matter to the Policy and Services Committee.

Council Member Freeman said the proposed EAC would cross many departments, including Public Works, Utilities, and Planning and Community Environment. She envisioned a Commission that focused entirely on environmental rather than land use issues.

**MOTION:** Council Member Morton moved to reaffirm Council's commitment, as a City, to make the best possible decisions on environmental issues and not refer the idea of an Environmental Advisory Commission to the Policy and Services Committee.

#### **MOTION FAILED FOR LACK OF A SECOND**

Council Member Burch said the people he identified as having an environmental consciousness were quite visible in the City's Boards and Commissions and at Council meetings, and could express the environmental awareness of the City. He wondered what purpose it served to add another committee or commission. He was willing to have the P&S Committee explore how it might work, although he did not personally feel the environmental perspective was missing.

Council Member Lytle concurred with the comments of Council Member Burch.

Council Member Kleinberg said she feared the EAC would be another bureaucracy to add to the Palo Alto process. She also expressed concern the environmental issues, which were fundamental to every commission's thought and judgment process, were being assigned to one commission, which would exclude the other commissions in their mission. She also expressed concern about the cost.

Council Member Ojakian expressed opposition to referring the matter to the P&S Committee.

**MOTION:** Council Member Freeman moved, seconded by Kishimoto, to refer to the Policy and Services Committee the evaluation of the formation, and set the direction for, a Council Appointed Environmental Advisory Commission (EAC).

Council Member Freeman said almost every issue that came before the Council had an environmental impact. She said one Planning and Transportation (P&TC) Commissioner thought the idea of an EAC Commission was a good one because of the volume of land use issues they dealt with. She asked the City Manager whether the matter required a Budget Amendment Ordinance (BAO).

City Manager Frank Benest said if the Council voted to refer the matter to the P&S Committee, staff would be prepared to provide their perspective at that meeting. He expressed concern about the length of time it took to process things through City Hall as demonstrated by the City Auditor's report. It would require staffing and a new budget.

Council Member Freeman said in her earlier discussion with the City Manager she understood there would be no hard dollar issues but only staff cost issues. She asked the City Auditor whether there were other options in the streamlining process to negate increased process time.

City Auditor Sharon Erickson said her office found from the Development Review process, issues of multiple hearings and problems with clarity of purpose of some of the reviews. The Auditor's Office made a number of recommendations to mitigate the delays to include: 1) reducing the number of multiple hearings; and 2) clarification for the board or commission regarding the purpose of their review. There were ways to mitigate the impact on the timelines and costs of reviews. However, there were time delays and costs associated with those reviews. She posed to Council whether the costs outweighed the benefit received from the review

Council Member Kishimoto said in answer to Council Member Kleinberg's question, sustainability was about sustainable development. Palo Alto would continue to develop and the challenge was what impact the development would have. She said the intention was not to put a stop on growth but to control its impact.

Council Member Burch asked the City Manager for clarification on the implication of the information Council Member Freeman received earlier in the day and what had been stated that evening.

Mr. Benest said he had an earlier discussion with Council Member Freeman about assigning existing staff to a new commission. In his follow-up, he calculated it would require a minimum of a staff-and-a-half to run any commission. The commission would require a new budget and a Budget Amendment Ordinance (BAO.) He said his response to Council Member Freeman's inquiry was inadequate because they did not get into those issues.

Council Member Morton said he heard one of his colleagues state "environmental issues come to the Council haphazardly." In looking at the number of Environmental Impact Reports (EIR), and the extensive reviews staff made of every issue, he did not find that statement to be correct. He said there was a perception in the community that the Council could not make a decision without having a commission or outside body telling them how to think. For the Council body, environmental issues were paramount in their minds when making a decision.

Council Member Freeman said the issue was over and above where it was intended to go and with the additional information given by the City Manager that evening, she requested to withdraw her motion.

### **MOTION WITHDRAWN BY MAKER**

Mayor Mossar said the Council was the environmental commission for the community and had an obligation to uphold the strong environmental values of the community.

### **NO ACTION TAKEN**

### COUNCIL MATTERS

15. Mayor Dena Mossar and Council Member Yoriko Kishimoto re Letter to Valley Transportation Authority (VTA) Requesting Effective Transportation Plan for Palo Alto

Council Member Lytle stated she would not participate in the item due to a conflict of interest because of her employment with the City of San Jose.

**MOTION:** Council Member Burch moved, seconded by Morton, to direct the Mayor to send the letter to the Valley Transportation Authority Board Requesting an Effective Transportation Plan for Palo Alto at the earliest date.

**MOTION PASSED** 8-0, Lytle "not participating."

#### COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Morton asked whether the Council needed to complete the Public Employees Retirement System (PERS) open enrollment form that was put at their places.

City Manager Frank Benest said if any of the Council Members were in PersCare and wanted to remain in a PPO, staff recommended switching to PersChoice. If they were already in PersChoice or an HMO, it was not necessary to do anything.

Mayor Mossar asked when the open enrollment period ended.

Mr. Benest said the open enrollment period closed at the end of October 2003.

Council Member Ojakian recognized the Certificate of Recognition received by the Assistant City Manager for bettering California's environment. He also reminded everyone that on Thursday, October 16<sup>th</sup>, there would be a lecture on transportation issues in the Council Chambers.

Vice Mayor Beecham referred to an article in that days *Chronicle* regarding the increase in natural gas costs and noted that Palo Alto had already purchased natural gas for the winter. Therefore, bills would not soar and would be 22 percent less than Pacific Gas and Electric.

Council Member Freeman congratulated Amanda Jones and the Transportation group for the successful "Walk to School" program the prior week.

Mayor Mossar requested the Policy and Services Committee review the scope of work for the various boards and commissions.

ADJOURNMENT: The meeting adjourned at 9:50 p.m.

ATTEST:

APPROVED:

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City Clerk

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Mayor

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