

Special Meeting
October 23, 2006

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FINAL ADJOURNMENT: The meeting adjourned at 10:30 p.m. 18

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:08 p.m.

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

Absent: Morton

SPECIAL MEETING

1. Joint Annual Meeting with Senator Joe Simitian to discuss issues related to Palo Alto and related State issues

ORAL COMMUNICATIONS

Paul Goldstein spoke regarding bicycle safety laws.

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 7:12 p.m.

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

STUDY SESSION

1. National Incident Management System (NIMS), Standardized Emergency Management System (SEMS), and Incident Command System (ICS) Training

The City Council and Standby Emergency Council were provided a training that met both the requirements of the National Incident Management System (NIMS) and the California Standardized Emergency Management System (SEMS). SEMS and NIMS required certain courses be completed by all who might be tasked during an emergency; response through recovery.

The comprehensive course compared and contrasted SEMS, NIMS, and Incident Command System (ICS). The course met the requirements of SEMS Introductory Course and the NIMS Awareness course. The Standby Emergency Council members who were unable to participate that evening met the requirement by taking the NIMS course on-line.

No Action Required.

SPECIAL ORDERS OF THE DAY

2. Resolution 8660 entitled "City Council of the City of Palo Alto Expresses Appreciation to Kenneth Kornberg for Outstanding Public Service as a Member of the Architectural Review Board"

MOTION: Council Member Klein moved, seconded by Morton, to approve the resolution expressing appreciation to Kenneth Kornberg for outstanding public service as a Member of the Architectural Review Board.

MOTION PASSED 9-0.

Kenneth Kornberg thanked the Council for the honor of having served on the Architectural Review Board.

3. Proclamation Honoring Paul Lufkin for his Outstanding Volunteer Work with the City of Palo Alto Fire Department, Office of Emergency Services

Paul Lufkin thanked the Council and Fire Department Executive Assistant Barbara Cimino for the recognition. He said Ms. Cimino was instrumental in assisting with his move into emergency services.

No Action Required.

Mayor Kleinberg noted October was National Breast Cancer Awareness Month, and indicated she had issued a Proclamation acknowledging the occasion.

ORAL COMMUNICATIONS

Art Lieberman, 751 Chimalus Drive, spoke regarding emergency preparedness and the leak of toxic chemicals at Consumer Power Industries.

John K. Abraham, 736 Ellsworth Place, spoke regarding Palo Alto Police Department (PAPD) demographics.

Steve Staiger, 4109 Alpine Road, Portola Valley, spoke regarding the Palo Alto History Museum.

City Attorney Gary Baum informed the Council regarding Mr. Lieberman's comments that discussions were ongoing with the Fire Department. Staff had initiated enforcement action involving Consumer Power Industries (CPI), which would lead to public disclosure of the circumstances, or a civil or criminal prosecution.

APPROVAL OF MINUTES

MOTION: Council Member Cordell moved, seconded by Mossar, to approve the minutes of September 25, 2006 as submitted.

MOTION PASSED 9-0.

CONSENT CALENDAR

MOTION: Council Member Morton moved, seconded by Mossar, to approve Consent Calendar Item No. 4 with the amended language.

4. Approval of a Contract with the City of Inglewood in an Amount Not to Exceed \$104,500 for the Handling and Processing of Parking Citations and Contract Extensions for Four Additional Years

Vice Mayor Kishimoto noted the request for proposal (RFP) from the City of Inglewood was almost twice as much as the two other bidders. She expressed concern the incumbent had an advantage because they had a prior contract with the City. She asked staff whether it was beneficial to

renew the contract for an additional five years at an increased cost of approximately \$250,000.

Police Chief Lynne Johnson said the lowest bidder was eliminated because they were unable to provide the services as outlined in the original RFP. The other two vendors came in with lower process costs, but had additional pricing fees. Based upon staff's information, and the additional add-on costs from two of the vendors, the costs were approximately equal.

Vice Mayor Kishimoto clarified the amount from the three remaining vendors came to approximately \$500,000 for the next five years.

Ms. Johnson said that was correct.

Council Member Cordell asked whether there was a way to determine the efficiency and accuracy of the City of Inglewood.

Ms. Johnson said the response and quality control from Inglewood had been good with few problems.

MOTION PASSED 9-0.

REPORTS OF OFFICIALS



5. Request for Council Direction on Final Library Service Model Analysis and Recommendations (LSMAR) Report to be issued on December 4, 2006

Director of Library Diane Jennings, the Library Advisory Commission (LAC), and staff were working towards completion of the Library Service Model Analysis and Recommendations (LSMAR) Report by the end of November 2006. The focus of the LAC's recent meetings involved accomplishing the directives given by the Council on May 15, 2006. An extensive outreach effort was done to inform the community about the meetings, encourage attendance and feedback, as well as provide written input to the LAC. She referred to Attachment 'A' of the staff report (CMR:400:06), which outlined the schedule of meetings held since July 2006. The key elements of the proposed final report consisted of two major sections: 1) the background of the library system as it presently existed and an assessment of future needs; and 2) a summary of LAC's recommendations. The recommendations section would address Facilities/Programs and Services. The Facilities Section was aimed towards providing the Council with a recommendation on the size of an expanded Mitchell Park Library with an option of a location on its current site. The Program and Services section would provide scaled options for improvements in collections, library technologies, City/school partnerships, programs, outreach services, and the staffing needed to support each one. She referred to Attachment 'B' of the staff report (CMR:400:06) as a sample table. Staff recommended two of the directives

from Council be postponed until the LAC's final report in December 2006. While the LAC's report would recommend items to increase efficiencies, it was the City Auditor's report that most closely analyzed the first directive of determined methods to reduce operating costs. Staff believed the Council should be actively involved in discussions about resource allocations and library services in relationship to other City services, which would address the second directive of what would occur if no funding options were approved. She recommended the Council approve the proposed report structure for the LAC's final report and the two directives be postponed until after December 4, 2006.

Council Member Barton concurred with the basic structure of the report. It was important the LSMAR report stated the plan succinctly. He favored postponing the first directive in order to obtain independent data from the City Auditor. In terms of the second directive, he felt status quo was unacceptable. Politically, it was wise for the community to understand what their choices were when going to the polls.

Vice Mayor Kishimoto referred to Attachment 'B' of the staff report (CMR:400:06) and noted the LAC Ad-Hoc Committee recommended the collection should total the size of the Main Library plus Children's Library. She believed the understanding was not to build two resource libraries, but rather one resource library and a distribution network.

Ms. Jennings said in terms of Mitchell Park, the response from the LAC was not to downgrade Main Library, and there was already a plan in place for Children's Library. Staff believed South Palo Alto needed a library facility that was comparable to Main Library

Vice Mayor Kishimoto said a decision was needed on whether the main library was at Mitchell Park or Main. She did not believe the City could support two resource libraries. She said the scaled options table for collections listed the 'current level' plus one 'proposed level'. She indicated multiple levels would not be needed for every recommendation; but may be needed for certain recommendations, such as collections for Mitchell Park.

Ms. Jennings inquired whether the thought was the 'additional cost' column reflected a higher level of improvement.

Vice Mayor Kishimoto clarified the table included a current level and one proposed level. She wondered whether the collections for Mitchell Park would require two 'proposed levels' to bring before Council.

Ms. Jennings said page 2 of Attachment 'B' included recommendations for enhancements with higher levels of improvement beyond those indicated on page 1.

Vice Mayor Kishimoto asked where polling fit in the proposed timeline.

Assistant City Manager Emily Harrison said according to the work plan there were two periods of time in which polling of voters would occur. The first was in April 2007 and the second was in November 2007. Both the Council and staff agreed an aggressive timeline was needed in order to complete the report for a ballot measure in 2008. Staff suggested that Council provides clarity to assist the LAC in their deliberations between now and December 4, 2006.

Mayor Kleinberg said it may be difficult for the Council to provide clarity to the LAC without unanimity.

Vice Mayor Kishimoto asked about Link Plus as a way to improve access.

Ms. Jennings said once staff had returned to the Council with a report in December 2006, the library staff would prepare a report specifically on Link Plus/Resource Sharing.

Vice Mayor Kishimoto believed it was a part of the entire package.

Ms. Jennings said it would be reflected in the report, but staff needed to conduct a more detailed analysis.

Vice Mayor Kishimoto asked whether preliminary information would be a part of the December presentation to include impacts on the collection strategy.

Ms. Jennings said yes.

Vice Mayor Kishimoto asked whether the LAC had considered partnering with the Friends of the Library or the Library Foundation for the branch libraries, i.e. College Terrace and Downtown.

Ms. Harrison said neither the LAC nor City staff had engaged in discussions with the College Terrace or Downtown neighborhoods.

Council Member Morton said between fiscal years 2004-05 and 2005-06, the library budget went from slightly over \$5 million to nearly \$6 million. He inquired about a full operational budget. In response to Council Member Barton's concern about the 'no funding' alternative, he believed there was a difference between providing cost estimates and developing a budget. The second directive fell into the latter. It required an analysis about what would be included and what was excluded. He favored approving staff's recommendation.

MOTION: Council Member Morton motioned to accept staff recommendations to approve the proposed report structure for the Library Advisory Commission's (LAC) final LSMAR report and provide direction to both staff and the LAC regarding the expectations for the report. Staff also

recommended that completion of two of the earlier directives from the City Council to the LAC be rescheduled for the reasons outlined in CMR:400:06. These directives are: 1) to determine methods to reduce operating costs; and 2) to outline what would need to happen at the libraries if no funding for the recommendations can be approved.

MOTION DIED FOR LACK OF A SECOND

Council Member Mossar said based upon polling of the voters in April 2007, the Council was being asked to postpone the determined methods to reduce operating costs until Spring 2007. She inquired whether it was prudent to poll the voters before reviewing the reduction of operating costs. She recommended having a 'tiered' table of costs that provided choices on the costs for enhancements. She expressed interest in recommendations that emphasized the distributed nature of the library services as well as specialized services at the branch libraries. She believed it was important to ensure Mitchell Park was an adequate library; however, she expressed discomfort with the concept of having it become a main library. She challenged the LAC to look at their choices and be able to explain them in the context of the questions being asked.

Council Member Klein asked whether an Environmental Impact Report (EIR) was required before placing a library bond issue on the ballot.

City Attorney Gary Baum said the project most likely required an EIR, which must be completed first.

Council Member Klein asked whether the timeframe was similar to that of the Public Safety Building.

Mr. Baum said it would be nearly impossible to complete an EIR within a year.

Council Member Klein clarified the Council needed to make decisions no later than January 2007 if the bond issue was on the ballot for June 2008.

Ms. Harrison said yes. She noted Council's previous direction was to ensure the current Council Members certified the EIR.

Council Member Klein said that was correct. He inquired whether the EIR process could begin in December 2006, if the Council made their final decision in November.

Ms. Harrison said the Public Works staff was in the process of putting together an update on the Mitchell Park project to inform the Council of the status. Staff had not been told the timeframe could not be reached.

Council Member Klein said staff's request was to give guidance to the LAC on a variety of issues, which the Council had already done to some degree. In general, the Mitchell Park and Main libraries should be treated equally, but the number of collections would differ. He suggested modified language to reflect two 'major' libraries instead of 'resource' libraries, and changing the name of Main Library to one that honored a deceased Palo Alto.

Council Member Cordell believed the deadline the Council set for the ballot measure was not practical. It appeared the Public Safety Building and the libraries were being treated the same when, in fact, they were different. The concept for the Public Safety Building had unanimity on the focus and a task force was put in place early on. As for the library project, the Council was still unclear of the concept of Palo Alto's library system. She believed the request was untimely and too much pressure was being put on the LAC. She suggested slowing down the process, get more answers to the questions being asked, and then move forward.

Mayor Kleinberg said when comparing the activity in the number of visits and circulation data at the College Terrace and Downtown branches, the report showed more activity at Main and Mitchell Park than at College Terrace and Downtown. She inquired what the numbers meant.

Ms. Jennings said midyear 2005-06, staff moved two-thirds of the collection from Children's Library to the Main Library with children's programs also being held there. At the same time, the loan period for books increased from three to four weeks. It was anticipated there would be a 10 percent drop related to the change, but that did not occur. Mitchell Park had been growing year after year, which spoke to the pressing need of the LSMAR report. The drop in circulation at College Terrace was a reflection of the increase in the loan period and a few days of closure. Moreover, circulation at the Downtown Library went up quite a bit even when there was an increase in the loan period.

Mayor Kleinberg asked whether staffing and hours at the libraries remained the same from one year to the next.

Ms. Jennings said the Downtown Library was closed on Saturdays in 2004-05; however, staff found the same use patterns on Saturday as during the week.

Mayor Kleinberg asked about the data which stated 83.5 percent of first time checkouts at the two large libraries were made from self-serve machines.

Ms. Jennings said the data indicated people liked self service, had adapted to it well, and library staff had adequately showed them how to use it. It freed up staff to provide improved service in other ways.

Mayor Kleinberg said the technology of self service combined with remote catalogue searches seemed to indicate people were comfortable with technology and libraries.

Ms. Jennings said that was a big trend recognized nationally by public libraries. Similar to the circulation staff, the reference staff had spent less time on the desk and more time providing remote services and going into the community.

Mayor Kleinberg hoped much of the future plans anticipated flexibility and accommodation of new technologies. She suspected any investment made in Palo Alto libraries would be relevant. She recalled from previous discussions the College Terrace and Downtown libraries should be kept open, but not necessarily as full service facilities. Perhaps there were visionary ways to look at those branches with the approach of having a special collection or purpose, but also making them available to the neighbors as a meeting place. She wanted to get away from the traditional notion of a small versus big library. Palo Alto had neighborhood libraries in the public schools. She suggested partnering with the schools for funding from the City, and they in turn would provide after-school usage of their libraries.

Ms. Harrison said the issue had been discussed at the City/School Liaison Committee (CSLC) meetings. She clarified it was not something the LAC needed to take on as an additional assignment.

Council Member Klein recalled a CSLC meeting on that very issue and the school had not embraced the idea.

Mayor Kleinberg said it was important for the Palo Alto Unified School District (PAUSD) to determine if there was anything the City could provide them. She believed it was worth exploring.

Bob Moss, 4010 Orme Street, said it was important to note while staffing levels and funding for the libraries had remained constant over the past 20 years, the needs were greater and circulation nearly doubled.

Sandy Hirsh, Chair, Library Advisory Commission, 226 Creekside Drive, said the LAC had followed Council's directives, including the recommendation to upgrade Mitchell Park Library services from branch library resource levels without downgrading Main. She anticipated the project would move forward as planned.

Council Member Barton said while he appreciated Council Member Cordell's concern, he felt it would be a mistake to slow down. He did not want to lose the opportunity to consider the placement of a bond measure in June 2008.

Council Member Mossar understood upgrading Mitchell Park was inevitable, the question was by how much and what it would look like. She agreed with

Council Member Cordell that the project was moving too fast. There were a number of unanswered questions, and coordination with the PAUSD was a key element. Without acceptance from the PAUSD, Council's ability to move forward with anything significant would be affected.

Council Member Morton said whereas the Public Safety Building involved a facility, the libraries involved a facility as well as programs and services. He believed it would be a mistake to look to the PAUSD to solve the problem. He sensed a clear separation of those in the community who favored the Public Safety Building and those who favored more community services, such as the libraries. If both projects were not formed and ready for the June 2008 electorate, one or both would fail because of a community split. He believed the Council needed to be in a position to give the community the choice of both projects, and/or the choice to pass both measures.

Council Member Beecham said while he favored upgrading Mitchell Park, he did not want it to duplicate Main Library. With reference to funding, he expected the City would have a smaller budget in the coming years which meant smaller slices for every City service. He did not believe it was in the community's best interest to have the Public Safety Building and the library project on the ballot at the same time.

MOTION: Council Member Klein moved, seconded by Morton, to accept staff recommendations to approve the proposed report structure for the Library Advisory Commission's (LAC) final LSMAR report and provide direction to both staff and the LAC regarding the expectations for the report. Staff also recommends that completion of two of the earlier directives from the City Council to the LAC be rescheduled for the reasons outlined in CMR:400:06. These directives are: 1) to determine methods to reduce operating costs; and 2) to outline what would need to happen at the libraries if no funding for the recommendations can be approved.

Council Member Klein said the Council should stay on the current schedule for practical reasons. The momentum was going well and it would be sad to have it dissipate. He recognized the complexity of the issues involved, but they were nothing new. The Council would need to grapple with the issues, make some tough decisions, and then place it on the ballot. Although he indicated his disagreement on staff's recommendation to reschedule the 'no funding' directive, he was hopeful the City Auditor's report would provide guidance on how to restructure the project.

Vice Mayor Kishimoto expressed support for upgrading Mitchell Park as long as the collection and services were not duplicated at Main and Children's libraries. She favored the timing of the LSMAR returning in December 2006. She questioned what decisions the Council needed to make and what happened between December 2006 and June 2007. She would like to see preliminary polling information before committing a large sum of money to

the EIR or into the architectural design. She inquired whether the schedule allowed for early voter polling.

Ms. Harrison reviewed the original schedule with the Council noting staff would return with Mitchell Park in December 2006. The Council then had to determine in June 2007 what project to approve and how it should be financed. Voter poll testing would occur in April 2007 based on the Council's proposed project and level of funding. The design of Mitchell Park Library or all of the facilities would need to be completed by July 2007, reviewed by the boards and commissions within a three month period, with a second voter polling taking place in November 2007, and completion of the EIR in 2008. It was scheduled for the ballot in June 2008, which meant the Council had to vote to put in on the ballot in March. The schedule was very aggressive yet doable.

Vice Mayor Kishimoto asked whether it was possible to break up the voter polling for a financial sizing.

Ms. Harrison said yes. Having experienced the previous failed measure, financial sizing would be a critical issue. It was also crucial to weigh the usefulness of the input which indicated cost versus what would voters get.

Vice Mayor Kishimoto inquired about the cost of such a voter poll.

Ms. Harrison said polls conducted in previous years ranged from \$60,000 to \$70,000.

AMENDMENT: Vice Mayor Kishimoto motioned to direct staff to conduct a poll in December 2006 to approximate the financing size for the library parcel tax.

Ms. Harrison said she was unsure what to poll since the Council first needed to hear from the LAC about the tiered options and provide feedback to staff about where on the strata of tiered options they wanted to be.

AMENDMENT FAILED FOR LACK OF A SECOND.

Council Member Beecham said he was opposed to extending the 'no funding' directive because it would be helpful in determining which direction to go when the item returned in December 2006.

Council Member Morton asked what 'no funding' meant with respect to options to consider if no additional funding was available.

Ms. Harrison said the no additional funding option would apply if Council's other directives were in place, which included the division of services across the branches as to meet the other directives with no additional funding or staffing. She believed staff could take the current budget and show the

Council what the hours looked like and recommend where services could be reallocated.

Council Member Mossar said she was not comfortable supporting the motion. She wanted the library program to succeed and agreed the community also wanted that to happen; however, she needed to be sure the Council had not put itself on a path that ensured project failure rather than success. The work the LAC had done and the LSMAR report were critical in moving forward. The 'no funding' alternative and the reduction in operational cost were important pieces of information.

Mayor Kleinberg referred to page 3 of the staff report (CMR:400:06) under Facilities and Programs/Services and asked whether the language was the no additional cost version.

Ms. Jennings said that language referred to the enhancements that could be provided without additional cost.

Mayor Kleinberg asked whether the 'no funding' for recommendations meant no enhancements.

Ms. Jennings said the 'no funding' directive asked the question what changes should be made to the program in order to keep a good quality library system if there were no new sources of revenue.

Ms. Harrison said all City departments were made aware that in the next budget and all upcoming budgets staff would have to incorporate retiree medical costs. Part of the 'no funding' option was what would happen with services that remained the same but cost more.

Council Member Barton clarified there were parts of the report that allowed for enhancement of library services that did not cost. The Council needed to be able to tell the community what choices they had. For example, the LAC could come back with a recommendation to spread \$6 million over three libraries instead of five, or they could come back with no changes.

Vice Mayor Kishimoto asked for clarification of the motion.

Mayor Kleinberg said the motion was to accept staff's recommendation about deferral of the two directives.

Council Member Klein said in addition the motion also included approval of the proposed report structure for the LAC's final LSMAR report.

Vice Mayor Kishimoto asked how soon staff could conduct a financial sizing poll.

Ms. Harrison suggested having staff consult with experts in the field of polling and bring back an informational report to Council.

Vice Mayor Kishimoto said that would be helpful.

Council Member Morton inquired about the dollar amount because it was easy to shift from current funding to current programs without realizing additional funding may be needed in order to preserve the current programs. He also inquired whether there was an agreement as to the starting point of the study. He wanted assurance the LAC's assumptions were based on a budget of no more than \$6 million.

Mr. Baum said the California Environmental Quality Act (CEQA) required a true project description, which would have to be done before sizing the project. The Council would have to poll at the beginning and realize the end could not be reached, or poll after Council's decision and then start CEQA.

Mayor Kleinberg said there had been a number of questions and concerns about the branch libraries. She was unsure what the LAC thought it would take back from Council's questions.

Council Member Klein said none of the recommendations contained in attachment 'B' of the staff report (CMR:400:06) were part of the motion. The motion was to approve the report structure.

Mayor Kleinberg said she wanted to be sure the staff and the LAC knew the report structure would provide recommendations to the Council, and those recommendations would reflect the Council's approach.

Ms. Jennings said there was not a consensus in terms of recommendations that evening. She envisioned the LAC would return to Council in December 2006 with a number of different and scaled options with which to discuss and bring forward.

Mayor Kleinberg clarified the LAC would return with a number of choices and not just one recommendation.

Ms. Jennings said yes.

Mayor Kleinberg asked whether the Council had previously voted not to change Main Library from being the main library.

Ms. Jennings said one of Council's directives was to look at improving Mitchell Park without downgrading the current service level at Main Library.

Mayor Kleinberg said she did not recall the Council saying Mitchell Park could not ultimately be a more comprehensive expanded and magnet facility without downgrading the Main Library.

Ms. Jennings concurred that was one of the options.

Council Member Mossar said she understood the motion was to accept the report format and defer the two directives. She asked whether the intent was to defer the directives to a specific schedule or just defer the directives.

Council Member Klein said the first part of staff's recommendation was to approve the report structure, which should include proposals that were scaled, i.e. small to larger or less expensive to most expensive. The second part of the motion was to defer the analysis of ways to reduce the operating costs until after the City Auditor's report, which was due in April 2007. The third part of the motion dealt with what the library system would look like if there was no new funding from the Council or the electorate. He favored deferring the directive to the same timeframe as the City Auditor's report because it would provide more meaningful information for the LAC to make their recommendations.

Council Member Drekmeier said he believed the polling should be conducted early in order to ascertain whether the Council had a viable project. He asked at what point the decision would be made.

Mr. Benest suggested getting expert advice on polling first and then bringing back information to the Council.

Mayor Kleinberg recalled when the Council set the priorities at the beginning of the year they agreed it was time they showed leadership over the City's library system in cooperation with staff, the LAC, and other friends of the libraries. She said no matter what the polls indicated the Council would have to come together around some decisions. She believed her colleagues had the capacity to do that.

MOTION PASSED 6-3, Beecham, Cordell, Mossar no.

PUBLIC HEARINGS

6. Public Hearing – To consider approval of a Request for a Comprehensive Plan Amendment and Rezoning for a 13.27-acre parcel located within the Arastradero Open Space Preserve from Open Space/Controlled Development to Publicly Owned Conservation Land and from Open Space zone designation to a Public Facility zone designation at 1525 Arastradero Road [06PLN-00045]. Environmental Assessment: An initial study has been prepared and a Mitigated Negative Declaration is proposed in accordance with CEQA guidelines

MOTION: Vice Mayor Kishimoto moved, seconded by Morton, to continue this item to the November 6, 2006 City Council meeting.

MOTION PASSED 9-0.

7. Public Hearing – To consider an Appeal of the Director’s decision to approve a Parcel Map requested by Brian Lee Wilson for condominium purposes to establish “air space rights” within the two existing buildings at 610 California Avenue [05PLN-00358] on a lot under common ownership. Environmental Assessment: Exempt from the provisions of CEQA. Zone District: RMD(NP)

MOTION: Vice Mayor Kishimoto moved, seconded by Morton, to continue this item to the November 20, 2006 City Council meeting.

Brian Lee Wilson, 2389 S. Cliffview Street, Flagstaff, Arizona, said he did not believe his appeal had been heard in a timely manner and requested the motion to continue be denied. He suggested the Council vote to uphold the P&TC’s 5-2 vote rejecting the appeal.

City Attorney Gary Baum said the Council did not have enough information that evening to adequately hold the public hearing to either uphold or deny the appeal. The scheduling was unfortunate; however, it did not lead to automatic approval.

MOTION PASSED 9-0.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Mossar reported recently she attended the Annual Northern California Power Association Meeting in Napa and the sessions on global warming were very interesting.

Council Member Morton stated he was concerned the Council was moving in the direction of privatization without the community understanding fully what it would mean to certain services.

Council Member Klein referred to people camping out in the Creek and questioned the job being done to clean up the creek.

Ms. Harrison stated on September 12 there was a walk along the Creek and all conditions were identified and it was decided who was responsible to take care of these issues before the rains begin. There will be a second pass on October 26 to make sure there is no debris in the Creek or people living there.

Council Member Morton noted realtors are concerned regarding the inability involved with some of these issues. He was pleased with the report.

Council Member Drekmeier suggested the City invest in energy efficiency and renewable energy funds, which would also contribute to meet the goal of reducing greenhouse gases.

Ms. Harrison advised under the California Government Code, local agencies are severely limited as to the various types of investments they could purchase.

Mayor Kleinberg included a report in the packet regarding the beginning of the Palo Alto/Stanford Red Ribbon Task Force on Disaster Planning.

CLOSED SESSION

8. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION
Subject: The City of Palo Alto, a municipal corporation v. GTE Mobilnet of California Limited Partnership dba Verizon Wireless, et al., Santa Clara County Superior Court Case No.: 1-04-CV 028047
Authority: Government Code section 54956.9(a)

Council Member Morton stated he would not be participating in Item No. 8, as his family has holdings in Verizon.

Council Member Mossar stated she would not be participating in Item No. 8, as her family has holdings in Verizon.

The meeting adjourned into closed session at 10:15 p.m.

Mayor Kleinberg stated no reportable action was taken.

FINAL ADJOURNMENT: The meeting adjourned at 10:30 p.m.