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The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:08 p.m.

Present: Barton, Beecham, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Mossar

Absent: Morton

### STUDY SESSION

#### 1. Police Policies and Procedures

Deputy City Attorney Don Larkin conducted a presentation regarding Police policies and procedures. He indicated police policies and procedures relate to the internal operation of the department. They cover areas including the role and authority of law enforcement; organization and administration; patrol, traffic, and investigative operations; equipment; technical services; custody; and personnel. The policies are based upon the United States and California Constitutions, State Statute, case law, best practices, industry standards, and County protocols. Palo Alto contracts with Lexipol for the development of the policies and procedures. The policies are adapted to Palo Alto. While the Police Chief may only adopt changes to the policies, some policies may require meet-and-confer with the Police Association. Mr. Larkin provided examples of Council's role in the policies that include the establishment of the Police Auditor, approval of the Department's strategic plan, the Municipal Code and the creation of ordinances such as the leaf blower ban, taxicab regulations, etc. The Council also set the Department Budget and controls staffing levels and resources. The Police Chief may seek input from the Human Relations Commission and/or the City Council on discretionary policy that significantly and directly impacts community relations such as the mobile audio/video policy, citizen complaint process, and demographic data collection.

**No action required.**

### ORAL COMMUNICATIONS

Daniel Engelhardt, 935 Menlo Oaks Drive, spoke regarding a Palo Alto

student film and requested a waiver of the permit.

Mayor Kleinberg said the film was being produced under a corporate partnership and permit fees could not be waived.

City Attorney Gary Baum said the film was put together by a for-profit corporation and not consistent with City policies. However, the Council could make the final decision.

Mayor Kleinberg asked the City Attorney whether the Council could issue a one-time waiver.

Mr. Baum said issuing a one-time waiver to a for-profit corporation could set precedence for issuing waivers to all for-profit organizations in the future.

Floyd Grandell, 808 Loma Verde Avenue, spoke regarding sidewalk repair and the problem with tree roots.

Christine Kloeti, P.O. Box 754, spoke regarding Palo Alto bad vibrations.

John K. Abraham, 736 Ellsworth Place, spoke regarding police data and racial profiling.

Robert Moss, 4010 Orme Street, spoke regarding the campaign to save Moffett Air Force Base Hangar One.

Greg Schmid, 3428 Jamie Way, spoke regarding long-term planning in South Palo Alto.

#### SPECIAL ORDERS OF THE DAY

2. Proclamation Honoring the Palo Alto Council of Parents and Teachers Associations (PTA)

Mayor Kleinberg presented the PTA with a Proclamation and thanked them for their hard work and support to the community.

President Melissa Caswell accepted and thanked the Council for the Proclamation and expressed gratitude to the community.

Dan Dykwel acknowledged Ms. Caswell's outstanding dedication and work and looked forward to her return in the upcoming year.

**No action required.**

CONSENT CALENDAR

**MOTION:** Vice Mayor Kishimoto moved, seconded by Cordell, to pull Item No. 3 from the Consent Calendar to become Item No. 12A.

Council Member Cordell stated she would not participate in Item No. 7 due to a conflict of interest because she was employed by Stanford University.

Council Member Mossar stated she would not participate in Item No. 7 due to a conflict of interest because her husband was employed by Stanford University.

Council Member Klein stated he would not participate in Item No. 7 due to a conflict of interest because his wife was employed by Stanford University.

**MOTION:** Council Member Klein moved, seconded by Barton, to approve Consent Calendar Items Nos. 4 through 8a.

4. 1<sup>st</sup> Reading - **Ordinance Amending Section 16.11.020 and Adding New Section 16.11.070 of Chapter 16.11 of Title 16 of the Palo Alto Municipal Code Pertaining to Storm Water Pollution Prevention Measures**
5. Resolution Authorizing the City Manager to Submit to the California State Coastal Conservancy a Grant Application for

Funds which the City Intends to Expend on Spartina Treatment and Eradication in the Palo Alto Baylands

Resolution 8627 entitled "Resolution Authorizing the City Manager to Submit to the California State Coastal Conservancy a Grant Application for Funds which the City Intends to Expend on Spartina Treatment and Eradication in the Palo Alto Baylands"

6. Resolution Supporting Formation of the Santa Clara County Regional Public Employee Health Benefits Coalition

Resolution 8628 entitled "Resolution Supporting Formation of the Santa Clara County Regional Public Employee Health Benefits Coalition"

7. Amendment Number Two to Stanford Fire Contract to Update Language and Terms to Clarify Current Fire Service Procedures which have no Material Effect to Cost-Sharing Agreement
8. Approval of a Utilities Enterprise Fund Contract with Wilson Construction Company in the Amount of \$854,156 for 4 to 12KV Conversion Capital Improvement Program Projects in Various Areas (EL-05020, EL-05021 & EL-05022)
- 8a. Award of a Contract with American Truck and Trailer Body Company in the Amount of \$500,000 for Truck Body Fabrication and Truck Equipment Installation Services *(Item continued from 6/19/06)*

**MOTION PASSED** for Agenda Items 4 through 6, 8, 8A, 8-0 Morton absent.

**MOTION PASSED** for Agenda Item 7, 5-0 Cordell, Klein, Mossar not participating, Morton absent.

11. Colleagues memo from Mayor Kleinberg for Approval of Ad Hoc Committee on Revenue Creation and Enhancement.

Mayor Kleinberg requested the item be removed from the agenda. She

said a step was missing to determine revenue enhancement and cost reduction in the analysis of strategies and accomplishments. A Study Session was scheduled before the end of July 2006 to get staff's update on accomplishments and what was in process in terms of revenue creation and cost reduction strategies.

#### COUNCIL MATTERS

9. Colleagues Memo from Vice Mayor Kishimoto and Council Members Cordell and Drekmeier Regarding Endorsement of a Resolution Supporting the Reform of the Redistricting Process in California Through a New Independent Commission

**MOTION:** Council Member Drekmeier moved, seconded by Kishimoto, to support the resolution in favor of redistricting reform through the creation of a diverse and independent redistricting commission, explicit and ranked redistricting mapping criteria and an open and transparent hearing process.

Resolution 8629 entitled, "Resolution Creating an Independent Commission, Representative of California's Diversity, Partisan Balance, and Geography for all Future Redistricting"

Council Member Drekmeier said the item was an important issue to California, which had become increasingly polarized. He spoke of a situation where elected statewide officials created their own boundaries to exclude potential candidates they did not want to run against. The boundaries were designed to maintain the status quo and not based on geographical areas or on common interest. He asked the resolution be passed in support of reform.

Vice Mayor Kishimoto asked the Council to endorse the principles outlined in the resolution that were embodied in a proposed legislation, Senate Constitutional Amendment No.3 (SCA 3). She said Senator Joe Simitian was a co-author of SCA 3.

Doris Petersen, 1803 Edgewood Drive, President of Palo Alto League of Women Voters, said the League advocated a non-partisan redistricting reform. Passing of the resolution would send a strong message to

Californians to support a meaningful redistricting reform. She urged the Council to support the resolution.

Council Member Beecham registered a “no” vote. He said his opinion was that this issue was not under the control of the City of Palo Alto and his vote did not indicate disagreement or agreement with the issue.

**MOTION PASSED** 7-1, Beecham no, Morton absent.

10. Colleagues Memo from Council Members Beecham, Drekmeier and Mossar Requesting Direction to the Parks and Recreation Commission to Consider the Needs and Opportunities for Additional or Enhanced Water Recreation Access and/or Facilities and to Identify Ways in Which Palo Alto Might Support the San Francisco Bay Water Trail.

**MOTION:** Council Member Mossar moved, seconded by Beecham, to direct the Parks and Recreation Commission to consider the needs and opportunities for additional or enhanced water recreation access and/or facilities and to identify ways in which Palo Alto might support the San Francisco Bay Water Trail.

Council Member Mossar said The Bay Conservation and Development Commission was updating the San Francisco Bay Plan and was looking at water recreation needs around the bay. The state legislature had established the San Francisco Bay water trail, which was a water path where people could explore all areas of the Bay by water. She said the Parks and Recreation Commission (PARC) was looking at ways to determine the needs for recreational activities but did not include water recreation. Understanding the recreational needs around the Bay when establishing the Baylands Master Plan would be beneficial to ensure the plan was compatible with the needs.

Vice Mayor Kishimoto asked to add the word “non-motorized” to the motion since it was included in the colleagues’ memo.

Council Member Mossar said it was acceptable.



Mayor Kleinberg said sailboats and small recreational vehicles required motors as a safety precaution in the event of running out of fuel. By adding “non-motorized” to the motion it placed a restriction on such vehicles. She did not support the motion.

Council Member Cordell asked whether the maker and seconder would reconsider the proposed recommended language due to legitimate concerns regarding safety issues.

Council Member Mossar said the intent of the word “non-motorized” was to clarify not having motorized water ski activities in the Baylands but not to exclude recreational vehicles that required motors for safety purposes. She asked the PARC to decide on the types of vessels that would be allowed. She withdrew her support for the amendment.

**MOTION PASSED** 8-0, Morton absent.

#### REPORTS OF COMMITTEES AND COMMISSIONS

12. Request for City Council 1) Acceptance and Approval of the Public Safety Building Blue Ribbon Task Force Recommendations; 2) Approval to Begin Preliminary Discussions for Property Acquisition with Owners of Preferred Site for the Proposed Public Safety Building; 3) Direction to Staff to Bring Back Financing Options; 4) Direction to Staff to Return to Council with a Resolution of Intent to Recover Costs Incurred Prior to any Debt Issuance; 5) Direction to Staff to Negotiate a Consultant Amendment with RossDrulisCusenbery, Architects to Proceed with Environmental Assessment and Schematic Design for the Public Safety Building Project PE-98020

Former Mayor Victor Ojakian gave a summary of the Public Safety Building Blue Ribbon Task Force’s (BRTF) process and the information compiled as outlined in staff report CMR:280:06, Attachment A. He said in 1985 the staff identified the needs for a new Public Safety Building. From 1997 through 2005, the Council provided the public with information regarding the need for an improved facility and on December 12, 2005, the Council authorized a community-based committee to look into a Public Safety Building. The BRTF was co-

chaired by former Mayors Vic Ojakian and Lanie Wheeler and 13 community members with diverse backgrounds. The BRTF met 13 times between January and June of 2006 and, with the support from staff, extensive research was completed. On June 26, 2006, the Public Safety BRTF Report was presented to the Council for approval.

Ray Bacchetti, Task Force Member, gave an overview of the needs and conclusions made by the BRTF. He said the Public Safety Building would consist of the Police Department, Emergency Operations Center (EOC), and the 9-1-1 Communications and Dispatch Center. The Police Department and Centers would serve the City and Stanford and would be housed in a building strong enough to function after a catastrophic event such as a major earthquake. Design and engineering requirements were specified in the building codes. The current building did not meet those codes. The police department had grown by 28 percent in responsibilities since 1970. Part of the growth included female officers and the need for separate lockers, showers and toilet facilities. In addition to staff growth were rules governing the process, handling and storage of evidence, prisoner processing, and recording keeping. In regard to health and safety regulations, investigative work involved the use of chemicals or pathogens that required fume hoods and separate air systems to prevent contaminating. The current building did not meet those requirement. Palo Alto was disadvantaged in recruitment and retaining officers and staff due to the inadequacies of the public safety facilities. The BRTF visited the public safety buildings in Redwood City, Mountain View, Santa Clara, and Fremont. They ranged in size from 44,000 to 70,000 square feet compared to the 24,000 square feet of the current Palo Alto building.

Mr. Ojakian said the proposed building size was 49,600 square feet, which was determined by examining the proposed space needs, questioning each space as to its function, priority, size, code and other technical requirements.

Former Mayor Lanie Wheeler said over two dozen potential sites were examined and a list of criteria developed to determine a suitable location. There were four favorable sites ranked by the BRTF from most to least desirable: 1) Park Boulevard site would accommodate all of the core functions and parking; 2) Gilman Street site was a parking

lot located between Bryant and Gillman Avenue; 3) California Avenue site had two parking lots located on California Avenue; and 4) renovate and expand the existing site. To renovate the existing site posed numerous problems, which would require relocation of police services, the Council and Council's function held in the Chambers, and would cost more than the other sites. The current estimated cost for a building on vacant private land ranged from \$38 to \$45 million; a building on a public-owned parking lot ranged from \$45 to \$50 million; and to renovate the existing site ranged from \$50 to \$55 million. The cost would change over time as the project got closer to the time of actually building the facility. However, the BRTF was comfortable with the costs shown in the study and felt they would remain approximately the same.

Director of Public Works Glenn Roberts read a correction into the record. He said Appendix 7 of the BRTF Final Report, under Comparable Police Data for the City of San Mateo, Violent Crime, should be 416 and Aggravated Assault should be 251. He asked the Council to: 1) accept and approve the June 19, 2006 Mayor's Public Safety Building Blue Ribbon Task Force recommendations; 2) direct the City Manager and City Attorney to begin preliminary discussions for property acquisition on the preferred site; 3) direct staff to bring back financing options by December 2006 or January 2007; 4) direct staff to return to the Council with a Resolution of Intent to recover costs incurred prior to any debt issuance; and 5) direct staff to negotiate a consultant amendment with RossDrulisCusenbery to modify the current Capital Improvement Project (CIP).

Council Member Cordell said she did not have a question but wanted to make a motion.

Council Member Drekmeier needed the City Attorney to clarify the possibility of rezoning the Park Boulevard property to allow higher density that would increase the property value and be affected by the eminent domain legislation to be placed on the November ballot.

Mr. Baum said the value of the property to the City was at its highest and best use. The new legislation could affect the ability to take the property but would not affect the value. The Council and the Planning

and Transportation Commission (P&TC) had instructed the Administrative Services Director to consider the project as moved through the planning process. The City would pay for the highest and best use regardless.

Ms. Wheeler said staff had informed the BRTF on the status of the property and considered the site as favorable.

Council Member Drekmeier said there had been discussion prior to the BRTF meeting of having a state-of-the-art green building but it was not mentioned in the report. He asked whether it was still a possibility.

Ms. Wheeler referred to Appendix 2 of the report which indicated an allowance of 900 square feet and its cost and size was factored into the plan.

Mr. Ojakian concurred with Council Member Drekmeier's statement that a green building would cost more up front but would be more cost-effective in the long run. The Redwood City building was a good example with an atrium structure that affected the lighting and heating.

Council Member Klein said his understanding was the measure on the ballot in regard to condemnation by cities was that it would limit condemnation for private use but would not affect the City's ability to take the land for public purposes.

Mr. Baum said his understanding was it would not affect the City's ability to take the land but was not familiar with the details.

Council Member Drekmeier confirmed that Council Member Klein's statement was correct.

Vice Mayor Kishimoto asked whether the Park Boulevard site was a General Manufacturing Combining District (b) (GMB) that determined the highest and best use.

Mr. Baum said it was on the housing inventory.

Vice Mayor Kishimoto asked whether 10 units of housing would be

added to the evaluation.

Mr. Baum cautioned the Council to not discuss evaluations in public and assured the Council could not provide any entitlement to change the current value of the property.

Vice Mayor Kishimoto asked what the impact would be on the operating budget.

Assistant City Manager Emily Harrison said an exact budget was being developed. Having a state-of-the-art building would be more energy efficient, which would result in savings. The building design would have a big impact on operating costs.

Vice Mayor Kishimoto said there was the potential \$4 million for carrying the financing cost.

Ms. Harrison said she would defer to the Administrative Services Director regarding the \$4 million, but she assumed Vice Mayor Kishimoto was correct.

Vice Mayor Kishimoto asked staff to verify Mr. Shuchat's statement regarding a four-year timeframe to construct the California Avenue site.

Mr. Roberts said he was unsure of the four years but his calculation was closer to two years plus.

Vice Mayor Kishimoto asked about having retail on the California Avenue site and the sale of the Colorado Transformer Station and questioned the size of the property.

Ms. Harrison said four acres was occupied by Pacific Gas and Electric (PG&E). It was close to the Colorado Switching Station that would be completed in 2006. To defray some of the cost of acquiring the land it was suggested to sell or swap other City properties. The Colorado site was not a feasible site for the project.

Ms. Wheeler said one criteria was the sites could not be subject to flooding and liqui-faction and every piece of property along the West

Bayshore frontage was subject to flooding or liqui-faction

Mayor Kleinberg asked whether any of the properties had conditional issues or required clean up from previous uses.

Ms. Wheeler said all of the recommended sites were subject to environmental review but did not pose any clean up issues at the current time.

Mr. Roberts said a Phase I evaluation had been obtained from the owners for the preferred site and there were no unusual or insurmountable problems.

Mayor Kleinberg asked whether any of the sites had title issues.

Mr. Ojakian said nothing was brought to the BRTF regarding title issues.

Ms. Harrison said the Park Boulevard site was owned by two property owners. The level one environmental analysis was done for the larger parcel and not on the smaller parcel that could cause the possibility of finding issues.

Mr. Baum asked whether there were preliminary title reports on the recommended sites.

Ms. Harrison said she was not certain and was going by the preliminary work done by the Real Estate Manager.

Mr. Baum said he was unable to give an answer regarding title or the environmental report. The environmental report had issues that needed to be resolved.

Terry Shuchat, 290 California Avenue, said the California Area Development Association (CADA) approved the California Avenue Site selection. It would bring the Police Department into the area but would not affect the businesses. He advised the City to act quickly in purchasing the property due to the dramatic pace in property values. He estimated a four-year timeframe for the project. It meant

constructing the parking structure first and then two years to build the police building.

Joy Ogawa spoke of the monies wasted on prior police building plans and urged the Council to follow through with a plan and not waste any more funds on future plans.

Herb Borock, P.O. Box 632, spoke of the Council not being able to make a decision on a site until an environmental review was completed.

Robert Moss, 4010 Orme, said he would verify and provide the Council with information as to whether the property on 640 and 1501 Page Mill Road had toxic contamination. He said it was necessary to invest large amounts of money in preparing a ballot measure. He had two suggestions regarding acquisition of the property: 1) put a down payment on an agreed price and completion of the payment and acquisition would depend upon the ballot measure being passed and approved; or 2) purchase the property and resell at a higher price.

Carl Anderson, 4044 Amarant Avenue, was in favor of the California Avenue site and the BRTF recommendations. The police building would be in close proximity to the Courthouse. A new and improved building would withstand a catastrophic disaster, which is essential for retaining and housing a high quality police personnel force.

**MOTION:** Council Member Klein moved, seconded by Cordell, to accept staff recommendation to:

1. Accept and approve the June 19, 2006, Mayor's Public Safety Building Blue Ribbon Task Force Report recommendations.
2. Direct the City Attorney to begin preliminary discussions for property acquisition of the preferred site for the proposed public safety building.
3. Direct staff to bring back financing options for the project in December 2006 or January 2007.
4. Direct staff to return to Council with a Resolution of Intent to recover costs incurred prior to any debt issuance.
5. Direct staff to negotiate a contract amendment with Ross DrulisCusenbery, Architects, to proceed with an Environmental

Assessment and Schematic Design for the Public Safety Building  
Project PE-98020.

Council Member Klein stated he was in favor of the BRTF recommendations and commended the Task Force for the great effort in compiling the report. The property could be acquired through condemnation and government rights were clearly set forth in the Constitution. He hoped an agreement would be met with the owners on a friendly and beneficial basis. He urged the Council to move forward on the project and to meet the timeline established by Mr. Roberts.

Council Member Cordell said if the results meant getting a bond measure on the ballot, it would be in 2008. Four of the current Council Members would no longer be on the Council and could advocate support in passing the bond measure. She urged her Colleagues to move forward on the recommendations.

Mayor Kleinberg asked to add the following changes to No. 2 the motion: "to direct the City Manager and the City Attorney" and request to add "to allow staff to explore as appropriate in parallel different sites."

Council Member Klein accepted the first portion but did not accept the second portion of the amendment.

**INCORPORATED INTO THE MOTION WITH THE APPROVAL OF THE MAKER AND SECONDER** to add the words "the City Manager and" to Item No. 2 of the motion.

Council Member Drekmeier said a new building would free up 24,000 square feet in the City Hall that could be utilized by the Development Center or for other uses, which would be a financial benefit to the City.

Mayor Kleinberg said she suggested staff explore different sites should the preferred site fall through and to ensure the City would have a site recommendation in time for the November election.

Ms. Harrison said Council Member Klein had summarized why



acquisition of the property would not be a problem and felt confident the City would be able to negotiate acquisition of the site.

**MOTION PASSED** 8-0, Morton absent.

12A. (Old Item 3) Council Direction for Police Auditor Selection Process

Vice Mayor Kishimoto said the staff report had mentioned two proposals but there were three. The third was not received on time due to failure of Federal Express delivery and she asked staff to elaborate on failure of the delivery.

Assistant City Manager Emily Harrison said the transport issue was through no fault of the applicant.

Vice Mayor Kishimoto asked whether she could make a motion to accept staff's recommendation and to amend evaluating three proposals instead of two.

City Attorney Gary Baum said it was acceptable to waive the procedural defect on the timing delay to allow the third proposal to be considered.

Herb Borock, P.O. Box 632, said the Brown Act required interviews be held in open session for independent contractors that were not employees, and a closed session for independent contractors who acted as officers or employees.

**MOTION:** Vice Mayor Kishimoto moved, seconded by Cordell, to confirm the process outlined in the staff report for selection of a police auditor and waive any procedural defects to allow the third application received for the police auditor.

**MOTION PASSED** 8-0, Morton absent.

Council Member Cordell left the meeting at 10:05 p.m.

COUNCIL COMMENTS, ANNOUNCEMENTS, & REPORTS FROM CONFERENCES

Council Member Drekmeier referred to the request to waive permit fees for an on-site student film shoot in Palo Alto, and noted he supports the request.

**MOTION:** Council Member Drekmeier moved, seconded by Mayor Kleinberg, to direct staff to return to Council with a recommendation to waive the permit costs for filming under the private/public partnership policy.

Mayor Kleinberg asked when the filming was scheduled.

Ms. Harrison said she had the contact information for Mr. Engelhardt and, hopefully, could turn the request around by the next scheduled Council meeting.

Mayor Kleinberg said she understood the issue regarding setting a precedence.

Ms. Harrison said Mr. Engelhardt was requesting waiver on the filming fee and not requesting a waiver on fees relating to street closures and police work.

Council Member Klein said he was not in favor of motions being acted on during Council Comments. He said it was the third time in a year of taking a motion under Council Comments, which was not consistent with the Brown Act.

Mayor Kleinberg asked whether there was a protocol or regulations in handling such matters, or was it by custom.

Mr. Baum said he would check, but he believes it is up to the Council.

Council Member Mossar said she concurred with Council Member Klein's comments in principle. She believed the motion was to ask staff to come back to the Council with a recommendation. It was not directing staff to do anything in particular and to leave open the possibility of the staff to come back and refuse issuance of a waiver.

Ms. Harrison said she heard the Council's request to bring the item

back but was not directed on what to bring back and assumed staff was given the latitude to review the situation.

**MOTION PASSED** 6-1, Klein no, Cordell, Morton absent.

Vice Mayor Kishimoto noted at the last Valley Transportation Authority meeting there was discussion regarding a parcel of land at Page Mill and El Camino, which is a Park and Ride lot. Supervisor Kniss recommended contact with Palo Alto prior to taking any action.

Council Member Beecham advised his colleagues at the last Northern California Power Association (NCPA) meeting that final contractual matters were discussed to develop a Green Power Pole and Palo Alto would be invited to participate.

Mayor Kleinberg reported there are current vacancies on the Planning and Transportation Commission, which are due Wednesday, June 28. She also reported on the Green Ribbon Task Force and noted the diversity of the participating members, as well as the strong partnership with Stanford University. The Task Force is now chaired by Walt Hays and Council Member Drekmeier is the Council Liaison.

Council Member Drekmeier commented on the high quality of the Task Force members.

ADJOURNMENT: The meeting adjourned at 10:17 p.m.

ATTEST:

APPROVED:

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\_\_\_\_\_

City Clerk

Mayor

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