

Regular Meeting
April 10, 2006

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FINAL ADJOURNMENT 12

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:08 p.m.

PRESENT: Beecham, Cordell, Drekmeier, Klein, Kleinberg, Morton,
Mossar

Absent: Barton, Kishimoto

SPECIAL ORDERS OF THE DAY

1. Resolution 8595 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Eve Agiewich for Outstanding Public Service as a Member of the Human Relations Commission"

MOTION: Council Member Morton moved, seconded by Cordell, to approve the resolution for Eve Agiewich.

MOTION PASSED: 7-0, Barton, Kishimoto absent.

- 1A. Selection of Candidates to be Interviewed for the Public Art Commission

MOTION: Council Member Klein moved, seconded by Cordell, to interview all four applicants.

MOTION PASSED: 7-0, Barton, Kishimoto absent

ORAL COMMUNICATIONS

Chunrong Zhon, 100 Hoskins Court #108, spoke regarding human rights.

Maya Spector spoke regarding Service Employee International Union (SEIU) request for completion of clerical study.

Susan Caudill spoke regarding the SEIU request for completion of the clerical study.

Ranya Anabtawi spoke regarding the SEIU request for completion of the clerical study.

Alicia Spotwood spoke regarding the SEIU request for completion of the clerical study.

Annette Puskarich spoke regarding the SEIU request for completion of the clerical study.

Mary Quan, 2561 Alvin Street, Mountain View, spoke regarding death camps inside China.

Maria Daly, 24501 Summerhill Avenue, spoke regarding death camps inside China.

LiJuan Ma, 845 Ramona Street, spoke regarding the Falun Gong.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Mossar, to adopt the minutes of March 13, 2006, as submitted.

MOTION PASSED 7-0, Barton, Kishimoto absent.

CONSENT CALENDAR

MOTION: Council Member Morton moved, seconded by Mossar, to approve Item Nos. 2 through 4 on the Consent Calendar.

2. Approval of Amendment No. 1 to Contract C3152808 with Van Meter Williams Pollack in the Amount of \$44,700 for a Total Contract Amount of \$117,345 for Urban Design Consulting for the Zoning Ordinance Update (ZOU), and Amendment No. 2 to Contract S05108629 with MHA Environmental Consulting, Inc. in the Amount of \$46,875 for a Total Contract Amount of \$185,875 for Urban Planning Consulting
3. 449-453 Addison Avenue: Recommendation from the Historic Resources Board at the Request of the Owner, Margo Schmidt, to Designate a Residential Building to the City of Palo Alto's Historic Inventory in Category 2 Pursuant to Municipal Code Chapter 16.49 (Historic Preservation Ordinance)
4. Approval to Increase Purchase Order No. 4606000269 with Sierra Chemical Company in the Amount of \$65,000 for a total of \$314,600 for the Purchase of Bulk Chlorine and Sulfur Dioxide for the Water Quality Control Plant

MOTION PASSED 7-0, Barton, Kishimoto absent.

REPORTS OF OFFICIALS

5. Review of Local Hazard Mitigation Plan

Assistant City Manager Emily Harrison said the Local Hazard Mitigation Plan (LHMP) was before Council for further review and discussion to comply with the Association of Bay Area Governments' (ABAG) deadline.

Council Member Mossar asked whether a motion was required to accept and file the Plan.

Ms. Harrison said amendments made to the Plan would require a motion.

Robert Moss, 4010 Orme Street, suggested educating the public on how to retrofit houses and soft-story buildings. Financial incentives should be given to building owners to encourage retrofitting their buildings. Another area that needed to be looked at was unreinforced masonry buildings.

Mayor Kleinberg said, as a follow up to Mr. Moss' comment, the Emergency Preparedness Council had presented a map to the City, which included soft-story buildings. She questioned the status on the issue of property rights if a property owner was asked to do repairs without a legal notice.

Chief Building Official Fred Herman confirmed the County had conducted an inventory on soft-story buildings throughout the County but the City did not have the exact location of the buildings. He said it was a complicated issue and would require extensive research and looking into the economics of buildings in lower-cost housing areas. The City of Berkeley was working on an Ordinance and was the only city in the area working on the issue.

Mayor Kleinberg said there was a moral and ethical obligation to protect the citizens of Palo Alto in an event of a disaster and she was interested in the process used by the City of Berkeley. She said she had seen a map with addresses identifying soft-story buildings and questioned how difficult it would be to provide the information.

Mr. Herman said it would require extensive research. It took six years to adopt an Ordinance for fifty-two commercial, unreinforced, masonry buildings in Palo Alto. Additionally, there were other types of hazardous structures such as "tilt up" buildings.

Mayor Kleinberg asked whether it was the City's responsibility to notify owners and tenants regarding hazardous buildings.

Mr. Herman said it was the City's responsibility but would require an Ordinance.

Mayor Kleinberg asked if could be done without an Ordinance.

City Manager Frank Benest suggested staff meet with the City Attorney to prepare an informational report to explore the questions raised.

Mayor Kleinberg concurred with the City Manager's suggestion and asked that it be done. She said staff report (CMR:171:06) will be accepted and filed.

No action taken.

COUNCIL MATTERS

6. Colleagues Memo from Mayor Kleinberg and Council Member Barton regarding Endorsement of Measure C, Foothill/De Anza College Repair/Job Training Bond Measure

Ken Horowitz, 525 Homer Avenue, said many healthcare professionals, who worked and cared for residents in Palo Alto, were trained at Foothill/De Anza College. Residents without insurance were treated at the dental hygiene clinic at Foothill College that needed modernization. He urged the Council to support the Bond Measure.

Erwin Morton, 1491 Kings Lane, spoke on behalf of the Parent and Teachers Association (PTA) and said students deserved their support and upgrades to the facilities were necessary.

Betsy Bechtel, 458 Lowell Avenue, President of the Board of Trustees for Foothill/DeAnza College, said the Board unanimously voted to place the Measure on the June 6, 2006 ballot. Foothill/DeAnza College was the leading district in workforce training and in transferring students to four-year colleges. It would be a 15-year plan and the anticipated distribution of funds would be 40 percent for maintenance and renovation, 30 percent for new buildings at college sites, 20 percent for technology upgrades, and 10 percent for property acquisition. Impact to voters would be \$24 per \$100,000 of assessed valuation or approximately \$100 per year for the average assessed valuation. She asked for the Council's support.

Council Member Morton stated for the record his firm provided accounting services to the Foothill/DeAnza Faculty Association. He said he would continue to participate in discussing the item since the association did not deal directly with capital improvement items.

MOTION: Mayor Kleinberg moved, seconded by Beecham, to direct staff to bring back a resolution in April 2006 in support of Measure C, the Foothill/De Anza College Bond Measure. Measure C will be placed on the June 6, 2006 ballot.

Council Member Beecham said with the rapid turnover of jobs in the Silicon Valley, local colleges helped train students to compete locally and throughout the world.

Council Member Klein said programs offered through community colleges helped strengthen the world economy. Many countries did not have community college systems and it was important to support a program that benefited the citizens and the economy.

MOTION PASSED 7-0, Barton, Kishimoto absent.

7. Colleagues Memo from Council Members Beecham, Morton, and Mossar regarding Initiation of Public/Private Partnership for Art Center Capital Improvements.

James Ngo, 2727 Midtown Court #36, spoke regarding art appreciation.

Erin Mittmann, 2377 Saint Francis Drive, presented a poster she made to the Council depicting her appreciation for the Art Center. Mayor Kleinberg said the poster would be displayed in the Mayor's Office.

Henry spoke regarding his appreciation for the art and "to-do" projects at the Art Center.

Fran Adams, 1111 Stanley Way, said the facilities at the Art Center needed to be upgraded, specifically the air-conditioning and ventilation.

Tess Sinclair, 1313 Newell Road, spoke of the need to protect the Art Center

Deborah Rogers, 2160 Avy Avenue, Menlo Park, spoke of the musical events that took place at the Art Center. The heating and air conditioning system in the auditorium, and the lighting and bathrooms at the Center were in great need of repairs. Improvements to the Center would make events a more pleasurable and comfortable experience for audiences and musicians.

Ron Cooper, 404 West Meadow Drive, said the Art Center was a unique blending of educational, aesthetic, and creative opportunities for the citizens of Palo Alto and urged the Council to support the motion.

Meridee Taylor, 777-71 San Antonio Road, said the Art Center was a forum for the practice, viewing, and discussion of art. She asked the Council for the financial support to upgrade the Art Center.

Erwin Morton, 1491 Kings Lane, urged the Council to support the motion.

Steve Curl, 460 Everett Avenue #1, said the Art Center was a place where people could exercise their artistic potential and carry out a spirit of creativity. He asked the Council to support the motion.

Armando Bottelli, 1747 Cunningham Street, Santa Clara, spoke of neighboring residents of Palo Alto, who attend events at the Art Center, and the importance of partnerships between public and private institutions. He urged the Council to support the motion.

Anne Gregor, 1220 Hamilton Street, said the memo summarized the many attributes and services to the community provided by the Art Center. The Center received over 80,000 visitors per year and she expressed the need to renovate the facilities.

Abby Bradski, 1543 Madrone Avenue, spoke of her appreciation for the Art Center and how it taught children to love museums. She urged the Council for their support.

Jim Niforopulos, 427 Alma Street, spoke of the Palo Alto Camera Club and how the Art Center was a valuable resource where the club exchanged their art. He said "civilization was not measured by the wars they wage, win or lose, nor the gross national product, but measured by the art they produced."

Diana Krippendorf, 265 Monaco Drive, Redwood City, spoke of the Cultural Kaleidoscope Program. The program consisted of twelve Palo Alto and thirteen Ravenswood classes that helped build relationships between the children and enriched the children's lives in East Palo Alto.

Herb Borock, P.O. Box 632, spoke regarding the allocation of funds for the Public/Private Partnership for the Art Center and the need to reconcile allocations for rehabilitation projects and capital improvement projects.

Davy Quezada spoke regarding the need to upgrade and renovate the Art Center, specifically the ventilation and a better auditorium.

Penny Durham, Menlo Park, spoke of the uniqueness of the Art Center, its activities and the quality of its high standard of teaching. She encouraged the Council to support the Center and to help it flourish into the future.

Stephanie Munoz, 101 Alma, #101, spoke in support of the repairs to the Center, but discouraged expanding the facilities and suggested further consideration be given to not utilizing open space.

MOTION: Council Member Beecham moved, seconded by Morton, to direct staff to return to Council with a draft agreement between the City and the Art Center Foundation under which the City would commit matching funds, in an amount not to exceed the escalated cost of repairs/upgrades projected in the Infrastructure Management Study (approximately \$1.7 million), to be matched by funds raised privately by the Foundation for such repairs/upgrades and additional capital improvements, as agreed jointly.

Council Member Beecham clarified the needs of the facilities as part of the \$1 million deficit infrastructure improvement requirements in the City. He said the City was obligated to take care of its infrastructure but questioned the funding. There was a group of citizens willing to tax themselves to help the City do the job. Revenues were needed to work on infrastructure, as it would not be possible to rely on the generosity of the citizens alone. The City needed to find other sources. He made a correction to the colleague's memo. Under "Recommendations" the paragraph stated the city would commit matching funds in an amount not to exceed the escalated cost of repairs/upgrades projected in the Infrastructure Management Study (approximately \$2.5 million). The correction should be "approximately \$1.7 million."

Council Member Morton urged Council to accept the initiation of Public/Private Partnership to help provide the Center with an environment to reflect the quality of activities at the Art Center.

Council Member Mossar said approval of the motion would open the door for conversation between the City and the Art Center Foundation in utilizing the monies for repairs and improvements to the facility.

Council Member Klein said his interpretation of the motion was the City would not turn over its funds until the Art Center Foundation reached its goal.

Council Member Beecham said that was the intent.

Council Member Klein said he did not want to send a message to potential donors that it was a \$3 to \$4 million project. He asked the recommendation have a provision not to commit the City funds until the Art Center Foundation raised the amount necessary to fund the Art Center's Master Plan.

Council Member Beecham said the item was being sent back to staff to negotiate with the Art Center Foundation on how to maximize leverage of City funds, which would need Council's final approval.

Council Member Mossar clarified the memorandum did not mention a one-to-one match.

Council Member Klein said the word "match" was used and without a number he interpreted "match" as one-to-one.

Council Member Beecham said that was the initial intent when the approximate target was \$5 million but with the corrected amount of \$1.7 million and unavailable City funds identified in a study, it was appropriate to ask the Foundation to work out the best leverage in meeting the target.

Council Member Klein asked whether an amendment could be made to indicate the matching amount.

Council Member Beecham said he would accept an amendment.

Council Member Morton said if the Art Foundation had to raise half of a hypothetical \$10 or \$12 million, it would be another ten years before reaching a goal. If the motion was to have staff return with an amount for the total project, it would not work.

Council Member Klein said it would be more persuasive to the donor to know the matching ratio. They would know what they are contributing towards and the City would know what the project would be.

Council Member Morton said the City needed to show support for the project. If this item returned without a commitment to proceed with upgrades to the facilities, he would not accept the proposed changes and withdrew his second to the motion.

Council Member Beecham asked that his motion include the statement "the matching ratio would be discussed with the Foundation to maximize the project."

SUBSTITUTE MOTION: Council Member Beecham moved, seconded by Mossar, to direct staff to return to Council with a draft agreement between the City and the Art Center Foundation under which the City would commit matching funds, in an amount not to exceed the escalated cost of repairs/upgrades projected in the Infrastructure Management Study (approximately \$1.7 million), to be matched by funds raised privately by the Foundation for such repairs/upgrades and additional capital improvements, as may be jointly agreed upon. Furthermore, the matching ratio would be discussed with the Foundation to maximize the project.

Council Member Morton said the revised language was broad enough that he would accept the motion, with the understanding to not burden the Art Center Foundation with another limitation they would be unable to meet.

Mayor Kleinberg asked Council Member Beecham if there was a plan on how to review the overall priorities to determine the use of the Infrastructure Fund.

Council Member Beecham said he did not have a plan but was aware the project was long overdue. The Foundation was willing to put up the money but needed a plan on how to leverage the funds.

Mayor Kleinberg said Palo Alto had a generous community and felt there were other groups willing to step forward and raise money for culture, knowledge and education for the children. The challenge was not just about money but how the City balanced the offers with respect, and leveraged the funds without dividing, conquering, and competing. She wanted to know when the item would be presented to the Policy and Services Committee for discussion.

Ms. Harrison said it was scheduled for April 26, 2006.

Mayor Kleinberg stated the Public/Private Partnership with the Art Center Foundation could be a model and a way to improve City resources.

Council Member Beecham clarified the recommendation was consistent with the existing Infrastructure Management Study and would not go beyond the identified needs. He said, putting the Foundation's offer into perspective, if funds were met on a one-to-one basis, the \$100 million dollar deficit would drop to \$50 million dollars and a three-to-one match would drop the City's deficit to \$33 million dollars.

MOTION PASSED 7-0, Barton, Kishimoto absent.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Beecham reported he attended a Northern California Power Agency (NCPA) meeting in Roseville on April 10, 2006, to deal with governance issues, which will be brought to Council for review and approval.

Mayor Kleinberg requested the status of the clerical study.

Ms. Harrison said it is expected the study will be complete by the end of June 2006.

FINAL ADJOURNMENT: The meeting adjourned at 9:20 p.m.

ATTEST:

APPROVED:

City Clerk

Mayor

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.