

ORAL COMMUNICATIONS 3

1. Appointment of Candidates to the Human Relations Commission 3

APPROVAL OF MINUTES 4

2. Ordinance 4864 entitled "Ordinance of the Council of the City of Palo Alto Amending Sections 22.04.310 and 22.08.330 of Chapters 22.04 and 22.08 of Title 22 of the Palo Alto Municipal Code Pertaining to the Enid Pearson Arastradero Preserve" 4

3. Ordinance 4865 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 22.04.150 of Chapter 22.04 of Title 22 of the Palo Alto Municipal Code Pertaining to Foothills Park" 4

4. Ordinance 4866 entitled "Ordinance of the Council of the City of Palo Alto Adding Section 6.20.055, (Animals in Vehicles), to the Palo Alto Municipal Code Prohibiting the Confinement of Animals in Enclosed Vehicles without Adequate Ventilation During Periods of Extreme Temperatures" 5

5. Resolution 8507 entitled "Resolution of the Council of the City of Palo Alto in Support of the Community Development Block Grant (CDBG) Program" 5

7. Parks and Recreation Commission Fields Sub-Committee Advisory Report..... 5

8. Approve Specific Agreement in the Amount of \$214,065 for Joint Participation Installation of Underground Facilities System Between City of Palo Alto, SBC California and Comcast Corporation for Underground Utility District No. 40 (1700 Thru 1900 Block of Edgewood Drive) 5

9.	Rejection of Bids and Authorization to Re-solicit Bids for Wastewater Collection System Rehabilitation and Augmentation Capital Improvement Program Project WC-03003 Project 16	5
10.	Public Hearing: Consideration of a Request by Stoecker & Northway Architects, Inc. on Behalf of George Stern for a Variance in Conjunction with the Construction of a New Two-Story Residence Located at 705 Ellsworth Place to Allow: (1) Front Setback Encroachment; (2) Rear Setback Encroachment; and (3) Rear Daylight Plane Encroachment. Zone: R-1. Environmental Assessment: Exempt from the California Environmental Quality Act per Section 15301. [04-VAR-11].	6
10A.	(Old Item No. 6) Consideration of Draft VTA Long-Term Transit Capital Investment Program, Recommendation on Proposed New One-half Cent Transportation Sales Tax to Fund the Investment Program, and a Draft Resolution in Support of SB 680 - Santa Clara County Traffic Relief Bill	6
	COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS	9
11.	CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION.....	10
12.	CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION.....	10
13.	CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION.....	10
	FINAL ADJOURNMENT: The meeting adjourned at 8:30 p.m. in memory of former Fire Captain Bob Makovich, who passed away on March 11, 2005. He is remembered as a dedicated firefighter, loving family man, a competent and professional Fire Captain, and a proud native son of Palo Alto.....	10

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:00 p.m.

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

ABSENT: Kleinberg, Ojakian

Mayor Burch welcomed Lynn Torin's Adult Education Class to the Council meeting.

Assistant City Manager Emily Harrison noted that Item No. 10 was requested to be continued to the April 11, 2005 City Council meeting, and Item No. 6 would be removed from the Consent Calendar and moved under Reports of Officials.

MOTION: Council Member Cordell moved, seconded by Morton, to remove Item No. 6 from the Consent Calendar to become Item No. 10A.

MOTION PASSED 7-0, Kleinberg, Ojakian absent.

ORAL COMMUNICATIONS

Stanley R. Smith, 610 Wildwood Lane, spoke regarding the Palo Alto fiber utility.

Rich Shapiro spoke regarding police accountability.

SPECIAL ORDERS OF THE DAY

1. Appointment of Candidates to the Human Relations Commission

FIRST ROUND OF VOTING FOR THE HUMAN RELATIONS COMMISSION

VOTING FOR JEFFREY BLUM: Beecham, Burch, Cordell, Freeman, Kishimoto, Morton, Mossar

VOTING FOR ANN OZER:

VOTING FOR LAKIBA PITTMAN: Beecham, Burch, Cordell, Freeman, Kishimoto, Morton, Mossar

City Clerk Donna Rogers announced that Jeffrey Blum and Lakiba Pittman (with seven votes) were appointed on the first ballot to three-year terms ending January 31, 2008.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Mossar, to approve the minutes of February 22, 2005, as submitted.

MOTION PASSED 7-0, Kleinberg, Ojakian absent.

CONSENT CALENDAR

Council Member Freeman asked whether the Council was being asked to vote only for staff's recommendation for Item No. 7 (CMR: 170:05) and not Attachment A.

Assistant City Manager Emily Harrison said Council was asked to vote for or against the four bullets on the front of the staff report (CMR:170:05).

Council Member Morton stated he would not participate in Item No. 5 due to a conflict of interest because he had clients with interests in the properties.

Council Member Mossar said her vote on Item No. 7 had no bearing or opinion on the Mayfield project.

Norman Carroll, 425 High Street, spoke to Item No. 7 and said the Community Development Block Grant (CDBG) allocations were instrumental in funding programs and capital projects, which addressed the needs of those with the smallest voice. The Federal proposal under review by Council that evening allocated funding from several social programs serving different needs into a single smaller pot. He expressed support for the current CDBG program.

MOTION: Council Member Mossar moved, seconded by Cordell, to approve Consent Calendar Item Nos. 2-5 and 7-9.

LEGISLATIVE

2. Ordinance 4864 entitled "Ordinance of the Council of the City of Palo Alto Amending Sections 22.04.310 and 22.08.330 of Chapters 22.04 and 22.08 of Title 22 of the Palo Alto Municipal Code Pertaining to the Enid Pearson Arastradero Preserve" (*1st Reading 3/07/05, Passed 7-0, Freeman, Ojakian absent*)
3. Ordinance 4865 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 22.04.150 of Chapter 22.04 of Title 22 of the Palo Alto Municipal Code Pertaining to Foothills Park" (*1st Reading 3/07/05, Passed 7-0, Freeman, Ojakian absent*)

4. Ordinance 4866 entitled "Ordinance of the Council of the City of Palo Alto Adding Section 6.20.055, (Animals in Vehicles), to the Palo Alto Municipal Code Prohibiting the Confinement of Animals in Enclosed Vehicles without Adequate Ventilation During Periods of Extreme Temperatures" (*1st Reading 3/07/05, Passed 7-0, Freeman, Ojakian absent*)
5. Resolution 8507 entitled "Resolution of the Council of the City of Palo Alto in Support of the Community Development Block Grant (CDBG) Program"

ADMINISTRATIVE

7. Parks and Recreation Commission Fields Sub-Committee Advisory Report
8. Approve Specific Agreement in the Amount of \$214,065 for Joint Participation Installation of Underground Facilities System Between City of Palo Alto, SBC California and Comcast Corporation for Underground Utility District No. 40 (1700 Thru 1900 Block of Edgewood Drive)
9. Rejection of Bids and Authorization to Re-solicit Bids for Wastewater Collection System Rehabilitation and Augmentation Capital Improvement Program Project WC-03003 Project 16

MOTION PASSED 7-0 for Item Nos. 2-4 and 7-9, Kleinberg, Ojakian absent.

MOTION PASSED 6-0 for Item No. 5, Morton not participating, Kleinberg, Ojakian absent.

Council Member Freeman noted for the record that she would not participate in any item that had to do with Mayfield due to a conflict of interest because she owned property in that area.

Council Member Cordell expressed her appreciation to the Police Department for their efforts in bringing forth an ordinance prohibiting the confinement of animals in enclosed vehicles.

PUBLIC HEARINGS

10. Public Hearing: Consideration of a Request by Stoecker & Northway Architects, Inc. on Behalf of George Stern for a Variance in Conjunction with the Construction of a New Two-Story Residence Located at 705

Ellsworth Place to Allow: (1) Front Setback Encroachment; (2) Rear Setback Encroachment; and (3) Rear Daylight Plane Encroachment. Zone: R-1. Environmental Assessment: Exempt from the California Environmental Quality Act per Section 15301. [04-VAR-11]. *(Staff requests item to be continued by Council Motion to 04/11/05)*

MOTION: Council Member Beecham moved, seconded by Kishimoto, to continue the item, at the request of staff, to the regular April 11, 2005, City Council meeting.

MOTION PASSED 7-0, Kleinberg, Ojakian absent.

10A. (Old Item No. 6) Consideration of Draft VTA Long-Term Transit Capital Investment Program, Recommendation on Proposed New One-half Cent Transportation Sales Tax to Fund the Investment Program, and a Draft Resolution in Support of SB 680 - Santa Clara County Traffic Relief Bill

Chief Transportation Official Joe Kott said on February 16, 2005, the Santa Clara Valley Transportation Authority (VTA) Board Chairman requested comment and input on its 30-year, Long-Term Capital Investment Program draft, and an associated proposed one-half cent sales tax increase. The VTA Board would consider Palo Alto's input and that of others at a workshop scheduled for April 22, 2005. The VTA Capital Improvement Program (CIP) for transit funded all of the Measure A projects supplemented by the one-half cent sales tax increase passed in November 2000. Among the funded projects were: 1) the Dumbarton Bridge rail passenger service project; 2) electrification of Caltrain; 3) the Bus Rapid Transit projects including Route 22 along El Camino Real; 4) the Bay Area Rapid Transit (BART) to San Jose and Santa Clara project, which included approximately 28 percent of the overall funding prescribed in the VTA's CIP; and 5) the Palo Alto Intermodal Transit Center project. Staff recommended opposition to the new one-half cent transportation sales tax, but did endorse that VTA's CIP be revised to advance the Intermodal Transit Center project from the year 2030 to 2015. Staff also recommended the VTA develop a cost-effective and feasible alternative to the BART Extension project. Once the necessary steps were taken, the VTA Board would reissue the CIP along with an alternative sales tax measure, which would then be submitted to the Santa Clara County community, including Palo Alto, for consideration. Furthermore, staff recommended the Council authorize the Mayor to submit a letter to the VTA Board of Directors summarizing the Council's action. Staff did respond to a letter authored by State Senator Joe Simitian concerning transportation funding. The letter urged the Council to endorse a resolution in support of Senate Bill (SB) 680, which would provide new revenues for local traffic relief and traffic safety efforts countywide. An annual surcharge of \$5 would

be attached to the existing Motor Vehicle Registration Fee (VRF), remain in effect for eight years, and generate \$56 million in funding. More than half of the funding would be available to municipalities for congestion management and transportation improvements in Santa Clara County. Staff recommended that Council adopt the proposed resolution.

Eugene Bradley, P.O. Box 390069, Mountain View, #6, said since 1978, residents in Palo Alto and throughout Santa Clara County had paid three-quarter cent in permanent sales taxes to fund various County transit and highway projects. According to the Federal Government, the cost to fund the BART to San Jose Extension had risen to approximately \$6.2 billion from \$4.2 billion. He expressed opposition to the new one-half cent sales tax and asked for accountability from the VTA.

Alice Fischgrund, 750 Torreya Court, said she was a regular VTA rider and supported public transportation; however, she expressed opposition to the new one-half cent sales tax increase. While the City was still paying its share of taxes, transit service levels had decreased. She did not believe Palo Alto had been well represented.

MOTION: Council Member Kishimoto moved, seconded by Mossar, to approve the staff recommendation as follows:

1. Oppose the proposed new one-half cent County sales tax intended to fund the proposed Valley Transportation Authority Long-Term Capital Investment Program.
2. Endorse the following:
 - a) Palo Alto Intermodal Transit Center Measure A funding commencing in the year 2015, not 2030 as proposed in the proposed VTA Long-Term Capital Investment Program.
 - b) Removal of funding for the Silicon Valley Rapid Transit Corridor (BART Extension) Project from the proposed VTA Long-Term Capital Investment Program until a cost effective, feasible, and financially sustainable alternative to the current BART Extension project is developed. Development of, and sufficient funding to be provided in, the proposed VTA Long-Term Capital Investment Program for a cost-effective, feasible, and financially sustainable alternative to the current BART Extension project.
 - c) Reissue by the VTA Board of Directors of a revised draft VTA Long-Term Capital Investment Program reflecting the above changes and then consideration of a suitable sales tax measure proposal sufficient to fund its implementation.

3. Authorize the Mayor to send a letter to the VTA Board of Directors summarizing the Council's action on the above recommendations.
4. Adopt a resolution of support for SB 680 - The Santa Clara County Traffic Relief Bill (Attachment A).

Resolution 8508 entitled "Resolution of the Council of the City of Palo Alto Communicating the Support of the City Council of the City of Palo Alto for Senate Bill SB 680 – Santa Clara County Traffic Relief Bill

Council Member Kishimoto said she had served as Palo Alto's representative to the VTA Policy Advisory Committee (PAC) for the past three years. Palo Alto was interested in working with the entire County to develop a countywide consensus plan and, as part of the step; PAC had scheduled a workshop to develop a recommendation to submit to the VTA Board. She said the Valley Transportation Plan (VTP) 2020 and 2030 data for travel demand showed significant growth expected for the north portion of the County, which included Palo Alto. The message indicated the City would need its share of transit dollars, with a significant portion addressed in the first 10 years of the expenditure plan. Since many of the projection assumptions seemed fragile, it would give Palo Alto a great deal of assurance to know their portion was guaranteed and would not be taken away or indefinitely postponed. Countywide, the vision was to achieve "transit or rail around the Bay." Although she was aware it was necessary to make bold and visionary investments in anticipating future growth, those investments should be done in a prudent manner in order to deliver promised results on a cost-effective basis. As an alternative to staff's recommendation, she urged consideration of phasing in BART, building BART above ground, or opting for an assessment district or redevelopment agency to pay for building BART underground. She expressed thanks to the Silicon Valley Manufacturing Group (SVMG), other Measure A sponsors, and all the voters who supported the funding for VTA's package of projects.

Council Member Mossar said she served for two years on the VTA Board, and participated in a number of painful decisions to service cuts in order to fill significant budget gaps. She was troubled by cuts made to transit services in Palo Alto without any provisions to restore those cuts. She believed the City's present baseline was unacceptable, particularly at a time when the City's population had grown, additional housing was needed, and with talks of transit-oriented development and smart growth. During her time on the VTA Board, she never saw any financial data projecting out 20-30 years that convinced her there was enough money to do anything but the BART project. She was uncomfortable moving forward with a huge financial commitment she believed was detrimental to most of the communities in Santa Clara County, as well as Menlo Park.

Council Member Morton asked whether the Council was being asked to vote against the BART Extension Project, or the proposed Long-Term CIP, until an effective, feasible and financially sustainable alternative to the project was developed. He hoped there would be a brighter future for public transit in the Bay area.

Mr. Kott said staff's intent was not to express an opposition to an extension of BART. The word "current" BART Extension project referred to the present configuration in which the BART Extension would take place.

MOTION PASSED 7-0, Kleinberg, Ojakian absent.

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Freeman asked about the status on Council Member Ojakian's vote on Mayfield, as the public hearing was coming up on April 4, 2005.

City Manager Frank Benest stated the City was still obtaining data to make the determination.

Council Member Freeman stated concern about timing should there be a need to draw straws of conflicted members.

City Attorney Gary Baum spoke to the possibility to draw straws at the meeting on April 4, 2005, if necessary.

Council Member Morton noted Congresswoman Eshoo's item in the packet regarding grant funding.

Council Member Mossar spoke regarding her recent trip to Washington D.C. She thanked Congresswoman Eshoo's office for their work on the San Francisquito Creek Joint Power Authority (JPA). As the Vice Chair of the National League of Cities (NLC) Natural Resources Committee, she was elated the City of Palo Alto won the bid on the next meeting.

CLOSED SESSION

The meeting adjourned at 7:55 p.m. to a Closed Session.

Mayor Burch requested the meeting be adjourned in memory of former Fire Captain Makovich.

Council Member Cordell stated she would not participate in Item No. 13 due to a conflict of interest because of a mortgage with GMAC Corporation.

11. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION
Subject: Ina Jekel and Lance Jekel v. City of Palo Alto, et al.; SCC #1-03-CV-010476
Authority: Government Code section 54956.9(a)
12. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION
Subject: In re Enron Corp., Debtor, U.S. Bankruptcy Court, Southern District of New York; Case No.: 01-16034(AJG)
Authority: Government Code section 54956.9(a)
13. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION
Subject: City of Palo Alto v. David E. Rabirotff, Candace Rabirotff, GMAC Mortgage Corporation, Executive Trustee Services, Inc., et al., Santa Clara Co. Superior Court No.: 1-04-CV028909
Authority: Government Code section 54956.9(a)

The City Council met in Closed Session to discuss matters regarding existing litigation, as described in Agenda Item Nos. 11, 12, and 13.

Mayor Burch announced there was no reportable action taken.

FINAL ADJOURNMENT: The meeting adjourned at 8:30 p.m. in memory of former Fire Captain Bob Makovich, who passed away on March 11, 2005. He is remembered as a dedicated firefighter, loving family man, a competent and professional Fire Captain, and a proud native son of Palo Alto.

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.