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March 1, 2004

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The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:02 p.m.

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

1. Interviews of Candidates to the Utilities Advisory Commission (UAC)

**No action required.**

ADJOURNMENT: The meeting adjourned at 6:50 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:03 p.m.

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

SPECIAL ORDERS OF THE DAY

1. Proclamation Expressing Appreciation to Debbie Duncan and Sue Luttner Coonen for their Outstanding Service in the Preparation and Implementation of the Terman Middle School Traffic Safety Plan

Council Member Kishimoto and Vice Mayor Burch presented Debbie Duncan and Sue Luttner Coonen with a Proclamation for their outstanding service to the City of Palo Alto and the Terman Middle School community for their contribution of implementing the Safety Plan.

Ms. Duncan and Ms. Coonen thanked City staff and the Palo Alto Unified School District (PAUSD) for their assistance in putting the plan together

Parent Teachers' Association (PTA) President Teri Blackburn, 408 Grant Avenue, #308, commended Ms. Duncan and Ms. Coonen. She said due to their hard work and leadership the children in the community were able to take safer routes to school.

2. Selection of Candidates to Interview for the Human Relations Commission

**MOTION:** Council Member Morton moved, seconded by Kleinberg, to interview all the applicants.

**MOTION PASSED 9-0**

ORAL COMMUNICATIONS

Beth Broderson, 455 Hale Street, spoke regarding the Children's Theatre School Outreach Program. A Certificate of Appreciation was presented to Council, staff, and the Community Services Department for 25 years of contribution and support to the Outreach Program.

Cathy Howard, Principal, Barron Park School, 800 Barron Avenue, spoke

regarding the Palo Alto Children's Theatre Outreach Program.

Michele Dulik, 331 Lincoln Avenue, spoke regarding the Children's Theatre Outreach Program.

Director of Planning and Community Environment Steve Emslie spoke regarding the award to Palo Alto of a \$1 million State grant for affordable housing. He said funds came from voter's approval of Proposition 46 and could only be used for affordable housing.

Katherine Giusto, owner of "A Bed of Flowers" on Alma at Everett Street, spoke regarding the traffic calming in Downtown North and the barricade on Everett Street.

Liz Lee, 724 Arastradero Road, #304, spoke regarding leaf blower noise. She said the timeframe for leaf blowers was not being enforced and voiced her interest in starting a task force to control noise pollution.

Trish Bubenik, 420 Homer Avenue, spoke regarding "Red Cross Month" and noted an exhibit at the Museum of American Heritage at 351 Homer Avenue.

#### APPROVAL OF MINUTES

**MOTION:** Council Member Mossar moved, seconded by Morton, to approve the minutes of January 20, 2004 and February 2, 2004, as submitted.

**MOTION PASSED** 9-0.

#### CONSENT CALENDAR

Assistant City Manager Harrison said for Item 4 in CMR:163:04 did not reflect the Utilities Advisory Commission's (UAC) recommendations regarding Mountain View-Moffett Area Water Recycling Project and asked the Director of Public Works to provide the information.

Director of Public Works Glenn Roberts said the UAC'S initial recommendation was for Utilities staff to contribute \$2 million toward funding of the project. The UAC negotiated with the City of Mountain View for a \$1,000,000 contribution and a future payment of \$1 million once connected to the system. Mountain View requested the \$2 million up front to fully fund the upgrade to accommodate Palo Alto's water needs. At a second meeting, a counter-proposal was for Mountain View to put up \$1 million from Water Utilities and for the Water Treatment Plant Equipment Reserve Fund to pre-contribute \$1 million. The UAC accepted the

recommendation and proceeded with the grant application for \$5 million to the State.

Council Member Freeman had concerns regarding Item 6 and asked if water mains and all underground work had been taken care of and no additional work would be required to complete the Sidewalk Replacement Project in the time allotted.

Mr. Roberts said the coordination process was in affect and Public Works and the Police Department met monthly to coordinate street work projects and schedules.

Former Mayor Lanie Wheeler said with regard to Item No. 7, The Friends and Foundation of the Palo Alto Library had raised funds for the renovation and expansion of the Children's Library. The amount of \$960,000 would be deposited into the City's General Fund 30 days prior to the date set for Council awarding the construction contract for the project.

Ellen Wyman presented long-time Palo Alto children's librarian, Katie Obringer, with a Proclamation dedicating the Fireplace and the Hearth at the Children's Library to Ms. Obringer.

Council Member Mossar moved, seconded by Kleinberg, to remove Consent Calendar Item No. 11A to become Item No. 13A.

Council Member Kishimoto moved, seconded by Freeman, to remove Consent Calendar Item No. 4 to become Item No. 13B.

**MOTION:** Council Member Morton moved, seconded by Kishimoto, to approve Consent Calendar Item Nos. 3, 5-11.

3. Adoption of a Resolution and Approval of a Contract for the Option to Purchase Excess Capacity from the Western Area Power Administration

Resolution 8405 entitled "Resolution of the Council of the City Of Palo Alto Approving a Letter of Agreement for Excess Capacity 04-SNR-00647 with the United States Department of Energy, Western Area Power Administration"

5. Adoption of a Resolution in Support of the Local Taxpayers and Public Safety Protection Act

Resolution 8406 entitled "Resolution of the Council of the City of Palo Alto Supporting a Statewide Ballot Initiative to Require Voter Approval

Before State Government May Take Local Tax Funds”

6. Contract Between the City of Palo Alto and Sposeto Engineering, Inc. in the amount of \$756,791 for FY 2003-2004 Phase 2 Sidewalk Replacement Project.
7. Cost Sharing Agreement Between the City of Palo Alto, the Palo Alto Library Foundation and the Friends of the Palo Alto Library for the Renovation and Expansion of Children’s Library
8. Approval to Increase Contract Contingencies Between the City of Palo Alto and West Valley Construction Company in the Amount of \$150,000 for Water Main Replacement Project 16, Capital Improvement Project WS-02003
9. Contract with John T. Whitlinger in an Amount not to Exceed \$265,000 for Tennis Classes and Individual Lessons for Youth and Adults
10. Confirmation of Appointment of Paula Simpson as Director of Libraries
11. Contract with Kuehne Construction in the Amount of \$262,475 to Remodel City Parks Restrooms as Part of the Americans with Disabilities Act Compliance Project – Capital Improvement Program Project PF-93009

**MOTION PASSED** 9-0 for Item Nos. 3, 5-11

Paula Simpson spoke in appreciation of her appointment as Director of Libraries to the City of Palo Alto.

PUBLIC HEARINGS

12. Public Hearing: The City Council will consider awarding a lease to Friends of the Palo Alto Library, for two classrooms known as rooms K6 and K7 located at the Cubberley Community Center, 4000 Middlefield Road. Terms of the lease provide for a year-to-year lease conditioned upon tenant using the space to provide funds for library purposes.

Real Estate Manager Bill Fellman gave an overview of the proposed lease outlined in staff report CMR:162:04 and asked Council approve the lease with the Friends of the Pal Alto Library (FOPAL). FOPAL would use the space at the Cubberley Community Center to sell used books and contribute approximately \$120,000 a year to the library.

Mayor Beecham declared the Public Hearing open at 7:50 p.m.

Tom Wyman, 546 Washington Avenue, urged Council to approve the lease so FOPAL could continue supporting the Palo Alto Libraries.

Bob Moss, 4010 Orme Street, said the lease was structured for benefits and would be paid directly to the City from book sales. He urged the Council to adopt the agreement.

Mayor Beecham declared the Public Hearing closed at 7:55 p.m.

**MOTION:** Council Member Morton moved, seconded by Mossar, to approve the lease with the Friends of the Palo Alto Library of two rooms, K6 and K7, at the Cubberley Community Center.

Council Member Morton supported of the recommendation. He suggested revisiting the lease and increasing the rent should Cubberley need the financial support.

Council Member Mossar echoed Council Member Morton's comments and supported on the recommendation.

Council Member Cordell supported the motion.

Council Member Ojakian asked if Cubberley's rental income was deposited into the General Fund or a fund specifically for the Cubberley Center.

Ms. Harrison said Cubberley was part of the General Fund. The long-term plan was for it to be on a self-sustaining basis where revenues would offset the expenses.

Council Member Ojakian asked what FOPAL's rental fee was at Terman.

Ms. Harrison said FOPAL had not been charged.

Council Member Ojakian would not support the motion. He preferred to tie payments to the City on a year-to-year basis, and the City would get the benefit of having the funds go to the libraries instead of the General Fund.

Vice Mayor Burch supported the motion.

Mayor Beecham supported the motion. Conditions had changed and the cost was divided between free-rent versus what the City could have received from another tenant. The recommendation was neither to set a policy on



leasing City space nor to change the rental policy for Cubberely.

Council Member Freeman supported the motion. She preferred funds be directed to the libraries but understood the need to support the space at Cubberely.

Council Member Kleinberg asked the City Attorney if any consideration was given on the organization's activities that were political in nature and could issues be raised in terms of renting City property.

Acting City Attorney Bill Mayfield said he was not aware of any legal reasons but would look into the matter and advise Council of any problems.

Council Member Kleinberg asked that the following language be added should the organization become involved in other library measures or fund-raisers for political activities. Under Attachment "B", Section V, "as consideration for TENANTS mission to raise funds to directly support Palo Alto Libraries and use of the PREMISES". She did not want the lease to be viewed as though the City was involved with an organization that took political positions.

Mr. Mayfield said it could be an amendment to the lease or proposed by Council and adopted on a majority vote.

**AMENDMENT:** Council Member Kleinberg moved, seconded by Freeman, to amend the lease Attachment "B", Section V, to include language that as consideration for TENANTS mission to raise funds to directly support Palo Alto libraries and use of PREMISES.

Council Member Freeman asked if the proposed language covered the organization's involvement of raising funds for non-related library issues.

Council Member Kleinberg said it did not. Staff assured her FOPAL's mission was to explicitly support Palo Alto Libraries.

Council Member Cordell said the City Attorney did not state Council Member Kleinberg's issue as violating the lease agreement. She suggested the City Attorney look into the matter. If the activity was in violation, to have the City Attorney add the required language at a later time. She asked to move forward and bring closure to the major issue.

Council Member Kleinberg felt language should be added to clearly state the organization's fundraising activities were specifically to support City libraries.

Council Member Morton asked the City Attorney if leasing to FOPAL was based on the fact the organization was a contributor to funding of the City, would Council Member Kleinberg's amendment resolve the issue.

Mr. Mayfield said he understood the concern of the proposed amendment, but did not have a direct answer and would further look into the matter. He felt the amendment would not cure the problem, unless the organization strictly was prohibited in engaging in such an activity. He was not sure the lease could be construed to prohibit that. He suggested perhaps an amendment to terminate the lease in the event there was a decision to constrain that type of activity.

Council Member Kleinberg said she did not want to hold up the lease and withdrew her amendment, but wanted the City Attorney to look into FOPAL's involvement of any political activities during the lease.

### **AMENDMENT WITHDRAWN BY MAKER AND SECONDER**

**INCORPORATED INTO MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to have the City Attorney review the legal implications of the Friends of the Palo Alto Libraries (FOPAL) involvement in any political measures while leasing space at Cubberley Community Center, and to incorporate language into the lease if deemed appropriate.

### **MOTION PASSED** 8-1, Ojakian "no."

13. Public Hearing: The City Council will consider an ordinance amending Section 16.09 of the Palo Alto Municipal Code (the Sewer Use Ordinance), which relates to requirements and standards for the discharge of wastewater into the City's sewer system

1<sup>st</sup> Reading entitled "Ordinance of the Council of the City of Palo Alto Amending Sections 16.09.106, 16.09.110, 16.09.112, 16.09.113, and 16.09.116 of the Palo Alto Municipal Code Relating to Sewer Use"

Director of Public Works Glenn Roberts gave a brief overview of the Ordinance Amendment as outlined in staff report (CMR:149:04). He said mercury and zinc, in particular, were the two main issues being modified by the ordinance change.

**MOTION:** Vice Mayor Burch moved, seconded by Kishimoto, to introduce the Ordinance amending Chapter 16.09 of the Palo Alto Municipal Code (Sewer Use Ordinance) to reduce discharges of pollutants to the sanitary sewer and storm drainage systems.

Council Member Morton supported the motion.

**MOTION PASSED 9-0.**

13A. (Old Item No. 11A) 2957 Waverley Avenue: Application by Chuck Bradley for a Partial Refund of Development Impact Fees Paid in November 2002 on a Second Residential Unit Constructed in Conjunction with a Replacement Home

Council Member Mossar explained the item was removed to give Council the opportunity to discuss Mr. Bradley's request. She felt that Mr. Bradley's situation was caught up in an ordinance change and was not Council's intent to disadvantage a property owner. Mr. Bradley was owed the refund.

Council Member Kleinberg said she found the issue to be a matter of policy, equity, and fairness.

Chuck Bradley, 2957 Waverley Street, summarized his letter to Council, dated February 20, 2004, Attachment C, to staff report (CMR173:04). He said the situation could have been avoided if staff had properly informed him of the amount due and when.

Planning and Environmental Director Steve Emslie said staff had no comments.

**MOTION:** Council Member Kleinberg moved, seconded by Mossar, to approve the request by Chuck Bradley for a partial refund of development impact fees at 2957 Waverley Avenue.

Council Member Cordell asked how many properties were affected by the same situation and if the motion were approved would they automatically be entitled to a refund.

Acting City Attorney Bill Mayfield said the motion would apply to Mr. Bradley and should signal the Council's intent or concern to the other properties. There were legal concerns about the implementation of the refund process and asked staff be given the opportunity to report back to Council on how the process would be implemented.

Council Member Cordell asked how many property owners would be affected and what was the total amount of the refund.

Mr. Emslie said it was five with a total refund amount of \$17,000.

Council Member Cordell asked the Acting City Attorney to clarify his statement. Was he not clear on how to make the process happen, or did he need to review the process on how to make it happen.

Mr. Mayfield said he did not think there was an issue as to whether it was a gift of public funds or would undermine the fee study. Research was still in progress and staff was not prepared to give Council definitive guidance.

Council Member Cordell wanted to move quickly on the item but still was not clear on the legal impact. She asked that the item be brought back with time for the City Attorney to respond to legal implications.

Council Member Mossar said the staff report clearly summarized staff's concern and took precedence. Council did not have a policy for Mr. Bradley or the other property owners of having to pay the fee and felt it was staff's responsibility to implement the policy.

Council Member Cordell heard the possibility of serious legal implication in the process and did not want to jeopardize the Council or the City.

Council Member Kishimoto asked how many residents were affected by the fee increase.

Mr. Emslie said 25 new homes were approved but requested the time to review plans to see how many were larger than 3,000 square feet.

Council Member Kishimoto felt if Council's direction was to change the fees for all 25 homes, then a review would be required on the rate increase for homes over 3,000 square feet as well as reductions.

Council Member Kleinberg clarified her motion had nothing to do with raising fees. It was strictly limited to the reduction in fees for the property on 2957 Waverley Avenue.

Council Member Ojakian supported the motion.

Vice Mayor Burch asked to review all residents that fell into Mr. Bradley's circumstance and to make a blanket policy to take care off all residents impacted by the situation.

Council Member Morton said he was not clear about the refund process and asked for the item to be continued until staff could address the legal implications of the refund.

Mr. Emslie felt the item should be continued and for staff to return with a proposal on the specifics on how to implement the refund.

**SUBSTITUTE MOTION:** Council Member Mossar moved, seconded by Beecham, to continue discussion of the item to the end of the agenda.

**MOTION PASSED 9-0.**

13B. (Old Item No. 4) Approval of the Funding Strategy, and Adoption of a Resolution Authorizing the City Manager to File an Application for a Grant from and to execute a Grant Agreement with the State Water Resources Control Board for the Construction of the Mountain View Moffett Area Water Recycling Facility Project

Resolution 8407 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to File an Application and Execute a Grant Agreement for a Grant in an Amount Not to Exceed \$5 Million From the State Water Resources Control Board on Behalf of the City of Palo Alto Regional Water Quality Control Plant (PARWQCP) for the Construction of the Mountain View-Moffett Area Water Recycling Project"

Council Member Kishimoto said she removed the item because the staff report (CMR:163:04) was incomplete. It did not contain Utilities Advisory Commission's (UAC) minutes regarding the item and the fiscal impacts on future costs affecting Palo Alto's budget and ratepayers.

Council Member Freeman echoed Council Member Kishimoto's comments and also the City paying \$2.7 million dollars for a project constructed in Mountain View without Federal assistance.

Director of Public Works Glenn Roberts said when staff initiated the item, it was viewed as a grant application for State money and not for the project. He gave an overview of the recommendation outlined in staff report (CMR:163:04).

Bob Moss, 4010 Orme, spoke regarding the surrounding Mountain View-Moffett area. The possibility of short-term usage of the project within those areas was very remote.

Mayor Beecham said Palo Alto was interested in the project because the Waste Treatment Plant discharge permit allowed recycling water through deteriorating pipelines. He asked what the options were in repairing or replacing the pipelines.

Mr. Roberts said repairs would be difficult since the pipelines ran through the Baylands. An alternative pipeline would need to be built along the same alignment as the new proposed pipeline along East Bayshore Road. Estimated costs to replace the pipeline were \$6 million. In theory, the cost to repair was \$2 million but would not be feasible. Mountain View wanted to build a bigger pipeline to serve their future needs for the Shoreline's industrial area and west of Highway 101. The cost of the pipeline increase for Mountain View's portion was \$8 million and portion for Palo Alto would be the \$5 million State grant. The action before Council was the absolute key in Mountain View's ability to proceed. Mountain View could not go forward if the grant was not approved and submitted.

Mayor Beecham ask what the ramifications were if Mountain View did not participate.

Mr. Roberts said Palo Alto would need to fall back to the Treatment Plant partners to replace the pipeline with a smaller pipeline alignment along East Bayshore Road. The cost would be \$6 million.

Council Member Freeman asked if Moffett did not participate, could the pipeline be shortened to which would reduce the cost.

Mr. Roberts said the proposal reflected the shorter pipeline.

**MOTION:** Council Member Morton moved, seconded by Mossar, to approve staff recommendation of:

1. The funding strategy for the implementation of the Mountain View – Moffett Area Water Recycling Facility project.
2. The resolution authorizing the City Manager to apply for a grant not to exceed \$5,000,000 from the State Water Resources Control Board (SWRCB) on behalf of the Regional Water Quality Control Plant (RWQCP) for the construction of the Mountain View – Moffett Area Water Recycling Facility project (Attachment A) and to negotiate and execute a grant agreement for same.

**MOTION PASSED 9-0.**

#### REPORTS OF OFFICIALS

14. Roth Building, 300 Homer Avenue: Recommendation to Accept the Submittal by the Palo Alto History Museum to the Request for Proposal for the Roth Building

Real Estate Manager Bill Fellman presented the recommendation as outlined in the staff report (CMR:152:04) to accept the proposal submitted by the Palo Alto Historical Association (PAHA) and to direct staff to prepare the Option to Lease, Lease Agreement and complete the environmental review.

Karen Holman, 725 Homer Avenue, spoke in support of the History Museum. She thanked the Council for the opportunity to present the proposal given a positive outcome to ultimately serve a public need.

Gary Fazzino, 135 Bryant Street, spoke in support of the History Museum. He expressed the importance of capturing the City's history in a museum for citizens to benefit from its examples.

David Bubenik, President of the Palo Alto Stanford Heritage, 420 Homer Avenue, for the Architectural Preservation Organization (PASHA) spoke in support of the proposed History Museum and extended an invitation to the ongoing exhibit of the building's history located in Roth Building's courtyard.

Mary Davey, Los Altos Hills, spoke in support of the restoration of the Roth Building as a potential museum.

Joy Ogawa, Yale Street, said on May 12, 2003, the Council approved a budget for the demolition of the buildings wings regarding compensation payment to Summerhill Homes for the City's failure to meet the demolition deadline. The staff report (CMR:279:00) mentioned negotiations of the fee and a report back to Council regarding the discussions. She asked if negotiations had been concluded and what was the outcome.

Elaine Meyer, University South Neighborhood Association, 609 Kingsley Avenue, felt the museum would be an asset to the City and supported the proposal.

**MOTION:** Council Member Morton moved, seconded by Kleinberg, to approve the staff recommendation as follows: 1) accept the proposal submitted by the Palo Alto Historical Association (PAHA); and 2) direct staff to prepare the Option to Lease, Lease Agreement and complete the environmental review.

Council Member Freeman supported the motion.

Council Member Ojakian stated his concern regarding the possibility of not meeting the financial goal. He asked whether the policy for Transfer of Development Rights (TDRs) on historic buildings applied to the Roth Building.

Mr. Emslie said it did.

Council Member Ojakian asked if the square footage and dollar amount would be forwarded to Council. It would give a better idea on how much it would take to improve the building. He questioned the bathrooms being used by the park.

Mr. Fellman said they would remain open during the same hours of the park and the City would be responsible for the opening and closing of the bathrooms.

Council Member Ojakian questioned traffic and parking controls in the area.

Mr. Emslie said it had not been reviewed; however, Traffic Reduction Measures (TRM) would be included in the Environmental Impact Report (EIR).

Council Member Ojakian said he supported the motion.

Vice Mayor Burch asked how many days a week would the museum be open.

Ms. Holman said it would be open Friday, Saturday, and Sunday consistent with the American Heritage Museum located across the street.

Vice Mayor Burch asked how the bathrooms would be accessible.

Ms. Holman said there were internal bathrooms to serve the museum and external bathrooms to serve park needs.

Vice Mayor Burch questioned access to the Community Room when the museum was closed.

Ms. Holman said it would be included in the plan.

Vice Mayor Burch supported the motion.

Council Member Kishimoto asked staff to answer Ms. Ogawa's question.

Assistant City Manager Harrison said Mr. Emslie interfaced with Summerhill Homes on a regular basis. No compensation fees were paid. Summerhill Homes was extremely cooperative throughout the entire process.

Mayor Beecham supported the motion.



**MOTION PASSED 9-0.**

**CONTINUED DISCUSSION OF FORMER ITEM 13A**

Ms. Harrison said the item would return to the Council on the March 15, 2004 Council agenda.

**MOTION:** Council Member Morton moved, seconded by Mossar, for staff to bring back the item to Council on March 15, 2004 with an analysis of legal issues and consideration of a mechanism to implement refunds should Council choose to do so.

Mr. Mayfield said staff would return with an analysis of legal issues involved and practical implementation of the process.

Ms. Harrison stated staff would make a strong effort to return on March 15, 2004, if not, it could not return until late April.

Council Member Morton clarified it was Council's intent to find a way to make the refund possible.

Council Member Cordell asked staff to return with specific answers to the questions: 1) could the Council legally make a refund to Mr. Bradley and how would the refund process be accomplished; 2) what was required legally with other refunds owed to those similarly situated to Mr. Bradley; and 3) how many refunds could be applicable and what would be the total amount of refunds.

Council Member Freeman clarified Mr. Bradley got caught between the Finance Committee making a recommendation and the time the recommendation was brought to Council.

Council Member Mossar clarified that she and Council Member Kleinberg were focused on properties caught up in the fee reduction scheme only, and not the fee increase scheme.

Council Member Morton added it was more specific to Mr. Bradley's situation and any one similarly situated.

Council Member Mossar clarified individuals with fee increases were not relevant to the motion.

Council Member Kleinberg requested when staff returned to the Council, to

include the Finance Committee discussion as well as the Council Meeting Minutes of when the Amendment change was approved.

**MOTION PASSED 9-0.**

Acting City Attorney Bill Mayfield noted the Council packet contained a report from the Santa Clara County Grand Jury recommending the City begin the collection lien process of fees that pertain to two residential properties owned by a single individual. The matter was agendaized for April 12, 2004, for the Council consideration of the lien that would be placed on the property for collection. The legally required notices for the lien process were going out to the property owner. There would be a response to the Grand Jury after the item was heard and completed.

Mr. Mayfield reported at the prior week's closed session that staff was authorized to conduct negotiations on the civil litigation claim of Albert Hopkins. Mediation was conducted in San Francisco before the Judicial Arbitration and Mediation Services by Judge Rebecca Westerfield, which resulted in a successful negotiated settlement of all claims by Mr. Hopkins against the City and its officers in the amount of \$250,000. The Police Chief was in the process of investigating and making decisions on the administrative proceedings that might be taken regarding the two officers, and there were also criminal proceedings pending by the District Attorney against the two officers.

Mayor Beecham asked given those ongoing actions, was it appropriate for the City to make a statement on what might have happened that evening.

Mr. Mayfield said given the circumstance, it was inappropriate for Council to take a position or make a statement in regard to the matter.

**AT THIS POINT IN THE PROCEEDINGS, THE CITY COUNCIL ADJOURNED TO A SPECIAL MEETING AT 9:55 P.M. AS THE BOARD OF DIRECTORS OF THE PALO ALTO PUBLIC IMPROVEMENT CORPORATION AND RECONVENED AS CITY COUNCIL AT 10:00 P.M.**

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Mossar suggested when items were fundamentally ceremonial they should be placed on the agenda under Special Orders of the Day and not on the Consent Calendar. The staff presentation during the Consent Calendar was an interruption and the item should have been removed.

Mayor Beecham requested that all Council Members refresh themselves regarding Council Procedures.

Council Member Cordell thanked Mayor Beecham for his leadership role in the amendments to Government Code 1090. She also thanked Senator Sher, Assemblyman Simitian, and Deborah Zumwalt and Larry Horton of Stanford University, for making the changes possible.

Council Member Freeman stated she would miss the meeting of March 8, 2004, as she would be attending the National League of Cities Conference.

Council Member Ojakian noted there would be no regular Council meeting on March 8, 2004, due to the State of the City address. He thanked Assistant City Manager Emily Harrison for ensuring that the City had been managed for the past month in Frank Benest's absence. He asked that the meeting be adjourned in memory of Pam Grady, wife of Frank Benest and beloved mother of Leila and Noah.

Vice Mayor Burch acknowledged and thanked the entire City staff for functioning well in the difficult absence of the City Manager during the past month.

ADJOURNMENT: The meeting adjourned at 10:05 p.m. in memory of Pam Grady, wife of Frank Benest and beloved mother of Leila and Noah. She was deeply involved in Palo Alto school, community, and church activities.