

Special Meeting
October 25, 2004

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ADJOURNMENT: The meeting adjourned at 8:20 p.m. in the City Hall Plaza. Mayor Beecham announced that any items remaining on the agenda would be continued to a future City Council meeting.	275

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:45 p.m.

PRESENT: Beecham, Burch, Cordell, Freeman, Kishimoto, Morton, Mossar, Ojakian

ABSENT: Kleinberg

SPECIAL ORDERS OF THE DAY

1. Proclamation in Honor of the Tenth Sister City Anniversary of Palo Alto and Albi, France

No action required.

ORAL COMMUNICATIONS

Toni Stein, 800 Magnolia Street, Menlo Park, spoke regarding a procedural matter and public records.

Norman Carroll, Emerson and University, spoke regarding Council performance.

Mark Weiss, 421 Pepper Avenue, spoke regarding arts in Palo Alto and a proclamation for Jerry Garcia.

Joy Ogawa spoke regarding inadequate public noticing of the October 21, 2004, Architectural Review Board (ARB) agenda.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Mossar, to approve the minutes of September 20, 2004, as corrected.

MOTION PASSED 8-0, Kleinberg absent.

CONSENT CALENDAR

Council Member Kishimoto moved, seconded by Freeman, to remove Item Nos. 5 and 10 from the Consent Calendar.

Mayor Beecham moved, seconded by Burch, to remove Item No. 9.

Council Member Freeman moved, seconded by Kishimoto, to remove Item No. 4.

MOTION: Council Member Morton moved, seconded by Kishimoto, to approve Consent Calendar Item Nos. 2, 3, 6-8, and 11.

Council Member Kishimoto registered a no vote on Item No. 2.

LEGISLATIVE

2. Ordinance 4849 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (the Zoning Map) to Change the Classification of Certain Properties on Allen Court, a Portion of that Property Known as Tract 1137 From R-1 To R-1(S)" (1st Reading 10/12/04, Passed 5-4, Beecham, Cordell, Kishimoto, Kleinberg "no")
3. Resolution 8464 entitled "Resolution of the Council of the City of Palo Alto Authorizing Approval of an Amended Joint Powers Agreement for Bay Area Employee Relations Services"
6. Resolution 8465 entitled "Resolution of the Council of the City of Palo Alto Approving the Filing of a Grant Application by the City of Palo Alto with the Youth Soccer and Recreation Development Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the Development of an Artificial Turf Field at the Cubberley Community Center Athletic Fields"
7. Resolution 8466 entitled "Resolution of the Council of the City of Palo Alto Declaring its Intention to Amend Section 12.16.020 of Chapter 12.16 of Title 12 of the Palo Alto Municipal Code by Establishing Underground Utility District Number 44"
8. Resolution 8467 entitled "Resolution of the Council of the City of Palo Alto Approving the Transmission Agency of Northern California (TANC) Project Agreement No. 5 for the Participation in an Open Access Same Time Information System"



ADMINISTRATIVE

11. Contract Between the City of Palo Alto and Value Engineering, Inc. in the Amount of \$370,570 for Landfill Gas and Leachate System Modifications - Capital Improvement Program Projects RF-04011 and RF-04012

MOTION PASSED 8-0 for Item Nos. 3, 6-8 and 11, Kleinberg absent.

MOTION PASSED 7-1 for Item No. 2, Kishimoto no, Kleinberg absent.

UNFINISHED BUSINESS



12. The Finance Committee recommends to the City Council to Adopt the Transportation Strategic Plan, Including System Performance Indicators, Project Prioritization, and Cost Funding Report (Item continued from 10/04/04)

Mayor Beecham said no dollar cost would be assigned to the implementation of the Strategic Plan and all Council Members could participate since there were no conflicts of interest.

MOTION: Council Member Mossar moved, seconded by Morton, to approve the Finance Committee recommendation to adopt the proposed Transportation Strategic Plan, including Transportation System Performance Indicators, as noted in Attachment A, and Project Prioritization, Attachment B, and Cost Funding Report.

Council Member Mossar said the Plan would enable the City to competitively apply for grants. It was not an action plan or approval to implement projects.

Council Member Morton said the Plan provided performance indicators that allowed the City to apply for grants.

Council Member Freeman asked whether the Homer/Channing Avenues two-way project was always a low priority in the Project Priority List.

Chief Transportation Officer Joseph Kott said it was always a low priority.

Council Member Freeman asked why it remained as a low priority in light of the Homer Tunnel project.

Mr. Kott said the fallback position for bike access was a contra-flow lane on Homer Avenue rather than making Homer/Channing Avenues two-way.

Council Member Freeman asked if it was a decision made by Council.

Mr. Kott said it was a decision made by staff. It was an efficient and timely solution rather than having a one-way street converted to a two-way street. A conversion required lengthy public processing and extra evaluation.

AMENDMENT: Council Member Freeman moved that the project to make Homer/Channing Avenues two-way streets be raised from low priority to medium priority in the Project Prioritization List.

Council Member Mossar did not accept the amendment. She felt the purpose of the document was not to prioritize the projects.

AMENDMENT FAILED FOR LACK OF A SECOND

Mayor Beecham said the Intermodal Transit System was a \$200-\$249 million program and too expensive for the City.

Council Member Mossar advised the Mayor that discussion of the project would place some Council Members in conflict of interest.

Mayor Beecham said he was speaking of project prioritization since it concerned strategic planning. He clarified the project could move in a direction that would require working with Stanford. He would not make a motion to oppose it, but wanted to note the expense of the project and felt it would not bring benefits to the community in proportion to the cost.

MOTION PASSED 8-0, Kleinberg absent.



12A. (Old Item No. 5) Ordinance 1st Reading entitled "Ordinance of the Council of the City of Palo Alto to Modify Section 2.08.210 of Chapter 2.08 of Title 2 of the Palo Alto Municipal Code Pertaining to Restructuring of the Community Services Department"

Ordinance 4850 entitled "Ordinance of the Council of the City Of Palo Alto Amending the Budget for the Fiscal Year 2004-05 to Implement the Organizational Restructuring of the Community Services Department"

Resolution 8468 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Management and Professional Personnel and Council Appointees Adopted by Resolution No. 8455, to Amend Seven Classifications"

Resolution 8469 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Classified Personnel (SEIU) Adopted by Resolution No. 8452, to Amend Two Classifications"

Council Member Kishimoto said her reason for removing Item No. 5 was because it needed to be discussed further with Council. She viewed it as an interim step in the restructuring process, but needed staff's clarification that it was one step towards a more complete restructuring.

Director of Community Services Richard James clarified the second step would come with the completed Strategic Plan in Spring 2005.

Council Member Kishimoto asked if a full organizational chart and changes would be provided at that time.

Mr. James said structuring would be ongoing based on future opportunities. The staff report (CMR:427:04) covered the opportunities that had arisen, and the Community Services Department (CSD) tried to make the best of the opportunities to maintain the services and to save City monies.

Council Member Kishimoto asked whether the Management Span of Control would be discussed at that point.

Mr. James said it would probably be examined at the Citywide level.

Council Member Kishimoto said the implementation to look at the Management Span of Control took place at each department's reorganization.

Mr. James said it did. Three of the divisions lost one level of management in the reorganization.

Council Member Kishimoto accepted the staff's recommendations and looked forward to seeing a completed picture in the spring.

MOTION: Council Member Kishimoto moved, seconded by Morton, to accept staff recommendation as follows:

1. Adopt the Budget Amendment Ordinance amending the budget, including the Table of Organization for fiscal year 2004-05 to implement the organizational restructuring of the Community Services Department (CSD) (Attachment A, Exhibit 1 of CMR:427:04);
2. Introduce an ordinance amending Palo Alto Municipal Code section 2.09.210 to create three new divisions within Community Services (Attachment B)
 - a. On October 1, 2004
 - i. Cubberley Center and Human Services Division
 - b. On January 1, 2005
 - i. Recreation and Youth Sciences Division
 - ii. Open Space Division;
3. Approve a resolution amending the Compensation Plan for Management and Professional Employees (Attachment C);
4. Approve a resolution amending the Compensation Plan for Classified Employees Attachment (D).

Council Member Mossar supported the motion. She said she also had questions about the item. She would have felt more comfortable if Mr. James had told the Council the item was a first pass and there was more to come because she knew there was a strategic plan being prepared in his area. She saw the staff report (CMR:427:04) first with no mention of a strategic plan, and she felt as though it was the result of that planning process. Her second comment was concerning page 5 of 6 under Resource Impact. It seemed to her that all the savings mentioned in the staff report had already been captured in the budget decisions at the end of June and there was about a \$100,000 difference and half the FTE difference. Therefore, she had no reassurance the item was not the result of the strategic planning process. It seemed small compared to her hopes.

Council Member Freeman said when salaries were reviewed, both benefits and salaries need to be looked at for the total compensation package.

Mr. James said all of the numbers reflected both salary and benefits.

Council Member Freeman asked staff to define combinations of responsibilities as functions rather than location or individuals.

Mr. James said it was taken into consideration, but Government was always changing and felt opportunities should be handled more like

private businesses both in efficiency and saving money. Given the time and place he felt the recommendations made sense.

Council Member Freeman supported the motion.

Council Member Cordell felt restructuring matters initially should be agendized for staff presentation and clarification. She supported the motion.

Mayor Beecham said the item was placed on the Consent Calendar because it was not restructuring nor the Span of Control. There were job vacancies and a joint effort was made at the Cubberley Center to reorganize.

MOTION PASSED 8-0, Kleinberg absent.



12B. (Old Item No. 9) Recommendation from Human Relations Commission to Refer to Policy and Services Committee (P&S) a Recommendation to the City Council to Adopt a Resolution Opposing the Federal Marriage Amendment

Mayor Beecham asked for the item to be removed. This issue was not under the City's control and did not affect the operation of the City. It might affect the well being of Palo Alto citizens but not the operation of the City. His opinion was the Council had enough on its plate and was elected based on local issues.

MOTION: Mayor Beecham moved, seconded by Mossar, to not accept the Human Relations Commission (HRC) recommendation.

Council Member Mossar agreed with the Mayor and, as an elected representative of the City, had not had conversations with the public regarding the issue or discussed it at an open public form. She did not feel Council was in a position to adopt the resolution.

Council Member Morton said although the item had National importance, he felt it also had a place in local politics. The Country is a representative democracy and Council did represent the community to National and State Legislators. It was an issue Californians had wrestled with and was in favor of reviewing traditional relationships and allowing a sub-population to have the same rights as the general population.

SUBSTITUTE MOTION: Council Member Morton moved, seconded by Cordell, to accept the HRC recommendation to refer the item to the Policy

and Services (P&S) Committee for a recommendation to the City Council to adopt a Resolution opposing the Federal Marriage Amendment.

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.

Council Member Cordell supported the substitute motion. She said whatever actions were taken by the Federal Government impacted everyone. She disagreed with the notion of putting forward matters that only affected the operation of the City. City operations involved activities that impacted Palo Alto citizens' quality of life and felt the amendment was a civil rights issue.

Vice Mayor Burch supported the original motion and not the substitute motion. He believed same-sex relationships should be codified in a way that not result in or that enabled discrimination in any way from that available to a man and women marriage. He said he was in favor of having the P&S Committee frame a Resolution to support non-discrimination of any kind rather than a Resolution to oppose a proposed amendment.

Council Member Ojakian supported the substitute motion. If passed, he asked the P&S Committee to review and provide an explanation to the following: 1) to clarify the difference between a civil union and a marriage and obtain the Attorney's advice on where it stood legally; 2) to review State law, that took effect on January 2005, regarding civil union and its requirements how the City was in compliance; and 3) how the law related to Palo Alto's Anti-discrimination Ordinance. He felt Council should not be involved in certain National issues but had other ways to address them. Palo Alto was a diversified community and Council had an obligation to its diversity. There were ways of looking at the issue that did not involve

looking at what was happening at the National level. It was Council's discretion to inform the State or National officials on how the City felt regarding the issue.

RECESS: 7:55 p.m. to 8:20 p.m. due to an emergency fire alarm in the building.

~~12C. (Old Item No. 4) Ordinance of the Council of the City of Palo Alto Amending the Budget for the Fiscal Year 2004 05 to Provide an Additional Appropriation of \$141,931 in the City Attorney Department and Amend the Table of Organization~~

~~Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Management and Professional Personnel and Council Appointees Adopted by Resolution No. 8353 to Add Two New Classifications"~~



~~12D. (Old Item No. 10) Amendment No. One to the Agreement Between the City Of Palo Alto, the Palo Alto Library Foundation, and the Friends of the Palo Alto Library and Approval of Contract Amendment No. One to Contract No. C05108354 with Architectural Resources Group in the Amount of \$44,275 for Additional Design Services for a 610 Square Foot South Addition to the Children's Library~~

CLOSED SESSION

~~13. Conference with City Attorney -- Potential/Anticipated Litigation
Subject: Significant Exposure to Litigation on One Matter (Claim of Jameel Douglas)
Authority: Government Code Section 54956.9 (b)(1) & (b)(3)(C)~~

~~14. Conference with City Attorney -- Existing Litigation
Subject: Diane L. Buzzell v. City of Palo Alto; SCC #1 04 CV-012909
Authority: Government Code section 54956.9(a)~~

ADJOURNMENT: The meeting adjourned at 8:20 p.m. in the City Hall Plaza. Mayor Beecham announced that any items remaining on the agenda would be continued to a future City Council meeting.

ATTEST:

APPROVED:

City Clerk

Mayor

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