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January 5, 2004

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SUPERIOR COURT JUDGE JOSEPH HUBER SWORE IN CITY COUNCIL MEMBERS BERN BEECHAM, LADORIS CORDELL, AND DENA MOSSAR. SUPERIOR COURT JUDGE JAMES KLEINBERG SWORE IN COUNCIL MEMBER JUDY KLEINBERG.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:07 p.m.

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

SPECIAL ORDERS OF THE DAY

1. Election of Mayor and Vice Mayor

Council Member Kishimoto nominated Vice Mayor Bern Beecham for Mayor. She felt he was qualified for the position because of his knowledge on City issues, his many years of service with the Planning and Transportation Commission (P&TC), he had been a Council Member for the past four years, and he served as Vice Mayor in 2003. He was the right person to guide staff and Council and would be a good leader for the community.

MOTION: Council Member Morton moved, seconded by Ojakian, to appoint Vice Mayor Beecham for Mayor by acclamation.

MOTION PASSED 9-0.

Council Member Mossar congratulated Bern Beecham as the new Mayor.

Council Member Morton nominated his colleague and mentor Council Member Jim Burch for Vice Mayor. Council Member Burch made a decision 40 years prior to devote his energy to serving his community and looked forward to his leadership as Vice Mayor.

MOTION: Council Member Mossar moved, seconded by Ojakian, to appoint Council Member Burch for Vice Mayor by acclamation.

MOTION PASSED 9-0.

Mayor Bern Beecham congratulated Jim Burch as the new Vice Mayor.

Mayor Pro Tem David Casas, Los Altos, congratulated both the new Mayor and Vice Mayor and wished them the best in the coming year.

Mayor Beecham thanked his colleagues for selecting him as Mayor for 2004.

He thanked his wife, Sheryl, for her support and encouragement. He said the past several years had been difficult ones in dealing with various issues and challenging controversies within the Council. He looked back on some of the recent accomplishments at the end of 2003, which included the rezoning of South of Forest Area Coordinated Area Plan 2 (SOFA CAP 2) and Stanford University's generous offer to the City for long-term access to six acres of new soccer fields at the Mayfield site. Looking ahead, there were significant challenges in traffic barriers in Downtown North and major differences over proposals for Rickey's Hyatt and the Jewish Community Center (JCC). There were major budget constraints that required controlling City's expenses and strengthening revenue sources. He noted, in the past decade, retail had declined. He encouraged teamwork within the Council as well as in the community in order to meet those challenges and to move forward together. As Mayor he would be fair, open, and respectful of different opinions.

Vice Mayor Burch thanked his colleagues for their support and gave a special thanks to Council Member Kleinberg for allowing him to take the position.

2. Resolution 8388 entitled "Resolution of the Council of the City of Palo Alto Commending the Outstanding Public Service of Dena Mossar as Mayor"

Mayor Beecham read into the record Resolution No. 8388, which honored former Mayor Mossar and presented her with a plaque.

MOTION: Council Member Ojakian moved, seconded by Morton, to adopt the resolution.

MOTION PASSED 8-0, Mossar "abstaining"

Council Member Mossar thanked her colleagues and the community for the opportunity of serving as Mayor. She looked forward for another four years of doing great things for the community.

Santa Clara County Supervisor Liz Kniss presented former Mayor Mossar with a Commendation and a pen from Santa Clara County.

3. Resolution 8389 entitled "Resolution of the Council of the City of Palo Alto Commending the Outstanding Public Service of Nancy Lytle as Council Member"

Mayor Beecham read into the record Resolution No. 8389, which honored former Council Member Lytle and presented her with a plaque.

MOTION: Council Member Freeman moved, seconded by Morton, to adopt

the resolution.

MOTION PASSED 9-0.

Council Member Freeman felt that former Council Member Lytle was a courageous character. She said her decisions were always in support of the residents and not for her own purposes. She spoke of Ms. Lytle's openness, which encouraged people to feel powerful enough to run for office and make a difference. She saluted former Council Member Lytle for her passion for a better Palo Alto.

Council Member Kishimoto recognized former Council Member Lytle's strengths during her term as an elected official. She brought knowledge and experience from her work as a Council Member and years of experience as a Planning official. She was the key vision behind the Palo Alto Comprehensive Plan.

Former Council Member Nancy Lytle expressed her appreciation for the positive experience and extended her best wishes and thanked the Council. She acknowledged Council Member Mossar's good work as Mayor and felt the Council started off the New Year in a positive tone.

4. Selection of Candidates to Interview for the Library Advisory Commission

MOTION: Vice Mayor Burch moved, seconded by Mossar, to interview all of the candidates.

MOTION PASSED 9-0.

ORAL COMMUNICATIONS

John K. Abraham, spoke regarding a Council Member not disclosing a large amount of Safeway stock on their California Disclosure Form 700. He felt it was a conflict of interest and the Council Member should not be involved with a current measure nullifying a lawsuit that involved the Safeway Corporation.

Sylvia Smitham, 2514 Birch Street, thanked the Council for their hard work. She noted the excessive traffic on Lytton Avenue due to street closures.

Ellen Wyman spoke regarding the Friends of the Library and raising funds for the Children's Library.

Norman Carroll spoke regarding emergency phones.

Bunny Good, P.O. Box 824, Menlo Park, spoke regarding the Dancing Hamster Army Sergeant Scruffy and casualties of Civil Code 47.

Kathy Miller, President, Palo Alto Library Foundation, 849 Lincoln, spoke regarding the success in raising funds for the Children's Library.

Mayor Beecham recognized dignitaries present at the meeting: Anne Ream, representing Congresswoman Anna Eschoo; Karen Brunton, representing State Assembly Member Joe Simitian; County Supervisor Liz Kniss, former Mayor Gary Fazzino; former Mayor Lanie Wheeler; former Mayor Larry Klein; Superior Court Judge and former Mayor Joseph Huber; East Palo Alto Vice Mayor David Wood; Los Altos Mayor Pro Tem David Casas; East Palo Alto Council Member Patricia Foster; members of the Youth Council, and several Board and Commission Members.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Ojakian, to approve the minutes of November 24, 2003, as submitted.

MOTION PASSED 8-0, Cordell "abstaining."

CONSENT CALENDAR

Mayor Beecham announced that Item No. 9 would be removed from the Consent Calendar at the request of staff.

Council Member Freeman said she would vote "no" on Item No. 8 because she opposed the use of public facility lands for utility interest.

MOTION: Council Member Morton moved, seconded by Ojakian, to approve Consent Calendar Items 5- 8, 10 and 11.

LEGISLATIVE

5. Ordinance 4812 entitled "Ordinance of the Council of the City of Palo Alto Authorizing the City Manager to Purchase a Portion of the City's Electricity Requirements from Certain Prequalified Electricity Suppliers Under Specified Terms and Conditions During Calendar Years 2004 Through 2011, Inclusive" (*1st Reading 12/15/2003, Passed 8-0, Lytle absent*)
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Department of Utilities" (*1st Reading 12/15/2003, Passed 8-0, Lytle absent*)

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ADMINISTRATIVE

10. Acceptance of Annual Status Report on Developers' Fees and Approval of Findings
11. Contract Between the City of Palo Alto and Kennedy/Jenks Consultants in the Amount of \$358,369 for the Facility Condition Assessment of the Water Quality Control Plant (Wastewater Treatment Capital Improvement Project WQ-04011)

MOTION PASSED 9-0 for Item Nos. 5-7, 10 and 11.

MOTION PASSED 8-1 for Item No. 8, Freeman "no."

COUNCIL MATTERS

The City Council adjourned to a Special Meeting at 8:04 p.m. as the Palo Alto Redevelopment Agency and reconvened as the City Council at 8:11 p.m.

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Cordell thanked Mayor Beecham for addressing the
01/05/04

Government Code Section 1090 problem, and noted she had asked Elizabeth and Jaime Wong to be at the meeting to let them know that she would not sit silently with racist issues in the City.

Mayor Beecham noted that Senator Byron Sher had introduced Senate Bill 1086 to resolve the issue with Council Member Cordell regarding Government Code Section 1090.

FINAL ADJOURNMENT: The meeting adjourned at 8:15 p.m.

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.