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November 21, 2005

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The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:36 p.m.

PRESENT: Beecham, Burch, Cordell, Freeman (arrived at 6:42 p.m.), Kishimoto, Kleinberg, Morton, Mossar, Ojakian

CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager Frank Benest
City Attorney Gary M. Baum
City Auditor Sharon Erickson
City Clerk Donna Rogers
Authority: Government Code section 54957(b)(1)

2. CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: John Shannon
Unrepresented Employee: City Manager Frank Benest
City Attorney Gary M. Baum
City Auditor Sharon Erickson
City Clerk Donna Rogers
Authority: Government Code section 54957.6(a)

The City Council met in Closed Session to discuss matters regarding existing and anticipated litigation, as described in Agenda Item Nos. 1 and 2.

Mayor Burch announced there was no reportable action taken.

The Council reconvened into Open Session at 7:05 p.m.

SPECIAL ORDERS OF THE DAY

3. Selection of Candidates to Interview for the Parks and Recreation Commission

MOTION: Council Member Ojakian moved, seconded by Morton, to form an Ad Hoc Committee consisting of Council Members Beecham, Cordell, and Morton to screen the applications and make suggestions on interview selections to the City Council at a future Council meeting.

MOTION PASSED 9-0.

Vice Mayor Kleinberg suggested the interviews and appointments be made in January 2006 to include the three new council members.

4. Resolution 8567 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Susan Eschweiler for Outstanding Public Service as a Member of the Architectural Review Board"

MOTION: Council Member Beecham moved, seconded by Kleinberg, to approve the resolution.

MOTION PASSED 9-0.

5. Resolution 8568 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Drew Maran for Outstanding Public Service as a Member of the Architectural Review Board"

MOTION: Vice Mayor Kleinberg moved, seconded by Morton, to approve the resolution.

MOTION PASSED 9-0.

Drew Maran expressed his appreciation to the boards and staff with whom he worked.

APPROVAL OF MINUTES

MOTION: Council Member Mossar moved, seconded by Beecham, to adopt the minutes of October 11 and 17, 2005, as submitted.

MOTION PASSED 9-0.

CONSENT CALENDAR

Council Member Kishimoto confirmed staff-recommended amendments on Item No. 9 are to be incorporated into consent approval.

Larry Ciardella, 2027 East Bayshore, said he was in favor of the pump station project, Item No. 8, and was committed to working with the City staff.

MOTION: Council Member Morton moved, seconded by Beecham, to approve Item Nos. 6 through 11 on the Consent Calendar.

6. Approval of Three Resolutions Fixing the Amount of the City's Contribution Under the Public Employees Medical and Hospital Care Act (PEMHCA) for Local 1319, International Association of Firefighters (IAFF); Fire Chief's Association and Management and Professional Personnel

Resolution 8569 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and hospital Care Act with Respect to Members of Local 1319, International Association of Fire Fighters and Rescinding Resolution No. 8478"

Resolution 8570 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act with Respect to Management and Professional Personnel and Council Appointed and Elected Officers Group and Rescinding Resolution No. 8479"

Resolution 8571 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and hospital Care Act with Respect to members of the Palo Alto Fire Chiefs' Association and Rescinding Resolution No. 8480"

7. Resolution 8572 entitled "Resolution of the Council of the City of Palo Alto Electing to Establish a Health Benefit Vesting Requirement for Future Retirees from Palo Alto Peace Officers Association under the Public Employees' Medical and Hospital Care Act"
8. Approval of a Contract with Schaaf & Wheeler, Consulting Civil Engineers, in the Amount of \$548,508 for Design Services for the San Francisquito Creek Storm Water Pump Station - Capital Improvement Program Project SD-06102
9. 870 N. California Avenue-Request by Stratford School on Behalf of the Palo Alto Unified School District for a Conditional Use Permit to Allow a Private Educational Use Within an Existing Vacant School Facility (Garland School). Zone District: PF Public Facility. Environmental Assessment: Exempt from the California Environmental Quality Act per Section 15301
10. Approval of Amendment No. 1 to the Annual Enterprise Contract with Offset Environmental Services (Formerly Known as Offset Agri Industries, Inc.) to Extend the Term of the Contract, in an Amount Not to Exceed \$125,000 Per Year for the Transportation and Recycling of the Ash from the Palo Alto Regional Water Quality Control Plant
11. Request for Approval to Increase Existing Contract with the Strombotne Law Firm by an Additional \$230,000 for a Total Contract Not to Exceed Amount of \$380,000

MOTION PASSED 9-0.

PUBLIC HEARINGS

12. Public Hearing: Consideration of the Draft 2005 Urban Water Management Plan (UWMP). The UWMP Outlines Water Demand Projections for the Community, Presents Water Supply Options to Meet that Demand, Discusses Drought Management Approaches, and Describes Water Efficiency Strategies to Reduce Long-Term Water Demand

City Attorney Gary Baum stated there was a minor conflict issue with a portion of the item regarding Stanford reservoirs. The staff's presentation would not refer to Stanford, and he suggested the Stanford reservoir portion be handled briefly by the Council first with Council Members Cordell and Mossar not participating. They would return for the full discussion.

Council Member Cordell stated she would not participate in the item due to a conflict of interest because she was employed by Stanford University.

Council Member Mossar stated she would not participate in the item due to a conflict of interest because her husband was employed by Stanford University.

Utilities Resource Planner Ipek Connolly said outreach efforts included external review of the plan, public review opportunities announced in local media, availability of the review on the City's website, and it was discussed at the November 2, 2005 Utility Advisory Commission (UAC) meeting.

Bob Moss, 4010 Orme Street, said it would be useful to include use of existing wells in emergencies and droughts, and a contingency plan for using recycled water for emergency watering at facilities.

Stephanie Munoz, 101 Alma Street, #701, said areas for additional wells should be researched. There should be protocols for the various uses of gray water.

Mr. Baum said Council Members Mossar and Cordell needed to excuse themselves. The discussion related to the Urban Water and Management Plan and anything related to Stanford or its reservoirs.

Council Member Freeman asked whether there were significant changes to the current report from the most recent submittal.

Ms. Connolly said there had not been any significant changes. Historical data had been updated.

Council Member Freeman asked if the City decided to use wells in an emergency situation, would the Santa Clara Valley Water District (SCCWD) have the authority to deny their use.

Senior Resource Planner Jane Ratchye said the County did not have authority over the City's ground water use.

Council Member Freeman said the SCCWD had the authority to raise the rates on ground water use. She asked whether the plan addressed the concept of an emergency reservoir under El Camino Park.

Assistant City Manager Emily Harrison said the study on the emergency water supply would continue. El Camino Park was one of approximately 10 sites under consideration. The report indicated the importance of addressing the City's emergency water supply needs.

Council Member Freeman asked whether and where in the report reservoirs were indicated as an option.

Ms. Harrison said previous reports indicated the City needed a reservoir with the capacity to address the required eight-hour emergency water supply.

Council Member Freeman wanted to ensure the City would not be bound to a reservoir.

Ms. Ratchye said the plan did not refer to a reservoir, specifically, but spoke in general about capital improvements recommended by staff.

Mr. Baum recommended a motion setting the plan's adoption to December 12, 2005.

MOTION: Council Member Morton moved, seconded by Kishimoto, to forward the matter relating to Stanford University to the Council meeting of December 12, 2005.

MOTION PASSED 7-0, Cordell, Mossar not participating.

Council Member Mossar said she was uncomfortable with the City relying on its wells. Future disasters were not being taken seriously.

Ms. Connolly said the decision had not been made for the City to use its wells in a drought. There was a certain amount of sustainable yield to be extracted from ground water. The decision had not been made to use recycled water. At the end of the fiscal year, a market survey of all the potential uses of recycled water in the City would be completed.

Vice Mayor Kleinberg asked for clarification of Table 12. The largest change in water demand was from City facilities.

Ms. Connolly confirmed that the numbers indicated were in meters.

Vice Mayor Kleinberg said the percentage changed over a period of four years and referred to the column with the change in percentage.

Ms. Ratchye said the column of 2000 and 2004 contained actual numbers. The City had taken over the management of the schools and the irrigation of playing fields. She did not have an explanation why the numbers had significantly increased.

Ms. Connolly explained the billing system had changed and some accounts had been reclassified. City use could be misleading as the increase could be reflecting some of the changes made.

Vice Mayor Kleinberg said the chart indicated an upward climb of the City's facilities water consumption. Commercial customers had been asked to watch their water management; the City should model the behavior.

Ms. Connolly said the assumptions driving the predictions for the City included population and employment growth. All Bay Area Water System Conservation Agency (BAWSCA) agencies used the same set of assumptions.

Vice Mayor Kleinberg said the Table 12 title had been modified before demand management measures. If moderate growth was reflected in City facilities, demand management measures could change the Table results; the City could model water management policies and practices to acquire a better outcome.

Ms. Connolly said the combined impact of demand management programs are presented in the last row of Table 12.

Vice Mayor Kleinberg noted the City facilities had not been separated out.

Director of Public Works Glenn Roberts said the increase in the number of meters was reflective of the City's undertaking of demand management measures. Subsystems had been installed with separate meters so water usage could be accurately tracked.

Vice Mayor Kleinberg asked why staff decided not to expand the use of recycled water in the future.

Ms. Ratchye said the plan included the current usage of recycled water in the City. To expand the usage of recycled water, additional distribution mains

would need to be built. A market survey was in process to review new expanded uses of recycled water, which would provide the potential for recycled water use in the City and an estimated cost.

Vice Mayor Kleinberg said she preferred Ms. Ratchye's explanation over the plan's. The Utilities Department emergency response plan was out of date and she requested staff to update immediately.

Ms. Harrison said there were many documents which had fallen behind in the past years in the operations section of the Utilities Department.

Vice Mayor Kleinberg said emergency preparation and the disaster response portion needed to be updated quickly. In terms of recovery in an emergency, water was the most critical issue.

Council Member Morton asked Mr. Baum whether the Stanford item would need to be bifurcated when it returned on December 12, 2005.

Mr. Baum said if Council Members Mossar and Cordell wished to continue to participate on the item on December 12, 2005, it needed to be bifurcated.

MOTION: Council Member Morton moved, seconded by Beecham, to forward this matter, excluding the Stanford portion, to the Council meeting of December 12, 2005, indicating that some modifications would be looked at regarding recyclable water.

Ms. Harrison indicated staff had undertaken the issue.

Council Member Beecham said 100 percent of the City's water came from San Francisco and the Hetch Hetchy System. There was a Water System Improvement Plan (WSIP) being adopted the following week. The reliability of Palo Alto's overall supply would be improved.

AMENDMENT: Council Member Freeman moved, seconded by Cordell, to update the emergency appendices with the appropriate current agencies.

Council Member Morton asked staff what could be accomplished in two weeks.

Mayor Burch asked whether just the names of the agencies could be changed.

Ms. Harrison said the changes could be made but indicated the entire document was under review. She did not want to issue the document with the name changes and then re-issue it with additional changes.

Council Member Beecham said substantial changes would be needed.

Council Member Morton said a friendly amendment would not be accepted, as it required more work from the staff.

Council Member Beecham asked when the plan would return.

Ms. Harrison said final updates would not normally return to the Council. The Emergency Plan reflected the Utilities Organization, which needed to be settled prior to updating the plan.

Council Member Freeman asked the City Attorney whether the City would be legally obligated if the names of the entities were not changed.

Mr. Baum said there would not be legal liabilities; only functional problems or embarrassment.

AMENDMENT WITHDRAWN BY MAKER noting her concerns were on the record.

MOTION PASSED 9-0.

Council Member Mossar stated she was surprised the emergency planning was not up to date.

Ms. Harrison said only the documentation was not up to date. There were procedures and policies being followed, but not documented. There was well coordinated emergency planning and the Utilities Department was an integral part.

Council Member Mossar said statements indicated the reorganization of the Utilities Department was needed prior to updating the emergency plan. She clarified the emergency planning was up to date and practiced, but the documentation was not.

Ms. Harrison said the chart needed to indicate the current individuals responsible for the various emergency response functions. These individuals knew, and had been trained in their responsibilities in, the regular exercises for emergency response. They were represented on the emergency response steering committee and working groups.

Council Member Mossar said it would be appropriate to return to the Council when the documentation had been remedied. She asked when the documentation would be updated.

Ms. Harrison said she would speak with staff and inquire when they could return with the updated plan as an informational item; possibly, the document could be made more generic by not referring to specific individuals.

Council Member Mossar said it would be helpful to be advised when the documentation had been updated.

Vice Mayor Kleinberg asked whether there was a Study Session on Emergency Preparedness scheduled.

Ms. Harrison said there would be a Study Session on December 5, 2005.

Vice Mayor Kleinberg said at that time, an update could be provided by each department's involvement in emergency planning.

Ms. Harrison said it was possible other departments had the same situation; their procedures were up to date, but the documentation was not.

Vice Mayor Kleinberg said she was interested in knowing how prepared the City was for an emergency and whether there was a recovery plan in place.

Council Member Ojakian asked whether there was an Instant Command System (ICS), which was a well developed and understood system. Updating of the documentation was needed, not the readiness of the operation.

Ms. Harrison confirmed.

Council Member Morton said generic positions should be indicated in the documentation.

REPORTS OF OFFICIALS

13. Response to Council Direction to Evaluate Statements of Interest from Developers for Development and Acquisition of a Turnkey Police Building; Approval to Negotiate and Bring Back to Council an Exclusive Negotiating Rights Agreement with Keenan Land Company for Development and Acquisition of a Turnkey Police Building Located on Public and Private Land Fronting Gilman and Bryant Streets; and Direction to Staff to Bring Back to Council a Proposal for a Blue Ribbon Task Force to Review the Scope of the Proposed Police Building Project

Mayor Burch referred to a Colleagues Memos, which suggested another look at the costs associated with the plan to reconstruct and enlarge the Police

Building on its current site. Other possibilities suggested a Police Building at California Avenue City-owned parking lots and at the County property site near Park Boulevard. There was an offer from Mr. Keenan and others to build a facility across from City Hall. All staff work had been stopped on enlarging the present site and the Keenan proposal would be explored and evaluated. Statements of Interest (SOI) were issued by staff to compare with the Keenan proposal. The County property near Park Boulevard could be available.

Assistant City Manager Emily Harrison said a conversation with Supervisor Liz Kniss that afternoon indicated options on the County Courthouse site.

Mayor Burch said an exclusive agreement with Mr. Keenan could not be made when another site was being explored. He suggested the establishment of a Blue Ribbon Task Force to explore options.

Council Member Morton said there had not been a full discussion of the proposal at the Council level.

Aaron Barger, 777 North 1st Street, 5th Floor, San Jose said he appreciated the opportunity to bid on the Police Building SOI. The project warranted investigation into proper sites and development teams.

Gil Davis, 284 Selby Lane, Atherton, said he was concerned about the ability of City Hall to withstand a major earthquake.

Dan Dykwel, 480 Gary Court, said he urged a Citizen's Advisory Committee be formed to review the Police Building proposal and not to enter into an exclusive agreement.

Perry Irvine, 635 Bryant Street, said he was delighted that the County was willing to enter into discussions with the City about a Police Building in the center of the City where the Police response would be the best for all areas of the community.

Robert Moss, 4010 Orme Street, supported the formation of an independent and advisory oversight committee. He believed there were many advantages to having a Police Building in the center of town.

Aram James said any proposal for a new Police Building should be rejected.

Karen White, 146 Walter Hays Drive, proposed the City Manager be directed to convene an independent Blue Ribbon Task Force to evaluate Police Department needs and rank them in order of priorities, authorize the task force to direct a random survey to learn what voters would support in a new

tax to provide additional Police Department space and authorize the Task Force to recommend a site for new facility space and not be restricted to sites mentioned in the CMR.

Emily Renzel, 1056 Forest Avenue, said the City should be purchasing an existing building and site more central to the City and closer to the Courthouse.

Herb Borock, P.O. Box 632, said the process had been led by City staff and he believed the committee formed should report to the Council.

Stephanie Munoz, 101 Alma Street, #701, said the public would support a new Police Station if it was based on structural needs.

Norman Carroll, 425 High Street #120, said he had concerns about protecting the rights of suspects and victims because of a substandard facility.

Council Member Beecham said he was encouraged about the possibility of talking to the County regarding the site near California and Park Avenues and the development of a Blue Ribbon Committee.

MOTION: Council Member Beecham moved, seconded by Cordell, not to proceed with negotiating an agreement for development and to establish a Blue Ribbon Task Force to be appointed by the City Manager to review the scope of the proposed police building project, and that the recommendations are independent and return to Council. Also, that staff include a timetable with the recommendation.

Council Member Beecham said there were two years in which the present Council and the new Council Members would sit as a body to complete the project.

Council Member Cordell said the issue would be public safety and the safety of the women and men who work in the Police Building. There were eleven deficit areas in the Police Building that needed to be addressed; some mandated by the law.

SUBSTITUTE MOTION: Vice Mayor Kleinberg moved, seconded by Mossar, for the City Council to authorize the establishment of an Ad Hoc Blue Ribbon Task Force to review a possible police building project, with the following parameters:

1. the Task Force should be independent;

2. be appointed by the Mayor and approved by the Council, to report back directly to the Council with a timeline to be determined;
3. review all potential sites based on its review of building scope, size, and public safety needs today and in the next 30 years; and
4. through public events and/or surveys and other outreach methods, assess public sentiment and support for a police building project.

Vice Mayor Kleinberg said due to the nature of the project, it was important to make the review as neutral as possible from any potential criticism that the project was not drawn or inspired by staff.

Council Member Mossar said it was important to have a Blue Ribbon Task Force given the history of the project.

Mayor Burch asked whether Council Member Mossar had suggested for the Blue Ribbon Task Force be appointed by the Mayor at his sole discretion or he appoint them and come forward with a list to be approved by the Council.

Council Member Morton said he would like the Mayor's list of recommended individuals to return to Council.

Mayor Burch said he would like to suggest appointments and return the suggestions to the Council for approval.

MOTION AMENDED WITH CONSENT OF THE MAKER AND SECONDER
to have the Mayor return to Council with recommendations for appointments to the Blue Ribbon Task Force.

Council Member Morton said the Council should possibly return the issue to the Finance Committee to prioritize the Capital Improvement Projects.

Council Member Kishimoto said the issue was the \$50 million cost and the 50,000 square feet for the project. The SOIs submitted helped her understand how other cities had accomplished their recently built Police Buildings and she hoped the Blue Ribbon Committee would use the information and also review the financing ideas.

Council Member Ojakian said a 1997 report recommended a new Police Building based on facts. The City would be liable because of the inability to accomplish matters in a proper manner. The sites had already been reviewed by a committee. Time was critical as the price had increased and services were needed. The Blue Ribbon Committee should be comprised of a cross section of people in the community, look at the financing, and be provided with all prior reports.

Council Member Freeman suggested the prioritization of infrastructure needs be addressed. The new Council should work on the priorities and the new Mayor in 2006 would appoint the Blue Ribbon Committee.

City Manager Frank Benest said the Council could appoint a Blue Ribbon Committee or the City Manager could suggest a Blue Ribbon Committee. The committee would be independent and the report would be uncensored by the staff.

Vice Mayor Kleinberg said the selection of a Blue Ribbon Committee should not be delayed for another two to three months.

Council Member Freeman said it was an issue which needed to be discussed.

Mayor Burch said he did not want the Blue Ribbon Committee to be composed of individuals for or against the project.

City Attorney Gary Baum requested the motion include the words "Ad Hoc".

SUBSTITUTE MOTION PASSED 8-1, Freeman no.

Mayor Burch said with the agreement of the Council he requested Council Members Ojakian and Cordell to assist him set the parameters for the Ad Hoc Blue Ribbon Task Force.

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Mossar noted a memorandum from the San Francisquito Creek Joint Powers Authority (JPA) regarding Creek clean-ups.

Council Member Morton noted that addition of the pumps downstream was approved on the Consent Calendar and he complimented the members of the JPA for their good work.

Council Member Kishimoto complimented Council Member Mossar for her work on the JPA.

Council Member Mossar noted the signing of documents with the Army Corps of Engineers at the recent meeting of the San Francisquito Creek JPA. She stated there had been continuous comments regarding short-term solutions for a long-term project, and she had asked that a study session be coordinated between the Council and the San Francisquito Creek JPA Board, which should be sometime in January.

CLOSED SESSION

11/21/2005

The meeting adjourned at 9:34 p.m. to a Closed Session.

14. CONFERENCE WITH LABOR NEGOTIATOR
City Manager and his designees pursuant to Merit Rules and Regulations (Emily Harrison, Russ Carlsen, Carl Yeats, Richard James)
Employee Organization: Local 715 Service Employees International Union (SEIU) - SEIU Hourly Unit
Authority: Government Code Section 54957.6(a)

15. CONFERENCE WITH LABOR NEGOTIATOR
City Manager and his designees pursuant to Merit Rules and Regulations (Emily Harrison, Russ Carlsen, Carl Yeats, Richard James)
Employee Organization: Unrepresented employee group - Unrepresented Hourly Employees
Authority: Government Code Section 54957.6(a)

The City Council met in Closed Session to discuss matters regarding existing and anticipated litigation as described in Agenda Item Nos. 14 and 15.

Mayor Burch announced there was no reportable action taken.

FINAL ADJOURNMENT: The meeting adjourned at 10:05 p.m.