

Special Meeting  
March 6, 2006

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The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:10 p.m.

CITY COUNCIL

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

PARKS AND RECREATION COMMISSION

Present: Charleson, Cribbs, Markevitch, Marquess, Trailer

Absent: Losch, Steiner

SPECIAL MEETING

1. Joint Meeting with the Parks and Recreation Commission (PARC) Regarding the 2006 Park and Recreation Priorities

**No action required.**

ORAL COMMUNICATIONS

Annette Ashton spoke regarding Greer and Seale Parks and a survey taken by the Midtown Association in February 2006.

Charles Scott spoke regarding Greer Park and his desire to not add playing fields, but for more sedate activities.

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 7:05 p.m.

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

SPECIAL ORDERS OF THE DAY

1. Selection of Candidates to be Interviewed for the Storm Drain Committee

Mayor Kleinberg said the exact number of applications was received, as positions available on the Storm Drain Committee.

**MOTION:** Council Member Morton moved, seconded by Barton, for the City Clerk to come back to the next Council meeting with the confirmation of the appointment of the five members, who applied for the Storm Drain Committee.

**MOTION PASSED 9-0.**

ORAL COMMUNICATIONS

Art Kraemer, 1116 Forest Avenue, spoke regarding short term flood mitigation.

Juan Carlos Prado, 212 Lincoln Avenue, Redwood City, spoke regarding the leaf blower ban.

Dan Skinner, 5801 W. School Avenue, Visalia, spoke regarding leaf blower bans.

Hector Sandoval, 2606 Glade Drive, Santa Clara, spoke regarding the leaf blower ban.

Jose Preciado, 632 Pine Avenue, spoke regarding the leaf blower ban.

Ramon Quezada, 445 Lancaster Way, Redwood City, spoke regarding the leaf blower ban.

Gerardo Lombera spoke regarding leaf blowers.

Rafael Madriz, 342 Beverly Avenue, Millbrae, spoke regarding leaf blowers.

Robert Moss, 4010 Orme St., spoke regarding gas powered leaf blowers.

Bill Chapman, 3583 Louis Rd., spoke regarding school children and the Architectural Review Board.

### APPROVAL OF MINUTES

**MOTION:** Council Member Morton moved, seconded by Mossar, to adopt the minutes of January 17, 2006, as amended, and January 23, 2006.

Council Member Klein made one minor correction to the minutes of January 17, 2006.

**MOTION PASSED 9-0.**

### CONSENT CALENDAR

Council Member Mossar noted she would vote to support the consent calendar, but her vote does not include Item No. 4 due to a conflict of interest because her husband is employed by Stanford University.

Council Member Cordell noted she would vote to support the consent calendar, but her vote does not include Item No. 4 due to a conflict of interest because she is employed by Stanford University.

Council Member Klein noted he would vote to support the consent calendar, but his vote does not include Item No. 4 due to a conflict of interest because his wife is employed by Stanford University.

Council Member Beecham noted he would vote no on Item No. 4.

Rosemary Maulbetsch, 90 Lloyd Drive, Atherton, spoke regarding Item No. 4 and requested the item be pulled from the Consent Calendar for more discussion about the implications of the project for Palo Alto and the neighboring communities affected by Caltrain.

Martin Bernstein, P.O. Box 1739, spoke regarding Item No. 4 and urged approval of the agreement for the Intermodal Transit Center Project.

**MOTION:** Council Member Morton moved, seconded by Kishimoto, to approve Item Nos. 2 - 5 on the Consent Calendar.

2. Approval of Agreement with State of California for \$229,725 in Bicycle Transportation Account Funding for the Bike Lane Improvements on Hanover Street and Porter Avenue

3. Approval of Amendment No. Two to the Memorandum of Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program
4. Approval of Cooperative Agreement with the Santa Clara Valley Transportation Authority for Funding of Initial Environmental Analysis for the Palo Alto Intermodal Transit Center Project and Approval of Consultant Contract with EIP Associates in the Amount not to Exceed \$278,384 for Technical Studies and Environmental Work Programming for the Palo Alto Intermodal Transit Center Project
5. Approval of a Contract with Spencon Construction, Inc. in the Amount of \$647,767 for Fiscal Year 2005-2006 Sidewalk Replacement Phase 2 – Capital Improvement Program Project PO-89003

**MOTION PASSED** 9-0 for items 2, 3, and 5.

**MOTION PASSED** 5-1 for Item No. 4 Beecham voting no, Cordell, Klein, Mossar not participating.

#### ORDINANCES AND RESOLUTIONS

6. Approval of 1) Offer and Agreement to Purchase Transferable Development Rights and Declaration of Covenants and Restrictions for Historic Preservation of Palo Alto Children's Library; 2) Budget Amendment Ordinance 4895 in the Amount of \$1,384,542; 3) a Contract with BRCO Contractors in the Amount of \$2,646,000 for Expansion and Improvement of the Children's Library; 4) Construction Contingency of \$317,520; and 5) Amendment No. 2 to Contract No. C05108354 with Architectural Resources Group, Architects, Planners & Conservators, Inc. in the Amount of \$32,850 for Construction Administration-Related Services, Capital Improvement Program Project PE-04010

Assistant Director Public Works Mike Sartor said the recommendations were to approve a Budget Amendment Ordinance (BAO) in the amount of approximately \$1.4 million; approve a contract with BRCO Contractors to construct the renovation and expansion of the Children's Library; approve a construction contingency in the amount of approximately 12 percent of the construction cost; approve an amendment to the contract with Architectural Resources Group (ARG) to do construction administration services during construction; and to accept the high bid for the Transferable Development Rights (TDR). In November 2002, the bond measure for Children's and Mitchell Park Libraries failed by a narrow margin. In February 2003, a public/private partnership was proposed by the Friends of the Palo Alto Libraries and the Palo Alto Library Foundation. They were successful in

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raising almost \$1 million for the project. In March 2004, the agreement was put in place and the partnership was finalized. In June 2004, project design began, and ARG was hired to do the design work. In August 2005, the Council adopted a resolution that designated the Children's Library as a sender site for the transfer development rights process. On January 10, 2006, bids were received, which came in approximately 10 percent higher than the engineer's estimate that was prepared the prior October. Design costs over the three year's of the project design had risen largely due to the addition of a south wing to the project as well as going through a National Environmental Protection Act (NEPA) clearance for Housing and Urban Development (HUD) funds. The construction was originally anticipated to be approximately \$2.2 million, and the actual bids came in at \$2.6 million. Increased costs were attributed to the rise in material construction costs, steel and concrete, and inflation over time. The sources of funding included the Palo Alto Library Foundation (\$660,000), Friends of the Palo Alto Library (\$473,000), HUD grants (\$360,000), the Arriaga Family (\$50,000), Utilities Department (\$10,000 through the CARE program), the transfer of development rights high bid would bring in approximately \$240,000, and approximately \$2 million would come from the Infrastructure Reserve. The estimated shortfall was \$650,000. Staff proposed to defer two infrastructure projects in the next year to reduce the impact on the Infrastructure Reserve. The projects included the upgrade of the restrooms at Cubberley Community Center and reroofing of the Foothills Park Interpretive Center. Two relevant deadlines were associated with the Council's action: the TDR bids were extended for the third time, and the construction bids were valid for 60 days. Bids were opened January 10, 2006, and expired on March 11, 2006.

Council Member Morton said the high bid was \$240,000 for the TDRs and he asked about the impact of the transfer.

Manager Real Property Bill Fellman said staff did not know what building the TDRs were transferred to. TDRs could be sold and held and resold at a later date.

Council Member Morton asked what staff envisioned could be done with the \$240,000 received from the purchase of TDRs.

Director of Planning and Community Environment Steve Emslie said there were a number of factors. In order to be used, the TDRs had to go through the Architectural Review Board. The TDRs would not allow an owner to exceed the one to one Floor Area Ratio (FAR), which was the limit in the Downtown area and would provide relief from parking requirements. Specifics were subject to the design review of the Architectural Review Board (ARB).

Council Member Morton clarified at a cost of \$40,000 per parking spot, parking relief would be available for six parking spots.

Mr. Emslie said that was correct.

Jeff Levinsky, 1682 Hamilton Avenue, President, Friends of the Palo Alto Library, thanked City Staff, the Library Foundation, the many donors, members, volunteers, and book sale customers. An anonymous donor provided the initial funds and a challenge grant totaling \$350,000, which made the project possible. The Council was urged to approve the project to launch the Children's Library renovation and expansion, and provide seismic upgrade, access for those with disabilities, efficient staff areas, and a more spacious facility, while preserving the community's wonderful tradition of a library dedicated to the children.

Robert Moss, 4010 Orme Street, said Friends of the Library was not accustomed to doing major fundraising. Money raised through book sales was used to support library operations and programs. The Staff Report (CMR:135:06) talked about the Governor returning money to the cities from the Vehicle License Fee (VLF). Exhibit A of the report indicated the City received \$984,000 more than expected.

**MOTION:** Council Member Barton moved, seconded by Mossar, to accept staff recommendation to:

1. Accept the high bid for transferable development rights from the Palo Alto Children's Library, 1276 Harriet Street, by authorizing the Mayor to execute the offer and Agreement to Purchase Certified Development Rights and its attached Certification of Transfer of Development Rights accepting the high bid in the amount of \$237,500 submitted by The Banatao Heritage Trust (Attachment A); and an Agreement and Declaration of Covenants and Restrictions for Historic Preservation, Palo Alto Children's Library (Attachment B).
2. Approve Budget Amendment Ordinance 4895 to add \$1,384,542 to the project budget. CIP Page for Children's Library Improvements (PE-04010) is attached for reference (Attachment D).
3. Approve and authorize the City Manager to execute the attached contract with BRCO Contractors in the amount of \$2,646,000 for expansion and improvement of the Children's Library (Attachment E). Bid Summary and Certificate of Non-Discrimination are also attached (Attachments F & G).
4. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with BRCO Contractors for related, additional but unforeseen work, which



may develop during the project, the total value of which shall not exceed \$317,520.

5. Approve and authorize City Manager or his designee to execute a second amendment (Attachment H) to the contract (C05108354) with Architectural Resources Group in the amount of \$32,850 for additional construction administration-related services.

Furthermore, to fund the \$649,825 shortfall using Infrastructure Reserve (IR) funds.

Council Member Barton said he initially was concerned about the drawdown from the reserve but believed what was presented was the logical choice. The project needed to proceed.

Council Member Mossar said the City made a choice a few years prior to move forward with the renovation of the Children's Library, and it was a pleasure to finally take the necessary action to do the project.

Vice Mayor Kishimoto said she had a slight preference for taking the money from the Budget Stabilization Reserve (BSR) but was happy to support the motion as presented. The BSR alternative was listed in the staff report (CMR:150:06).

Council Member Morton said the community raised \$1 million to fund a project for a much loved piece of Palo Alto real estate.

Council Member Beecham clarified the motion specified taking funds from the Infrastructure Reserve.

Council Member Barton said the intention was that funding came from the Infrastructure Reserve.

Council Member Beecham said when the TDR pricing came before the Council in the past, there was a concern about how much it would be relative to the payments of the assessment district. As pricing came up, it was pretty much a wash. The staff report (CMR:150:06) indicated staff was confident there had been a good marketing job. A friendly amendment was suggested that the Secretary of the Interior's Standards were those as of the date of the contract.

**INCORPORATED INTO MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to amend the contract with Palo Alto Stanford Heritage (PAST) to incorporate the Secretary of the Interior's Standards, as of the date of the contract, except to the extent required by law.

Council Member Cordell asked whether the City Attorney felt there were any legal problems in the event the Secretary of the Interior Standards were changed later.

City Attorney Gary Baum said his understanding was that the document was heavily negotiated. Secretary of the Interior Guidelines would be referred to as opposed to regulations. The regulations had to be followed if they were in place at the time the contract was entered into. Staff had to make sure the contracting party, Palo Alto Stanford Heritage (PAST), was in agreement with this change.

Assistant City Manager Emily Harrison said both staff and PAST agreed they would work cooperatively on the project.

Council Member Klein said he supported the project and congratulated the people who did a terrific job in fundraising.

**MOTION PASSED 9-0.**

#### PUBLIC HEARINGS

7. Public Hearing: Review and Adoption of the Amended FY 2005/2006 Annual Action Plan of the 2005-2010 Community Development Block Grant Consolidated (CDBG) Plan Including \$1,150,000 in CDBG Funding to Community Working Group for the Acquisition of Existing Units at 2507-2533 Alma Street (Alma Street Apartments).

Approval of an Agreement in the Amount of \$1,150,000 with the Community Working Group for the Acquisition of the Alma Garden Apartments Located at 2507-2533 Alma Street.

Adoption of a Budget Amendment Ordinance 4896 to Transfer \$250,000 from the City Commercial Housing Fund to the CDBG Housing Development Fund.

Council Member Barton noted he has a conflict of interest because he is a Board Member of the Community Working Group (CWG).

Council Member Morton noted his company is no longer the auditor for the CWG and, therefore, he will participate in the item.

Council Member Cordell noted she has a conflict of interest because she is a Board Member of the CWG.

Director of Planning and Community Environment Steve Emslie said the City had a unique opportunity to acquire housing that was already built. Acquiring existing housing restricted to Below Market Rate (BMR) incomes was cost effective. The opportunity was compounded by the fact that money came from the Community Development Block Grant (CDBG), which was a federal program where cities received a block of funds restricted for use for several very distinct purposes, one of which was to serve the needs of the low income community. The CDBG program was administered through the Housing and Urban Development (HUD) Department at the Federal level, and had rules and time limits by which the City had to expend funds. A certain amount of accrual was allowed within a particular city before penalties occurred in terms of reduction of the grant. The City was getting near the deadline to spend the money. The acquisition was consistent and compatible with the City Council's adopted affordable housing policies and guidelines and provided the City with the maximum flexibility to secure the units for the long term as well as provide for flexibility for expanding the number of units in the future should that option present itself.

Council Member Morton asked whether the site, at some future time, permitted expansion.

Mr. Emslie said staff believed that could occur and the possibility was discussed with the CWG.

Vice Mayor Kishimoto thanked the CWG for bringing the project forward. The affordability term was a minimum of 55 years, and staff was asked whether the affordability term could be made indefinite.

Mr. Emslie said the reason for the recommendation for the 55 years was that it complied with the City Council's adopted policy at the minimum level. Staff recommended at the minimum level because State tax credits were available that dictated a shorter amount of time. Staff would be allowed the flexibility to go after the maximum amount of funding possibilities available. Staff tried to set the term of the affordability at the level that complied with Council policy and no more in order to enable the City the maximum flexibility to be eligible for other funding sources.

Vice Mayor Kishimoto clarified CDBG put up \$1.1 million and CWG was getting a loan for \$700,000. The City would have total control in perpetuity if it acquired the property.

Mr. Emslie said that was correct. Without amendment and going back to the Council, extra steps were required that could take more time because many times the tax credit program was competitive. The Terman Apartments were

shorter term and funded through the Section 8 Housing Program and more vulnerable to loss of affordable housing.

Vice Mayor Kishimoto clarified the staff recommendation was to keep the term at 55 years.

Mr. Emslie said the 55 years provided the maximum flexibility. Income levels and the mix of the project was an important part of qualifying for other funding sources, primarily the State Tax Credit Program.

Council Member Morton asked whether provisions could be built in that the 55 years could be reconsidered after working out a long term solution.

Mr. Emslie said getting the property under contract and having the covenants run as long as possible was consistent with the mission of the City and CWG. Staff would evaluate the potential, the long-term financing of the project, and meeting the City's affordable housing goals.

Donald Barr, 948 Ramona Street, CWG President, Board of Directors, said the need for affordable housing went beyond the need of those who were unhoused. The full spectrum of affordability needed to be covered. There were a number of programs in which low income and very low income individuals and families qualified for support through various voucher programs such as Section 8 or Shelter Care Plus; however, there were very few landlords in Palo Alto who were willing to accept the voucher programs. CWG looked forward to working with Kathy Espinosa-Howard and others responsible for the various voucher programs to expand the availability of units to those eligible for vouchers. The site was currently zoned RM-30, was close to the train station, and had a current FAR that was approximately half of what the current zoning permitted.

Robert Moss, 4010 Orme Street, said he recalled the 55-year term was initiated when the City first began the BMR projects with Webster Wood in the 1970s. There was a technical reason why 55 years was picked. Webster Wood had an agreement that said after 55 years, the property became owned by the City of Palo Alto. There was no issue about whether or not the City could maintain the property as BMR units. In the case of the Terman property, the City ended up in a compromise that resulted in getting the property for Section 8 Housing. Acquisition of the property was supported but the City needed to keep other things in mind once the property was acquired. The question was asked about what would happen to the existing tenants. Since the BMR projects began, the City had a requirement that the people being put into the units be residents or employees in Palo Alto. Preference should be given to Public Safety employees and teachers. When 630 Los Robles was purchased, the Barron Park Association urged that police and fire employees be given priority. At that time, the City was told by the Housing Corporation that giving police and fire priority was not

allowed. His understanding was that had been done in other cities in the state. The requirement for occupancy should be revisited.

**MOTION:** Council Member Morton moved, seconded by Kishimoto, to approve and authorize the amendment to the 2005-2006 Annual Action Plan of the 2005-2010 Consolidated Plan, as follows:

1. Approve and authorize the allocation of funds in the amount of \$900,000 from the existing Community Development Block Grant (CDBG) housing development fund to the Community Working Group for the acquisition of the Alma Street Apartments located at 2507-2533 Alma Street.
2. Approve and authorize the allocation of \$250,000 from the next Fiscal Year (2006/2007) CDBG grant allocation for the acquisition of the Alma Street Apartments.
3. Approve and authorize the City Manager or his designee to execute the attached agreement in the amount of \$1,150,000 with the Community Working Group for the acquisition of the Alma Street Apartments.
4. Adopt Budget Amendment Ordinance 4896 to transfer \$250,000 from the City Commercial Housing fund to the CDBG housing development fund in order to carry out acquisition of the Alma Street Apartments.
5. Authorize the City Manager to request \$250,000 in fiscal year 2006/2007 CDBG funds from the Department of Housing and Urban Development in order to reimburse the City Commercial Housing Fund.

Furthermore, when the permanent arrangement for financing is worked out, staff would return to Council with a measure to ensure the property remains low income housing as long as possible.

Council Member Beecham clarified the City needed to expend funds by April 30, 2006, and the change made by the Council would not inhibit that.

Mr. Emslie said that was correct.

Council Member Klein asked what would happen to the present tenants in the building.

Mr. Barr said letters would be sent informing the tenants of the possible purchase by CWG and their rights under federal regulations. Relocating tenants was not expected but if that happened, it would be done under the protection of the federal relocation laws.

**MOTION PASSED** 7-0, Barton, Cordell not participating.

## REPORTS OF OFFICIALS

### 8. Proposed Milestones for Council "Top 3" Priorities FY 2006-07

Assistant City Manager Emily Harrison said the narrative in the staff report (CMR:158:06) on the discussion of the Infrastructure priority or the Library/Police priority did not match Attachment A. The Council had at its places an alternate Attachment A. Staff tried to point out it had concerns about the deadline, knowing the Council had wanted a 2007 election. The alternate schedule matched the narrative in the staff report with the 2008 election. Staff struggled with a number of priorities in terms of showing a deadline and wanted to share with the Council that staff's expectation on both of the milestones was that staff would have a conversation with the Council about options for both expenditure reductions and revenue enhancements prior to the Council's vacation during the summer of 2006. The final deadline of December 2006 did not mean that staff would not be working on priorities.

Council Member Cordell referred to the "at place" Attachment A and asked whether it was required that the Environmental Impact Review (EIR) process must be done before the Council final approval.

City Attorney Gary Baum said in order for the Council to approve the project, the EIR process had to be completed.

Council Member Mossar said she was confused by the staff report (CMR:158:06) relative to the infrastructure for libraries and police and recalled the Council's intent was that in 2006, a decision would be made regarding the direction and the process to follow. The dates for the reports back from the Police Building Task Force and the Library Advisory Commission (LAC) were earlier when the Council met in January than stated in the staff report. There was ample time for the Council to receive the reports before the end of the year to make a decision about next steps.

Ms. Harrison said there was discussion, which was not in the motion, about the advisability or desirability of an election in 2007. Staff was not given direction by the Council to be ready for an election in 2007, but staff anticipated that was the Council's desire and went through a timeline to see what would be possible. Staff realized there was approximately one year's worth of environmental impact work on the Police Building project.

Council Member Mossar said talking about election dates was premature. Staff needed to make sure the work of the two committees, police and libraries, came

to the Council with adequate time to deliberate the information to make choices about next steps.

Ms. Harrison said one of staff's issues was that in January, prior to the Godby Survey, staff had two processes in mind that would both be centered on capital projects. With the results of the survey, staff believed the projects were not going in the same direction and raised the issue about separate priorities.

Council Member Barton questioned why there was no parallel EIR process for the library if an EIR was necessary prior to creating a project.

Ms. Harrison said staff was less certain, at the current time, about what a capital project might be. Staff was waiting for the LAC to define the plan. Staff worked with the Police Blue Ribbon Task Force on a building project. The library survey tended to indicate the City might be looking more at service extensions, enhanced collections, and other noncapital centered improvements.

Council Member Barton said the Council needed a funding mechanism for whatever came out of the library process. The City potentially had two years where the plan sat on the shelf and lost public support. There needed to be a way for staff to think about how the two projects could merge into one project for ballot purposes.

Ms. Harrison said although the Council did not address it directly, the third priority for infrastructure funding had linkages.

Council Member Klein said the Assistant City Manager listed November 2008 as what staff might prefer as an election and questioned why the City could not have an election in June 2008.

Ms. Harrison said staff did not look at June 2008 but noted that could be a viable alternative.

Mr. Baum said there needed to be a General Election for general obligation bonds and questioned whether June qualified as a General Election.

City Clerk Donna Rogers said June did not qualify as a General Election.

Council Member Klein clarified the increase in revenue to achieve an additional \$3 million in the budget was not part of the 2006/07 budget.

City Manager Frank Benest said the City had a two-year budget. After cutting \$20 million, coming up with an additional \$3 million would be difficult. The City would need to plan for service and employee cuts. Cuts were not anticipated in the second year of the budget because the Council approved the second year of

the two year budget. A plan would go to the Council before the summer break which would then be approved after the summer break.

Council Member Klein clarified the Council needed to make a decision by early August 2007 for a November 2007 ballot measure.

Ms. Rogers said the process needed to begin earlier than August because an ordinance required two readings. The first meeting in August was the last time to approve a resolution to consolidate for the election.

Council Member Klein asked what would be the first date necessary to take action.

Ms. Rogers said action needed to be taken in June.

Director Public Works Glenn Roberts said prior to the reading of the ordinances, the Council needed to give direction to staff regarding the final project.

Council Member Morton questioned whether the Council was receiving the report or was a decision was necessary.

Ms. Harrison said staff wanted Council direction as to whether the Council believed the library process appeared to have a different track. The bigger issue was that both the Police Blue Ribbon Task Force for the Police Building and the LAC were going to go through a process of community involvement, discussion, research, and discussion with the Council that staff anticipated would take a period of time.

Mr. Benest said the timeline was appropriate if the Council came to a general decision about the direction to take.

Council Member Morton said his understanding was that there was no library project.

Mr. Benest said the Council appointed a committee to explore the need, desirability and the response. Staff did not know what the committee would bring to the Council. The Council would evaluate the committee's recommendation and provide general direction, which staff believed would happen by the end of 2006. If the Council decided it was desirable and appropriate to develop a building project, it would be a longer process.

Council Member Morton clarified staff was asking the Council to accept the schedule as being representative of what was decided in January 2006.

Mr. Benest said the schedule of milestones reflected Council direction to staff at



the retreat.

Council Member Morton clarified the item was informational only.

Mr. Benest said the Council had to advise staff it was comfortable with the milestones. In terms of the library and police buildings, staff did not know the end product, but the Council would decide the general direction by the end of 2006.

Council Member Morton clarified staff wanted reinforcement that by the end of 2006, staff would be prepared to provide information on two major infrastructure projects.

Mr. Benest said that was correct.

Ms. Harrison said staff would change the milestones to eliminate anything beyond the point at which the Council made a decision.

Mayor Kleinberg said it appeared there were contingency plans for any one of the options that might happen, and staff needed to be ready to go. As the Council got closer to the ultimate decision, Council did not want staff to take six months to get up to speed to move on something. A variety of contingency plans was a good idea.

Council Member Drekmeier said at the County level, the Silicon Valley Leadership Group did a poll and found that if there were a quarter cent sales tax on the ballot for transportation and a quarter cent for Health and Human Services, both would lose, but a half cent sales tax would be approved. Staff was asked whether any consideration was given to polling to see if a package deal with police and libraries would do better than if they were competing against each other.

Ms. Harrison said the question came up repeatedly at the Police Blue Ribbon Task Force and its members felt that would be important as the process proceeded.

Council Member Drekmeier asked whether it made sense to put polling on the timeline.

Ms. Harrison said yes.

Council Member Cordell said both police and library buildings were designated by the Council at the retreat as being priorities, and she did not want to see one play off against the other. Substantial expenditure of funds for capital improvements of the library was necessary.

Vice Mayor Kishimoto said capital expenditures were needed for the library, but the more important decision might be on the service delivery and ongoing costs. Referring to page 2 of attachment 2 of the staff report (CMR158:06), the survey results went to the LAC in February 2006, the LAC recommendations would go to the Council in July 2006, with the Council making a decision in September 2006, and then the Council determining a possible funding measure by the end of 2006. The missing step, depending on the recommendations, was a potential need for the Blue Ribbon Task Force to take the recommendations from the LAC and bring in financial experts to bring forth a politically and financially feasible translation of the recommendations to the Council.

Council Member Klein said he noted that the EIR process for the police building was 13 months and assumed that a proposal for a capital program for the libraries had the same time period.

Ms. Harrison said that was probably correct.

Council Member Klein said 13 months for an EIR seemed like an extraordinarily long period of time and asked whether that could be reduced to a more manageable timeframe.

Mr. Roberts said experience showed the timeline was necessary. Theoretically, an EIR could be done in as little as six months, although the City had not been able to accomplish that on a major capital project.

Mayor Kleinberg asked whether there would be language that said, "if a building was recommended, there would be an EIR process."

Ms. Harrison said that was correct. Staff favored the discussion about preparing contingency plans depending on how both priorities evolved.

Mayor Kleinberg said with respect to the emergency and disaster preparedness and response plans, she wanted to see the updated emergency plan go to the Council for review prior to doing a resource identification. Once resources were identified, it was important to identify funds to pay for the resources.

Ms. Harrison said staff struggled with the priority. Work went on in parallel with tasks 1 and 2.

Mayor Kleinberg preferred the milestones to be more aggressive. The Council should know what resources are needed and identify funds so that in the fall, resources would be ready for the winter storms.

Ms. Harrison said that could be done.

Mayor Kleinberg said the City was interested in collaborating with local businesses but wanted Stanford Health Services and the faith community added. The Citizens Corps should be included to host the community disaster preparedness consortium. With regard to Training Exercises, listed on page 1 of Attachment 2 to the staff report (CMR:158:06), language was suggested, "ensure continuing education and competency of PANDAs" be added after "Train additional community volunteers." Another suggestion was to add community and Stanford emergency disaster drills.

Ms. Harrison said there was a budget for the training exercises every other year. The focus for the current year was for training on the National Incident Management System (NIMS) and Weapons of Mass Destruction Awareness Level Training (AWR). The actual exercises came the following year.

Mayor Kleinberg referred to page 2 of Attachment 2 to the staff report (CMR:158:06), which indicated "Fully develop Council communications plan" and asked whether the role of the Council could be identified.

Ms. Harrison said the intent was to identify the Council's role to do training.

Mayor Kleinberg said the milestone, "Identify planning process for recovery efforts," showed a completion date of June 2007 and asked whether the effort could be parallel.

Ms. Harrison said there was only one person dedicated to do the work.

Mayor Kleinberg said the Finance Committee would look at where there were strategic personnel issues. Staff allocation for priorities was a concern.

Ms. Harrison said there was a team that did the work.

Mayor Kleinberg said she did not see anything listed about floods and asked whether that was because the City looked to the Joint Powers Authority (JPA).

Mr. Benest said there was an ongoing collaboration. A great many of the emergency preparedness efforts were done in collaboration with the JPA because flooding was a big issue.

Ms. Harrison said after the holiday floods, the City worked on a number of improvements to incorporate into the regular planning. The City had a list of new ways to approach things such as notification of the public.

Mayor Kleinberg asked whether there were any milestones that grew out of the recommendations that could be added.

Ms. Harrison said that was possible, as an attachment. A milestone could be added under Response to state, "Review the recommendations coming out of the holiday floods."

Arthur Keller, 3881 Corina Way, said the focus on emergency preparedness was important as well as the nature of communication. Appropriate communications needed to be established that were bi-directional between people working on emergency preparedness and leaders in the community. His preference was to put City Hall and the Police Building in the Agilent location and put a convention center in the current City Hall location.

**MOTION:** Council Member Morton moved, seconded by Beecham, to accept the proposed milestones for the FY 2006-07 Council Top 3 Priorities and to take into consideration the comments of Council Members received at the meeting.

Council Member Morton said it appeared the Council was directing staff as to where staffing should be put and where energy should be put, which was not the role of priorities. The role of priorities was to give staff goals.

Mayor Kleinberg questioned if Council Member Morton proposed to accept the staff workplan with none of the suggestions.

Council Member Morton said staff heard the suggestions. His motion was to accept the staff report, as presented.

Mayor Kleinberg suggested asking that revised milestones return to the Council.

Council Member Morton said he trusted staff to incorporate the suggestions.

Council Member Beecham said he expected staff would come back with revisions based on what was discussed at the current meeting.

Council Member Morton said he had no objection to staff bringing back the revision as a Consent Calendar item.

**SUBSTITUTE MOTION:** Council Member Klein moved, seconded by Mayor Kleinberg, to direct staff to revise Top 3 milestones and return to Council for approval of the following revisions: a) Include comments made by Mayor Kleinberg to emergency disaster planning; b) Infrastructure plan title to be revised to Library/Police buildings; c) Establish a timeline so that if Council desires it may put matters concerning police or libraries on the November 2007 ballot; and d) Keep the discussion of library and police buildings on the same timeline.

Council Member Klein said the Council provided input to what staff had asked for. Basic policy decisions had to be made, such as whether there would be a 2007 or 2008 ballot. Keeping the two issues on the same timeline was important. November 2008 was too far out, and the Council should aim for November 2007 to show the community that projects did not take forever to get done in Palo Alto.

Vice Mayor Kishimoto asked whether staff wanted to respond on the November 2007 deadline.

Ms. Harrison said staff had to decide when the Police Blue Ribbon Task Force finished its report and provided its recommendations. A six-month, or minimal, EIR process was assumed. A schedule would be provided.

Vice Mayor Kishimoto clarified the Library schedule needed to be moved up.

Ms. Harrison said that was correct.

Vice Mayor Kishimoto said she wanted to see the LAC recommendation go to the Council earlier, and the Council needed to make a decision by June as to whether a Blue Ribbon Task Force was appointed to bring the recommendation to completion.

Ms. Harrison said her understanding was that Council Member Klein's recommendation was to return with a revised plan that set timelines in the event the Council desired to put library and police matters on a 2007 ballot.

Mayor Kleinberg said she assumed a Police Blue Ribbon Task Force would be one of the stems emanating out of one of the decision lines.

Ms. Harrison said that was correct. Staff had to have adequate time in the schedule for the creation of a task force.

Council Member Barton agreed the Council needed to push for 2007 election and was opposed to a Blue Ribbon Task Force for the library, since the library had the Library Advisory Commission (LAC.)

Vice Mayor Kishimoto said one reason for a Library Blue Ribbon Task Force was for the campaign. Staff could not be the advocate. A committee with a set of skills and experience that the LAC did not have was necessary.

Mr. Baum said following the pattern of the successful Storm Drain Blue Ribbon Task Force, the City needed to recognize it could not set up a task force to campaign.

Council Member Mossar said she agreed that November 2007 was a better time than 2008 to take something to the voters. The Council had a general conversation but had not had Council discussion or action taken on specific items recommended. The motion before the Council accepted everyone's individual comments and directed staff to incorporate the comments into the milestones. Staff should be asked to come back with revisions to be looked at prior to adopting milestones.

Council Member Klein said his motion was to direct staff to revise the milestones and return those to the Council for approval.

Council Member Mossar said she did not expect staff to bring the milestones back precisely as discussed, but staff would consider the conversation and bring the milestones back.

Council Member Klein said he wanted the revised milestones to come back to the Council in accordance with the general discussion. The Council was free to agree or disagree with specific items brought back.

Council Member Mossar said her recommendation was that staff bring back Draft #2 in accordance with the Council's input at the current meeting and staff's best recommendation.

Council Member Klein said he disagreed with stating "staff's best recommendations."

Council Member Mossar said some comments made at the current meeting had budgetary implications. Staff needed to come back and say what worked or did not work and the reasons.

Council Member Beecham wanted staff to bring information back as to how the ballot would be accomplished by 2007 although there were concerns as to whether or not that was possible.

**MOTION PASSED 9-0.**

Mayor Kleinberg asked when the Council would expect to see the revised milestones.

Ms. Harrison said staff would return with the revised milestones in April.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Mossar noted she would be absent at next Monday night's Council Meeting due to her trip to the National League of Cities (NLC)

Conference in Washington, D.C. She reported she would be attempting to get the NLC to take up issues of global climate change but would not be lobbying on behalf of the San Francisquito Creek project at this time. She asked for the public to write letters to legislators regarding the funding for this project.

Council Member Cordell noted after the Council voted to uphold the ban on gas powered leaf blowers she wrote a letter to Jose Cerato, who works on her yard, stating that he no longer had the obligation to remove any leaves from her yard and would be paid the same amount. The individual who spoke at tonight's meeting misrepresented the arrangement.

Council Member Drekmeier acknowledged a great project by city staff members Julie Weiss and Phil Bobel, launching the Clean Bay Campaign along with Save the Bay, and the new website at [www.cleanbay.org](http://www.cleanbay.org).

Mayor Kleinberg noted the point of the Clean Bay Campaign is to make the public aware that actions taken in their homes have a direct impact on water quality and the environment.

Council Member Beecham reported he attended ribbon cutting ceremonies on February 24 for the new clean energy power plant in Watsonville, which is a 3 megawatt plant that recovers landfill gas (methane) and is a partnership between Palo Alto and Alameda.

Mayor Kleinberg noted March is Colorectal Cancer Month, and she complimented City Clerk Donna Rogers, who has qualified for her second level membership in the International Institute of Municipal Clerks Master Municipal Clerk Academy.

ADJOURNMENT: The meeting adjourned at 9:55 p.m.

ATTEST:

APPROVED:

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City Clerk

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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.

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