

Special Meeting
December 18, 2006

- 1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION 4
- ADJOURNMENT: The meeting adjourned at 6:00 p.m. 4
- 1. CONFERENCE WITH CITY ATTORNEY – ANTICIPATED LITIGATION 5
- ADJOURNMENT: The meeting adjourned at 6:55 p.m. 5
- ORAL COMMUNICATIONS..... 6
- 1. Report from the Mayor’s Green Ribbon Task Force..... 7
- 2. Proclamation Recognizing Palo Alto as the First Environmental Protection Agency Green Power Community in California 9
- 3. Selection of Applicants to Interview for the Library Advisory Commission..... 9
- APPROVAL OF MINUTES..... 9
- CONSENT CALENDAR 9
- 4. Ordinance 4929 entitled “Ordinance of the Council of the City of Palo Alto Amending the Budget for Fiscal Year 2006-07 in the Amount of \$750,000 from Utilities Electric Supply Rate Stabilization Reserve to Provide Incentives to City of Palo Alto Utilities’ Customers to Continue Installing Photovoltaic Systems” 11
- 5. Resolution 8677 entitled “Resolution of the Council of the City of Palo Alto Approving a Construction Grant Agreement between the Association of Bay Area Governments and The City of Palo Alto Pertaining to the Receipt of Funds for the Bay Trail Project’s Trail Improvements to be made at the Faber/Laumeister Tract in the Palo Alto Baylands” 11
- 7. Approval of a Contract with SPG Solar, Inc., in the Amount of \$2,648,461 for the Installation of Photovoltaic (Solar) Panels, Trackers and Carports at the Baylands Interpretive Center, Municipal Service Center, and Cubberley Community Center as Part of a Photovoltaic Demonstration Project - Capital Improvement Program Project PE-05001..... 11

8.	Approval of an Agreement between the San Francisquito Creek Joint Powers Authority and its Member Agencies with Respect to Roles and Responsibilities Regarding the Army Corps of Engineers’ Feasibility Study.....	11
9.	Resolution 8678 entitled “Resolution of the Council of the City Of Palo Alto Adopting a Compensation Plan for Management and Professional Personnel and Council Appointees and Rescinding Resolution Nos. 8554, 8593, 8609 and 8622”	11
10.	Request for Authorization to Increase Existing Contract with the Law Firm of Littler & Mendelson by an additional \$40,000 for a Total Contract Not to Exceed Amount of \$125,000	12
11a.	Ordinance 4919 entitled “Ordinance of the Council of the City of Palo Alto Approving a Negative Declaration and Amending Section 18.08.040 of the Palo Alto Municipal Code (the Zoning Map) to Change the Classification of Property Known as 850 Webster Street (Channing House) from PC Planned Community 4900 to PC Planned Community _____, to Allow Construction of a Health Care Building and Underground Garage, and Approve a Variance for Encroachments into a Special Daylight Plane Along Two Property Lines”	12
11b.	(Old Item No. 6) Resolution 8680 entitled “Resolution of the Council of the City of Palo Alto Supporting Participation in ICLEI’s Cities for Climate Protection® Campaign and Pledging to Undertake the Campaign’s Five Milestones to Reduce Local Greenhouse Gas Emissions that Contribute to Global Warming”. 12	12
11c.	(Old Item No. 11) 1 st Reading – Ordinance Amending Section 2.28.230 of Chapter 2.28 (Fiscal Procedures) of the Palo Alto Municipal Code Regarding Claims Against the City.....	14
14.	Service Efforts and Accomplishments Report for Fiscal Year 2005-06.....	14
15.	Public Hearing – Pursuant to Government Code Section 30061, Title 3, Division 3, Relating to the Supplemental Law Enforcement Services Fund, to consider the Police Chief’s request to Purchase Electro-Muscular Disruption Devices (Tasers) or Other Equipment to be used by First Line Officers.....	14
16.	Colleagues Memo from Mayor Kleinberg and Council Member Klein re Palo Alto Airport Business Operations and Santa Clara County Lease and the Creation of a Palo Alto Airport Working Group.....	17
12.	City Council Authorization to Commence the Process for Review of the Stanford Medical Center Project; Approval of Reimbursement Agreement; and Authorization for City Manager and City Attorney, with Assistance from the Directors of Planning and Community Environment and Administrative Services, to Negotiate a Development Agreement	21
13.	City Council Authorization to Commence the Process for Review of the Stanford Shopping Center Project; Approval of Reimbursement Agreement; and Authorization for the City Manager and City Attorney, with Assistance from the Directors of Planning and Community Environment and Administrative Services, to Negotiate an Amendment to a Development Agreement.....	31

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES 32
FINAL ADJOURNMENT: The meeting adjourned at 12:15 a.m. 33

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:15 p.m.

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

ORAL COMMUNICATIONS

CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager
Authority: Government Code section 54957(b)(1)

Mayor Kleinberg stated no reportable action was taken.

ADJOURNMENT: The meeting adjourned at 6:00 p.m.

Special Meeting
December 18, 2006

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:45 p.m.

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

Absent: Morton, Mossar not participating

ORAL COMMUNICATIONS

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY – ANTICIPATED LITIGATION
Subject: Written communication threatening litigation against City of Palo Alto by New Cingular Wireless PCS, LLC
Authority: Government Code Sections 54956.9(b)(1) & (b)(3)(C)

Mayor Kleinberg stated no reportable action was taken.

ADJOURNMENT: The meeting adjourned at 6:55 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

Council Member Morton stated he did not participate in the closed session due to a conflict of interest because of family holdings in the entity that was under discussion.

Council Member Mossar stated she did not participate in the closed session due to a conflict of interest because of family holdings in the entity under discussion.

ORAL COMMUNICATIONS

Ratu Serumalani, SEIU, spoke regarding contracting out jobs.

Karen Miel, SEIU, spoke regarding contracting out jobs.

Phil Plymale, SEIU, spoke regarding contracting out jobs.

Peggy Law, 830 Los Trancos, spoke regarding the problems in Oaxaca, Mexico, which is Palo Alto's Sister City.

Gail Svedanovic, 2161 Ashton Avenue, Menlo Park, spoke regarding the problem in the schools in Oaxaca, Mexico and concern for the safety of the teachers and students.

Sharon Kufeldt, 825 San Antonio Road, #204, spoke regarding the police and military operations in Oaxaca, Mexico under the new administration.

Ruth Robertson, 762 Southampton Drive, spoke regarding Palo Alto's Sister City Oaxaca, Mexico and requested the City look into what is happening.

Jim Kleinberg expressed his appreciation to Mayor Kleinberg for her tenure as Mayor in 2006.

Don Letcher, 788 N. Rengstorff, Mountain View, spoke regarding the League of California Cities rating on affordable housing.

Bob Evans, 812 Gailen Avenue, spoke regarding the fact the City Utility blew sewage into his house.

Mark Petersen-Perez, 434 Addison Avenue, spoke regarding the Police Auditor paid informant.

Aram James spoke regarding police practices.

STUDY SESSION

1. Report from the Mayor's Green Ribbon Task Force

Walt Hays, Task Force Chair, summarized the formation of the Task Force and its mission and goal. The Task Force was established by Mayor Judy Kleinberg in March 2006 in her State of the City address, to "better galvanize our community to work on the problem of climate change and greenhouse gas emissions, and to recommend tangible steps and local actions by all stakeholder groups, including the City, to reduce global warming and encourage sustainable practices."

Mission: To recommend an achievable and measurable set of policies and actions to meet or beat the Governor's greenhouse gas emission-cutting goals (2000 levels by 2010, 1990 levels by 2020, and 80 percent below 1990 levels by 2050).

Goal: To achieve significant, measurable reductions of greenhouse gas (GHG) emissions in the Palo Alto/Stanford area through positive actions in all sectors of the population"

Karl Knapp, Palo Alto Utilities Department, presented the Baseline Committee's estimates of CO₂ emissions from the use of electricity, natural gas, and fuel for transportation in the Palo Alto community. Total emissions were estimated to be 644,000 metric tons of CO₂, roughly half from transportation and half from electricity and natural gas combined. Recommendations from the Baseline Committee were to inventory emissions, seek means to improve estimates for transportation with more frequently updated specific Palo Alto data, and in developing targets to measure progress against time rather than against others, and to devise how to best track progress, which may entail measuring changes rather than the difference in a total annual estimate.

Mr. Knapp advised that CO₂ emissions from electricity and natural gas were 20 percent below estimated 1990 levels in 2005, with electricity exhibiting greater reductions because of the combination of lower usage plus greater percentages of renewable energy supplies. About one-third of the energy-related emissions are due to residents, and only 3 percent from City facilities, the remainder from commercial, industrial and other public facilities. The average residential customer emits about 5 metric tons per year. The largest contributor by end user is space heating, followed by water heating and then lighting. These three combine for 60 percent of energy-related emissions. Electric efficiency offers a greater opportunity for

reductions because the electricity with the most CO2 content is purchased last.

Bret Anderson, Palo Alto Council of PTAs, presented the Transportation Committee findings. Transportation accounts for 51 percent of the estimated CO2 emissions for the Palo Alto community. Transportation emissions are very difficult to estimate. Ninety percent of commute emissions are generated by single-occupancy vehicles, which is 30 percent of total transportation emissions. Air transport accounts for another 20 percent and commercial transportation about 36 percent. For many travelers, flights are the major source of emissions. In conjunction with the Baseline Committee, there were special efforts by Jane Melia of Hewlett-Packard, who developed a transportation "what-if" model for commuting to be used to estimate changes in emissions from changes in assumptions or program accomplishments. Examples of results suggest a 10 percent increase in carpooling would reduce commute emissions by 6 percent; 20 percent of people using more efficient cars could reduce commute emissions by 18 percent; and 10 percent of the population working at home one day per week would reduce commute emissions by 2 percent. Transportation Committee recommendations were to promote alternative fuels, facilitate increased biking and walking, use parking incentives to encourage less driving and greener vehicles, increase mass transit availability, encourage electronic alternatives to travel, reduce emissions from school commuting, education and outreach, and lobbying at the regional, state, and national levels, and in particular encouraging a carbon tax.

Elke MacGregor, DES Architects/Engineers, presented the Built Environment Committee recommendations, which were organized in four key areas: (1) green buildings by providing expertise, information and incentives; (2) energy efficiency, through consulting assistance, solar power and low-carbon water heating, and possibly a residential energy consumption ordinance (RECO); (3) landscape, by making enhanced use of trees to reduce heat island and provide shade and reducing water use; and (4) pedestrian and transit planning, through transit-oriented development, bicycle circulation and parking, and outdoor seating and pedestrian access.

Heather Trossman, Heather Trossman Architecture and Planning, presented the Education and Motivation Committee report, which she called the "what do we do next" group. The Committee recommended it is important to instill a sense of moral imperative about global warming. The Committee recommended providing a "portal" to existing green programs, developing a green public relations umbrella that would provide "one-stop shopping" for environmental programs, incentives and rebates with a "brand identity" logo reflecting Palo Alto as an innovative, green city. They recommended a public/private partnership to administer the awareness/action program in order to leverage scarce City resources and put community enthusiasm to good use. Other key recommendations were to lead by doing through

programs such as green certification and Sustainable Silicon Valley, learning from other cities to avoid reinventing the wheel, and encouraging green technology innovation, synergy and cross-pollination, working closely with Stanford University, the Stanford Research Park, and local green tech entrepreneurs.

Walt Hays summarized the recommendations: (1) to direct staff to develop a climate action plan; (2) to devise a public/private partnership along the lines recommended by the Education and Motivation Committee; and (3) to have the plan and partnership convene periodic public meetings to keep the momentum developed through the work of the Task Force into the future.

No Action Required.

SPECIAL ORDERS OF THE DAY

2. Proclamation Recognizing Palo Alto as the First Environmental Protection Agency Green Power Community in California

Brian Ward, PaloAltoGreen Program Manager, thanked the Council for their support.

No Action Required.

Mayor Kleinberg noted the Office of Emergency Services issued a brochure on winter storm preparation tips. She encouraged residents to prepare themselves for the upcoming winter season.

3. Selection of Applicants to Interview for the Library Advisory Commission

MOTION: Council Member Mossar moved, seconded by Morton, to interview all four applicants for the Library Advisory Commission.

MOTION PASSED 9-0.

APPROVAL OF MINUTES

MOTION: Council Member Mossar moved, seconded by Cordell, to approve the minutes of November 13, 2006 and November 20, 2006, as submitted.

MOTION PASSED 9-0.

CONSENT CALENDAR

MOTION: Council Member Klein moved, seconded by Mossar, to remove Item No. 6 from the Consent Calendar to become Item No. 11b.

Council Member Mossar registered a “no” vote on Item No. 9.

Vice Mayor Kishimoto registered a “no” vote on Item No. 9.

Mayor Kleinberg registered a “no” vote on Item No. 9.

Council Member Cordell referred to Agenda Item No. 8 and asked for the timeframe of the Army Corps of Engineers’ (Corps) Feasibility Study.

Council Member Mossar said there was no specific deadline. If the Council voted not to sign the agreement, the Corps could not work on the project. The progress from the Feasibility Study (Study) moved at a pace equal to the amount of federal funds received. Funding was already in hand in order to complete the Study for a local match.

Council Member Cordell stated because there was no timetable and the Study could take years.

City Manager Frank Benest said currently the Corps had conducted mapping and environmental and hydrological studies. It was anticipated once the baseline studies were completed, development of project alternatives would begin during the summer of 2007.

Council Member Cordell referred to Agenda Item No. 11 and said she did not see the one year statute of limitations requirement for certain claims spelled out in the amended ordinance. She expressed concern the average person may not understand the State ordinance and she believed it should be spelled out.

City Attorney Gary Baum said State law required the City to adopt the ordinance as presented. The one year was adopted from the State statute, which contained the one year limitation. He indicated the language could be placed in a recital. Staff would amend the ordinance to reflect the one year limitation.

Council Member Mossar asked whether the item needed to be pulled from the Consent Calendar and voted upon.

Mayor Kleinberg said yes.

MOTION: Council Member Cordell moved, seconded by Kishimoto, to remove Item No. 11 from the Consent Calendar to become Item No. 11c.

Vice Mayor Kishimoto referred to Item No. 8 and indicated the San Francisquito Creek Joint Powers Authority (JPA) Board anticipated returning

to the Council with an update on the funding for the Feasibility Study in January 2007.

MOTION: Council Member Morton moved, seconded by Barton, to approve Consent Calendar Items No. 4, 5, 7-10, and 11a on the Consent Calendar.

4. Ordinance 4929 entitled "Ordinance of the Council of the City of Palo Alto Amending the Budget for Fiscal Year 2006-07 in the Amount of \$750,000 from Utilities Electric Supply Rate Stabilization Reserve to Provide Incentives to City of Palo Alto Utilities' Customers to Continue Installing Photovoltaic Systems"
5. Resolution 8677 entitled "Resolution of the Council of the City of Palo Alto Approving a Construction Grant Agreement between the Association of Bay Area Governments and The City of Palo Alto Pertaining to the Receipt of Funds for the Bay Trail Project's Trail Improvements to be made at the Faber/Laumeister Tract in the Palo Alto Baylands"
- ~~6. Resolution xxxx entitled "Resolution of the Council of the City of Palo Alto Supporting Participation in Iclei's Cities for Climate Protection[®] Campaign and Pledging to Undertake the Campaign's Five Milestones to Reduce Local Greenhouse Gas Emissions that Contribute to Global Warming"~~
7. Approval of a Contract with SPG Solar, Inc., in the Amount of \$2,648,461 for the Installation of Photovoltaic (Solar) Panels, Trackers and Carports at the Baylands Interpretive Center, Municipal Service Center, and Cubberley Community Center as Part of a Photovoltaic Demonstration Project - Capital Improvement Program Project PE-05001
8. Approval of an Agreement between the San Francisquito Creek Joint Powers Authority and its Member Agencies with Respect to Roles and Responsibilities Regarding the Army Corps of Engineers' Feasibility Study
9. Resolution 8678 entitled "Resolution of the Council of the City Of Palo Alto Adopting a Compensation Plan for Management and Professional Personnel and Council Appointees and Rescinding Resolution Nos. 8554, 8593, 8609 and 8622"

Resolution 8679 "entitled "Resolution of the Council of the City of Palo Alto Amending Section 1701 of the Merit System Rules and Regulations to incorporate the 2006-2007 Compensation Plan for Management and Professional Personnel and Council Appointees"

10. Request for Authorization to Increase Existing Contract with the Law Firm of Littler & Mendelson by an additional \$40,000 for a Total Contract Not to Exceed Amount of \$125,000
- ~~11. 1st Reading — Ordinance Amending Section 2.28.230 of Chapter 2.28 (Fiscal Procedures) of the Palo Alto Municipal Code Regarding Claims Against the City~~
- 11a. Ordinance 4919 entitled “Ordinance of the Council of the City of Palo Alto Approving a Negative Declaration and Amending Section 18.08.040 of the Palo Alto Municipal Code (the Zoning Map) to Change the Classification of Property Known as 850 Webster Street (Channing House) from PC Planned Community 4900 to PC Planned Community _____, to Allow Construction of a Health Care Building and Underground Garage, and Approve a Variance for Encroachments into a Special Daylight Plane Along Two Property Lines”

MOTION PASSED 9-0 for Item Nos. 4, 5, 7, 8, 10 and 11a.

MOTION PASSED 6-3 for Item No. 9, Kishimoto, Kleinberg, Mossar, no.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

11b. (Old Item No. 6) Resolution 8680 entitled “Resolution of the Council of the City of Palo Alto Supporting Participation in ICLEI’s Cities for Climate Protection® Campaign and Pledging to Undertake the Campaign’s Five Milestones to Reduce Local Greenhouse Gas Emissions that Contribute to Global Warming”

Council Member Klein said he believed City staff opposed membership in the aforementioned organization at one time. He inquired whether Palo Alto was currently a member.

Senior Resource Planner Karl Knapp said City staff had submitted an application and paid the required fees to become a member of ICLEI; however, part of joining the Cities for Climate Protection involved the adoption of a formal resolution to join one of their campaigns.

Council Member Klein clarified the City was a member of ICLEI, and the Council was being asked to approve an additional sum in order to become eligible for further services.

Mr. Knapp said no. The Council was being asked to formally adopt the five milestones by enacting a resolution.

Council Member Klein said he was confused by the resource impact statement in the staff report (CMR:426:06), which indicated joining ICLEI cost \$1,200 per year.

Mr. Knapp said in order to be accepted the City would have to do all three things: 1) apply for membership; 2) pay the fee; and 3) adopt a resolution. The first two were completed, and staff hoped to obtain the third that evening.

Council Member Klein asked whether the application was sent with or without the fee.

Mr. Knapp said the application was sent with the fee, which was within the spending authority of the City Manager.

Council Member Klein clarified the Council was being asked to agree to the Campaign's Five Milestones.

Mr. Knapp said that was correct.

Council Member Klein asked how many cities were members.

Mr. Knapp said he did not know the exact number of cities, but believed it was in the hundreds.

Mayor Kleinberg said the staff report (CMR:426:06) indicated more than 600 cities worldwide.

MOTION: Council Member Klein moved, seconded by Morton, to support participation in ICLEI's Cities for Climate Protection[®] Campaign and pledges to undertake the Campaign's Five Milestones to Reduce Local Greenhouse Gas Emissions that contribute to global warming.

Council Member Morton believed it was consistent with the Green Ribbon Task Force (GRTF) report, and a good first step.

Vice Mayor Kishimoto expressed support for the motion. With regard to the GRTF, she inquired whether the status report due in April 2007 would include some evaluation of the public/private partnership concept.

Mr. Knapp said one of the GRTF's recommendations specifically addressed incorporating a public/private partnership.

MOTION PASSED 9-0.

11c. (Old Item No. 11) 1st Reading – Ordinance Amending Section 2.28.230 of Chapter 2.28 (Fiscal Procedures) of the Palo Alto Municipal Code Regarding Claims Against the City

MOTION: Council Member Cordell moved, seconded by Drekmeier, to approve the ordinance codifying formal procedures for filing and processing claims for refunds, and to add language that the Ordinance specifically indicated a one year statute of limitations clause.

Herb Borock, P.O. Box 632, said there was language in the ordinance (Attachment 'A' of CMR:442:06), which said "No claim may be filed on behalf of a class of persons unless verified by every member of that class..." He indicated he was unaware of whether that language was a part of the State law that was the authority for the ordinance, or whether it was added for Palo Alto specifically. He believed it might be a concern to some residents.

City Attorney Gary Baum said the ordinance was a League of California Cities form, and the provision found therein had been adopted by many cities statewide. Every ordinance the City passed contained a severability clause.

MOTION PASSED 9-0.

14. Service Efforts and Accomplishments Report for Fiscal Year 2005-06

MOTION: Vice Mayor Kishimoto moved, seconded by Mossar, to defer Item No. 14 to a later date in January 2007.

MOTION PASSED 7-2, Drekmeier, Morton no.

Mayor Kleinberg noted that Item Nos. 15 and 16 would move ahead of Item Nos. 12 and 13.

PUBLIC HEARINGS

15. Public Hearing – Pursuant to Government Code Section 30061, Title 3, Division 3, Relating to the Supplemental Law Enforcement Services Fund, to consider the Police Chief's request to Purchase Electro-Muscular Disruption Devices (Tasers) or Other Equipment to be used by First Line Officers.

Police Chief Lynne Johnson reiterated none of the Citizens Options for Public Safety (COPS) funds would be spent on Tasers or other police equipment until final Council approval. Also, in order to prevent any appearance of conflict on the Taser Task Force (TTF) neither the City Attorney's representative nor the Police Auditor would be voting members.

Council Member Morton said although he had not decided on the issue of implementing the tasers, he was in favor of applying for the funds.

MOTION: Council Member Morton moved, seconded by Cordell, to approve the acceptance of Citizens Options for Public Safety (COPS) funds in the amount of \$120,963 for the purchase of electronic control devices subject to final Council approval following the Taser Task Force's (TTF) study and recommendation.

Mayor Kleinberg declared the Public Hearing opened at 9:37 p.m.

Don Letcher, 788 North Rengstorff, Mountain View, urged the Council to make Palo Alto a taser-free zone so citizens could feel safe walking the streets without being threatened by police.

Mark Petersen-Perez, 434 Addison Avenue, expressed opposition to the implementation and use of tasers.

Aram James, Palo Alto, concurred with Mr. Petersen-Perez.

John K. Abraham, 736 Ellsworth Place, believed if the Council voted in favor of approving COPS funds, they were in fact approving the funding of tasers in advance of any fair hearing on whether they would be permitted in Palo Alto.

Judith LoVuolo-Bhushan, 3838 Mumford Place, said Amnesty International had stated that tasers were widely used on unarmed citizens for verbal non-compliance. She understood the job of a police officer was dangerous and they needed to be safe; however, she did not believe the structure of tasers were humane. She urged the Council not to approve the motion.

Bob Moss, 4010 Orme Street, said a taser was a weapon, just like a baton, a handgun or shotgun. The question was not whether the police should use this weapon versus that weapon, but whether it was being used appropriately and carefully. Palo Alto had a low level of excessive use of force.

Mayor Kleinberg declared the Public Hearing closed at 9:53 p.m.

Council Member Morton said the motion was simply an earmarking of funds. A decision had not been made on implementing tasers.

Council Member Cordell concurred with Council Member Morton. She said no Councilmember had taken a position on whether or not the Police Department should utilize tasers. The purpose of the TTF was to educate the Council on whether or not the use of tasers should be authorized.

Council Member Mossar said she would not support the motion. She believed the appropriate process would have been to appoint a TTF to study the issue and make recommendations to the Council on whether the use tasers was appropriate or not. The application of COPS Funds was important, but just as the Council could later decide not to use the funds for tasers, they could also apply the funds for another use that was not controversial.

Mayor Kleinberg asked whether the only time the City would have access to funds to help pay for special resources was at the present time.

Ms. Johnson said one of the reasons why the process was slightly convoluted was because there was no guarantee COPS funds would be available next year. She did not want to put the City in a position of liability where police officers had to use deadly force when a taser could have been used instead.

Mayor Kleinberg asked whether the COPS funds were not likely to occur again.

Ms. Johnson said every year the Governor's office advised that COPS funds might not be available in subsequent years.

Mayor Kleinberg asked how many years had they been available in the past.

Ms. Johnson said it was approximately 10 years and continuation depended upon the State's budget situation.

Mayor Kleinberg asked what potential resources would be purchased with the COPS funds aside from tasers.

Ms. Johnson said the funds could be used for a simulation video for use of force training and new handguns.

Mayor Kleinberg said the type of resources was open ended.

Ms. Johnson said that was correct. The funds must be used for first line type equipment.

Mayor Kleinberg asked what had happened in terms of the liability of a community where tasers were used and a death resulted.

Ms. Johnson said based on her research there were no conclusive studies that deemed tasers the cause of deaths; however, some research did indicate the use of tasers was contributory. Given the right circumstances, a person could die by a blow of the baton or a punch to the face. In other agencies where a death did occur and a lawsuit was filed, she was not aware

that a lost lawsuit was the result. Most agencies who used tasers found that lives were being saved because deadly force was not being used, and worker's compensation injuries were reduced because officers had fewer physical confrontations.

Vice Mayor Kishimoto asked how much training a police officer would receive on mediation/negotiation (talking down a potentially violent situation with non-violent means.)

Ms. Johnson said Palo Alto police officers received approximately 10 hours of training. Other officers received an additional 24 hours of Crisis Intervention Team (CIT) training, a special program that dealt with mental health and family members. She would ensure all of the police officers went through CIT training before actually using the tasers.

Mayor Kleinberg said she would not support the motion because of the order of the process.

MOTION PASSED 6-3, Drekmeier, Kleinberg, Mossar no.

COUNCIL MATTERS

16. Colleagues Memo from Mayor Kleinberg and Council Member Klein re Palo Alto Airport Business Operations and Santa Clara County Lease and the Creation of a Palo Alto Airport Working Group

MOTION: Mayor Kleinberg moved, seconded by Klein, to approve the recommendation of the creation of a Palo Alto Airport Working Group (PAAWG) to participate in analyzing the Airport operations and developing one or more business models for Airport operations. The Palo Alto Airport Working Group would be appointed by the Mayor and would include a representative of the City Council, two representatives of City staff selected by the City Manager, representatives of the Palo Alto Airport Association, the Stanford Hospital, the Joint Community Relations Committee for the Palo Alto Airport, and three to five representatives of stakeholder groups with an interest in Airport usage and operations, at least one of whom shall be a business user.

Mayor Kleinberg said the City had been given six months to negotiate with Santa Clara County over the lease of the Palo Alto Airport (PAA), discuss what business models might be used to make the PAA a more attractive business for the County to continue operations, or to suggest some other alternatives. The Palo Alto Airport Working Group (PAAWG) would work in collaboration with City staff and offer models to consider both to staff and the Council. She indicated she received the support of County Supervisor Liz Kniss.

Council Member Klein said it appeared the County was unhappy with operating the PAA and wanted to negotiate. It was important to find out more about the Airport, what the problems were, if any, and what other uses/alternatives there were. He supported the formation of the working group.

Council Member Barton understood the County had a lease on the site until 2017. He asked whether they were obligated to operate an airport there.

City Manager Frank Benest said the County had an obligation to operate the Airport through 2017 according to certain Federal Aviation Administration (FAA) standards.

Mayor Kleinberg clarified the Airport had to continue past 2017 because the County had accepted Federal funds.

Council Member Barton asked if the County had an obligation to operate the Airport through 2017, why did the Council need to form a PAAWG at this point to learn more about the issue.

Mayor Kleinberg said the County recommendation to the Board of Supervisors was to terminate the lease as soon as possible. While the County was legally bound to maintain the lease until 2017, they felt the PAA was losing money and they did not want to continue operating it. The City was given six months by the County Board of Supervisors to enter into a period of mutual discussion over viable business models.

Council Member Mossar concurred with Council Member Barton. She believed the process was ahead of itself. It would make better sense to direct staff to meet with County staff, and come back to the Council with clarified information from the County, as well as staff's analysis about the viability and importance of a PAAWG. She asked City staff whether they had an opportunity to clarify the meaning of County Supervisor Kniss' action and to think about the appropriate next steps. She also noted the Colleagues Memo was silent on the budgetary and staff workload impacts.

Mr. Benest said City staff had already set in motion a meeting date in early January 2007 with County staff to clarify the specific issues that needed to be addressed. In order to move forward with the resource impact of a proposed PAAWG, other staff departments would need to be involved.

Council Member Mossar said while she was not opposed to forming a working group, she would prefer to have staff return with an assessment and clarification of the issues raised by the County first. It would give the

Council an opportunity at that point to discuss it. She could not support the Colleagues Memo.

Council Member Morton expressed support for the Colleagues Memo. The Council needed to be in the best possible position to protect the City, or to respond to the County's intention. He asked whether the City Auditor should be included in the working group.

Mayor Kleinberg said that was acceptable; however, she was unsure of the City Auditor's workload. The makers of the Colleagues Memo were trying to be careful about including staff other than as a resource of information, but not a part of the ongoing working group.

City Auditor Sharon Erickson said any ongoing workload such as the Working Group would have an impact on the City Auditor's office. She requested to be a resource of information based on the work already done by the department. She did not see the urgency for more financial analysis at the present time.

Vice Mayor Kishimoto said it was important to develop some kind of plan before the Council had to make a decision about the next Federal commitment. She supported the notion of City staff returning to the Council with a timeline for developing a plan. She said if the motion did pass, she felt strongly a stakeholder knowledgeable about the Baylands Master Plan and a stakeholder knowledgeable about the flood control issues are included in the Working Group.

Council Member Beecham said he had similar concerns and was troubled that the Board of Supervisors took action on an issue without informing the Council by any type of summary. Also, that City staff had not been given explicit policy directions and was disinclined to violate the Baylands Master Plan, and the Council did not want to see significant increases in fees. He expressed support for the motion although he felt there was more work to do.

Mayor Kleinberg commented County Supervisor Kniss would be available along with her staff to speak to the Council, the PAAWG, and others who wanted to understand the research and work she had done.

Council Member Klein said he started with the notion the Airport was a significant asset to the community and it was the Council's job to protect it. The County was in partnership with Palo Alto in the operation of the Airport, and they were unhappy. While he was persuaded by the City Auditor's financial report, the County was not. He believed it was the time to move forward and figure out how to direct staff.

Mayor Kleinberg said the six-month timeframe was determined by the Board of Supervisors. She brought up the fact the City had not moved forward with a plan to counter the attacks on the Airport. She felt it was important to jump quickly into a position to become more informed, with more opportunities to negotiate. There was no resource or staff impact because the Colleagues Memo was not direction to staff but was for an independent working group. It was not a perfect process, but she believed the Council should do whatever they could to move forward.

Council Member Drekmeier asked whether the PAAWG would be appointed by the current Mayor.

Mayor Kleinberg said yes and it would comply with the Brown Act.

Council Member Drekmeier asked whether a Council Liaison would also be appointed.

Mayor Kleinberg said yes. It would be a representative from the Council.

Council Member Drekmeier concurred with Vice Mayor Kishimoto regarding inclusion of two individuals from the stakeholder groups.

Vice Mayor Kishimoto clarified there would be no paid staff time included on the Working Group.

Mayor Kleinberg said it would be up to the City Manager as to who would be useful.

Vice Mayor Kishimoto asked whether City staff would negotiate with County staff.

Mayor Kleinberg said the Working Group would not be doing the negotiating. City staff was in charge of negotiating, and the Council was in charge of developing policy matters and directing staff. The PAAWG would bring back ideas and models to the City Manager and Council, which would be accepted or not.

Vice Mayor Kishimoto asked for clarification on whether there would be representatives from the Baylands Master Plans and Flood Control on the working group.

Mr. Benest said staff would provide those perspectives.

MOTION PASSED 7-2, Barton, Mossar no.

REPORTS OF OFFICIALS

12. City Council Authorization to Commence the Process for Review of the Stanford Medical Center Project; Approval of Reimbursement Agreement; and Authorization for City Manager and City Attorney, with Assistance from the Directors of Planning and Community Environment and Administrative Services, to Negotiate a Development Agreement

Council Member Cordell stated she would not participate in Agenda Item Nos. 12 and 13 due to a conflict of interest because she was employed by Stanford University.

Council Member Mossar stated she would not participate in Agenda Item Nos. 12 and 13 due to a conflict of interest because her husband was employed by Stanford University

Council Member Klein stated he would not participate in Agenda Item Nos. 12 and 13 due to a conflict of interest because his wife was employed by Stanford University.

City Manager Frank Benest said the item before the Council was a follow-up to the November 20, 2006 study session on the proposed modernization and expansion project for the Stanford Medical Center (SMC). In the staff report (CMR:447:06), staff had identified a planning process and timelines for the Medical Center. The project included a net of 1.3 million square feet of new facilities. The Comprehensive (Comp) Plan called for an area plan for the SMC. Based on the proposal by Stanford, staff would update the current area plan. The Stanford Shopping Center (SSC) would be addressed as a major area of influence as part of the plan. The Planning and Transportation Commission (P&TC) would consider the area plan in the first half of 2007. There would be one Environmental Impact Report (EIR) for both the SMC and the SSC, which would address possible impacts of both projects and propose a mitigation program on all fronts. Staff also identified issues and community benefits that would be addressed during the negotiation process. Staff recommended the Council provide authorization to commence the process of review, approve a cost reimbursement agreement, and authorize the City Manager and City Attorney, with the assistance of the Directors of Planning and Administrative Services, to negotiate the development agreement.

Council Member Beecham said the staff report (CMR:447:06) and the P&TC minutes of December 13, 2006 talked about area plans for the SMC, as well as the SSC, along with some discussion of area plans versus specific plans. He asked for staff's input on those issues.

Director of Planning and Community Environment Steve Emslie said the requirement for the area plan was that the Comp Plan Land Use element related to the SMC. The area plan referenced in L-46 was specifically limited to the Medical Center area. Staff indicated to the P&TC it was consistent with the Comp Plan, to proceed on that basis, and to include the interrelationship between the proposed developments at the SSC as part of the area plan. The Comp Plan was specific in limiting the area plan to the Medical Center.

Council Member Beecham asked about the difference between an area plan and a specific plan.

Mr. Emslie said the term 'area plan' was specific to Palo Alto's Comp Plan. It was not a legally defined planning action as a coordinated area plan, nor did it have a body of procedures that went along with the adoption of an area plan. There was a great deal of latitude in interpreting how staff went about implementing the update to such a plan.

Council Member Beecham asked what an area plan was.

Mr. Emslie said it was specific land use planning for an area viewed as likely to change in the 10-15 year planning horizon.

Council Member Beecham said staff's recommendation was for Council to authorize the City Manager, City Attorney and others to negotiate a development agreement. He asked why they felt it was necessary now.

Mr. Benest said although staff would need to wait until there was a draft EIR to negotiate certain kinds of issues, such as traffic and other types of impacts, there were a variety of issues for staff to begin preliminary discussions: 1) the relocation of community medical practitioners; 2) the payment of out-of-state use taxes directly to the State; 3) any modifications of the SMC proposal based on peer review; and 4) any preliminary discussions about community benefits. If negotiations waited until completion of the draft EIR, it would greatly extend the process.

Council Member Beecham asked how much of the negotiations were in the public realm.

Mr. Benest said the development agreement would not be negotiated in public; however, there were numerous opportunities for the public to weigh in on the area plan, the draft EIR, and the original proposal.

Council Member Beecham asked how policy issues would be resolved as staff worked on the process.

Mr. Benest said there would be policy issues related to the area plan that would go to the P&TC and the Council. There would also be issues related to the draft EIR that figured into the negotiations. The final EIR would return to the P&TC and the Council as well.

Council Member Beecham said the Council recently received the minutes from the P&TC. He recalled there was some discussion about simplifying or collapsing the number of meetings with the Architectural Review Board (ARB). He asked how much of the recommendations or comments by the P&TC were incorporated in what the Council currently had.

Mr. Emslie said all the suggestions of the P&TC involved formatting and clarification on what some of the tasks were and expanding on the shorthand used in the timeline. The one area where staff and the P&TC disagreed was in not starting the negotiations until after the draft EIR had been circulated. Because the development agreement was a project under California Environmental Quality Act (CEQA) standards, the EIR must analyze that agreement as if it were a project. If the development agreement were to change in the course of the negotiations and the draft EIR was already circulated, delays would stem from having to amend the draft EIR and re-circulate it adding significant time to the process.

Council Member Beecham said it was an iterative process where both were interrelated, but you needed one to enter into the other.

Mr. Emslie said there was iteration in the development agreement because it was a document or contract between the City, the owners of the land, and the applicants. Certain finality to the agreement was needed in order for the EIR to describe the project to an adequate degree and identify potential impacts.

Council Member Beecham asked how to address the concern that the negotiations could preempt the EIR.

Mr. Emslie said part of the iteration was that the EIR would identify impacts and mitigation measures. If the measures were not acceptable to the City, there was the option of either changing the project in some way to reduce the impacts to less than significant levels, or to override those with a statement of overriding consideration. At that point, there would be decisions that both the P&TC and the Council would need to respond to.

Council Member Drekmeier asked whether it was possible to include other components, such as the transit center or other lands that might provide housing in the area plan.

Mr. Emslie said it was possible to include as much as the Council wanted because the area plan stemmed from a policy the City Council previously adopted. The Comp Plan, as implemented, was limited to the Medical Center area, which could be expanded through an amendment to the Comp Plan if the Council desired.

Mr. Benest said staff recommended the Council maintain the direction of the Comp Plan and look at the adjacent areas that would impact the project, i.e. the SSC and transit connections to the train depot. One item the Medical Center would have to address in some fashion was the issue of housing.

Council Member Drekmeier asked whether it was possible to include some portions of land currently in Santa Clara County's jurisdiction in the area plan, or was it limited to property in Palo Alto's jurisdiction.

Mr. Emslie said if the area was outside of the City, it would most likely be difficult to include it in the City's land use policies.

Senior Deputy City Attorney Cara Silver said it could be studied if it was within the City's sphere of influence, but not if it would go beyond the scope of an area plan.

Council Member Beecham said he believed the County area of Stanford was within Palo Alto's sphere of influence, and asked if that was correct.

Mr. Emslie said he did not believe that was the case, but would refer to the Comp Plan.

Council Member Drekmeier said it appeared the area plan was scheduled to begin in March 2007. He asked if there was a reason it could not start sooner.

Mr. Emslie said staff had begun collecting traffic data and wanted to share some of that analysis the first part of 2007.

Vice Mayor Kishimoto said the timeline indicated an EIR initiation preparation but it did not specify it was a joint EIR. She asked for confirmation it would be a joint EIR.

Mr. Benest said it would be one EIR covering both projects.

Vice Mayor Kishimoto said it would be helpful to have it included in the timeline for clarification.

Mr. Benest said that could be done.

Vice Mayor Kishimoto referred to the P&TC changes, as summarized in the cover memo, which stated staff concurred and upon further Council direction the timelines would be updated to incorporate the amendments. She inquired whether Council's direction must explicitly state the P&TC amendments would be incorporated.

Mr. Emslie said that was correct.

Vice Mayor Kishimoto asked whether staff supported the amendments.

Mr. Emslie said yes with the exception of the draft EIR.

Vice Mayor Kishimoto said it was unclear from the timeline how many times the project returned to the Council for further direction. She asked for clarification.

Mr. Emslie said staff's suggestion to coincide with the P&TC conclusion of its recommendations on the area plan in mid-2007 would be an appropriate point to check policy direction with the Council. Pending that review, the Council could elect to provide staff with direction for future check-in points at three to six month intervals.

Vice Mayor Kishimoto said the Council had not voted on a policy direction about the height of the building, its density, whether all the housing should be located onsite or could some of it be offsite. There were many policy choices the Council had not made. She asked how staff envisioned the process moving forward.

Mr. Emslie said staff had some idea based on the comments from the study session on the Medical Center and Shopping Center projects. Staff was looking towards getting the process going in order to understand the potential impacts, and analyzing how those would change.

Mr. Benest said staff would be looking at affordable housing issues. Using the Mayfield site as an example, what came out of that was the result of negotiations. Staff could have received the 20 percent housing requirement or had significantly more units by having Stanford build an affordable housing project. Staff needed the opportunity to negotiate to come up with creative responses to some of the identified issues addressed by the Council.

Vice Mayor Kishimoto asked when staff anticipated having the potential number of needed housing units and traffic impacts.

Mr. Emslie said staff's goal was to have the numbers related to traffic, housing impacts, job impacts, and other quantifiable impacts at the conclusion of the area plan deliberations by the P&TC in mid-2007. In

answer to Council Member Drekmeier's question, there were County lands within the City's sphere of influence, and some County lands were included in the previous area plan.

Council Member Drekmeier understood that the issue of Stanford Hospital and all hospitals paying impact fees would return to the Council in February 2007.

Mr. Benest said staff had worked with an outside consultant to identify the impacts and nexus, and anticipated returning to the Council in February 2007.

Council Member Drekmeier asked whether that was independent of the present process.

Mr. Benest said yes it was.

Council Member Drekmeier said the timeline indicated consideration of the final EIR and development agreement would occur on the same day. He asked if the process would be affected if those two were staggered with a week separating them.

Mr. Emslie said it would not be affected materially.

Council Member Drekmeier asked whether the Council would receive an updated timeline in January 2007.

Mr. Emslie said staff would continue to update the timeline and send that information to the Council and the various stakeholders.

Council Member Beecham said the P&TC had study sessions scheduled for February and April 2007. He asked whether a study session to the Council could be scheduled following the P&TC April 2007 meeting.

Council Member Morton wondered whether the Council study session should be limited to the policy issues raised through the P&TC, as opposed to having an entire project process.

Brian Schmidt, 3521 E. Bayshore Road, spoke on behalf of Committee for Green Foothills, and said the Committee did not endorse or oppose staff recommendations; however, he offered a few suggestions if the Council were to move forward. The early community meetings should deal with project benefits and what the community wanted to see happen regarding density impacts, open space protection, and housing benefits.

Bill Nichols, 620 Sand Hill Road, #220D, said the project for the Children's Hospital and the main hospital expansion were important issues and deserved serious consideration. He expressed concern about the space constraints to Children's Hospital and would hate to see it delayed at the risk of stunting their momentum as they moved forward.

Tom Jordan, 474 Churchill Avenue, expressed concern about who would complete the draft area plan. It should be the Planning staff although it indicated Stanford would do so. He was also concerned about the process for the development agreement. He would not want to see a repeat of the Mayfield site negotiations.

Mark Sabin, 533 Alberta Avenue, said it was important to move forward with the project, and try to adhere to the timeline.

Michael Closson, 354 Poe Street, Executive Director Acterra, encouraged an open public participation process with a lot of transparency and opportunity for people to provide their input and discuss impacts, costs and benefits.

Jon Stoumen, 1630 Castilleja, said the Stanford Hospital and Shopping Center project expansions were great opportunities for the community.

Heyward Robinson, 1830 White Oak Drive, Menlo Park City Council, said he appreciated the benefits of the Stanford Hospital and University to the community. The City of Menlo Park had concerns about the impacts of both projects. There was an opportunity to use the projects to leverage creative thinking and expand Transit-Oriented Developments (TOD) in the region. The Menlo Park staff and Council were not included on the courtesy notices that accompanied the report, and would like to be included in the future.

Herb Borock, P.O. Box 632, said staff should follow the normal planning process. He expressed concern about the lateness of the hour, and whether the Council was prepared to have a meaningful discussion due to a replacement to the staff report, and minutes from the P&TC after the meeting had begun.

Mayor Kleinberg asked who would be responsible for the area plan work.

Mr. Emslie said staff would be leading the work and would collaborate with Stanford.

MOTION: Council Member Morton moved, seconded by Beecham, to authorize the City Manager to commence the process for review of the Stanford Medical Center project, according to the process and timeline (Attachment A); authorize the City Manager to sign a reimbursement agreement to recover the costs of project review (Attachment B); and

authorize the City Manager and City Attorney, with the assistance of the Directors of Planning and Administrative Services, to begin negotiating an appropriate Development Agreement, direct staff to include an additional study session for the Council, to return regularly thereafter with key policy choices, to provide Council with the status of potential impacts, mitigations and community benefits, and include the five recommendations from the Planning and Transportation Commission.

Council Member Morton said staff needed flexibility to negotiate with Stanford, and the Council needed to be kept informed of policy options as they occurred.

Council Member Beecham recalled reading in the P&TC's minutes that the area plan would go through the P&TC or was a product of the P&TC. He asked whether that was correct.

Mr. Emslie said the area plan would go through the P&TC, who would recommend that area plan to the Council.

Council Member Beecham said the application by Stanford was substantially different than the process and situation with the Mayfield site. It was Stanford who would want the development at the Medical Center. Additionally, it was the City's intent to inform Menlo Park.

Mr. Benest said he already had a discussion with the City Manager of Menlo Park.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that the City Manager would return to the Council regularly with key policy choices, and to provide Council with the status of potential impacts, mitigations and community benefits.

Council Member Beecham said an alternative might be for staff and the City Manager to return to the Council after the April 2007 P&TC study session to include a discussion of negotiations and issues that need to be resolved.

Vice Mayor Kishimoto asked whether it would occur at a study session.

Council Member Beecham said he would recommend a study session and to agendaize any actions the Council needed to take regarding policy and negotiations.

Vice Mayor Kishimoto asked whether that would occur in the spring 2007.

Council Member Beecham said yes.

Vice Mayor Kishimoto said according to staff they would not have the critical numbers ready until July or August 2007.

Council Member Beecham said based on staff comments there were items they believed could be discussed and begin negotiations with Stanford. He was willing to have a directive to staff that following the April 2007 study session, policy matters would be presented to the Council for discussion and approval.

Vice Mayor Kishimoto asked to include language in the motion that staff would return to the Council 'prior to commencing negotiation'.

Council Member Beecham said he had no concern if staff began negotiating on matters that had been discussed.

Vice Mayor Kishimoto said the basic point was staff had not been given any directives from the Council.

Council Member Morton said he was comfortable accepting some of the language but he had concerns about including the phrase that "staff not begin negotiations until..." The process was no longer iterative and staff could not do anything. Keeping the Council informed and returning to Council with key policy choices was central to what was expected. At no point would staff make decisions that bound the City.

Vice Mayor Kishimoto said for many years she had been concerned about the continued deteriorating quality of life due to more traffic and less open space. She was a great supporter of affordable housing to address the job/housing imbalance in Palo Alto. Hundreds of new housing units were added over the past five years and she was aware of the impact those units had on the overcrowding of Palo Alto schools. She hoped the project became an exemplary 'green' project that transformed the area into a Pedestrian Transit Oriented Development (PTOD) with no net traffic increase for the entire Palo Alto/Stanford area. It would be a project she could get excited about and support. She felt strongly the Council needed to come to a community agreement as to where to put additional housing and where to find another school.

Council Member Barton expressed support for the motion.

Council Member Drekmeier concurred with Vice Mayor Kishimoto. He understood the City was beginning to negotiate or have discussions with Stanford. He would like to see the motion mirror recommendation number 3 by including the language, "to begin negotiating a development agreement."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change “negotiate” to “begin negotiating an appropriate Development Agreement.”

Council Member Drekmeier said he had a concern about the whole Stanford area. In the County area there was no cap on development. He encouraged the area plan to take into consideration as much of the Stanford area as necessary to come up with a stellar project. He believed it would be in Stanford's best interest as well. The project needed to have the public transit component and housing. He asked how to go about making that a priority.

Mr. Benest said Stanford would have to propose a Traffic Demand Management (TDM) program that dealt with the traffic impacts. Stanford would need to tell staff how they would address housing and it had to meet the aim of the Council.

Mayor Kleinberg said at the November 20, 2006 study session she inquired about surge capacity, and wanted assurance it would be a part of the design and review that staff presented to the Council.

Mr. Benest said one of the key motivators in terms of the City's interest was how to increase the resources in order to deal with emergency management needs.

Mayor Kleinberg said the staff report (CMR:447:06) did not mention the Ronald McDonald House. She was interested in including the McDonald House as a mechanism to provide mitigations for housing and transportation impacts. She would like to see the Ronald McDonald House plans incorporated into the review.

Council Member Morton said the item the Council had to deal with that evening was to begin negotiations. He understood a number of his colleagues had expressed the concerns of the items they wanted to see when the agreement came back, which was appropriate. He did not believe now was the time to labor the beginning of the process with all of Council's conclusions.

Mayor Kleinberg clarified she was not trying to change the motion but rather understand whether the Ronald McDonald House was contemplated in the review work of the various Commissions and Boards, and outreach meetings.

Mr. Emslie said the Ronald McDonald House would be a part of the joint EIR because it was a determining factor in the housing needs.

Mayor Kleinberg referred to page 4, item 2 of the staff report (CMR:447:06) and indicated her concern about the language "housing provisions or fees." She did not believe the City had much use for fees anymore. The traditional way of having options of either paying the in lieu fee or provide the housing was no longer the status quo when there was no land.

Mr. Benest said he agreed with that comment.

Mayor Kleinberg expressed her support for the hospital expansion and seismic upgrade. Assuming all the mitigations were handled correctly, it would be a continuing asset in the community.

MOTION PASSED 6-0 Cordell, Klein, Mossar not participating.

13. City Council Authorization to Commence the Process for Review of the Stanford Shopping Center Project; Approval of Reimbursement Agreement; and Authorization for the City Manager and City Attorney, with Assistance from the Directors of Planning and Community Environment and Administrative Services, to Negotiate an Amendment to a Development Agreement

MOTION: Council Member Morton moved, seconded by Beecham, to authorize the City Manager to commence the process for review of the Stanford Shopping Center development project, according to the process and timeline (Attachment A), with the request of a study session after the Planning and Transportation Commission study session; authorize the City Manager to sign a reimbursement agreement to recover the costs of project review (Attachment B); and authorize the City Manager and City Attorney, with the assistance of the Directors of Planning and Administrative Services, to begin negotiations of an amendment to the Sand Hill Corridor Development Agreement, returning to Council regularly with key policy choices, and also to provide Council with regular status reports of potential impacts, mitigations and community benefits, and include the five recommendations from the Planning and Transportation Commission.

Herb Borock, P.O. Box 632, recalled Stanford had been trying since 1974 to extend Sand Hill Road to El Camino Real to facilitate expansion of the Stanford Shopping Center, the Medical Center, and the West campus. The alternative also favored an expansion of Sand Hill Road to El Camino Real. The group in opposition was not in favor of expanding the Shopping Center, which was much smaller than what was currently being proposed. He was interested in knowing what had changed in people's minds from 10 years prior other than there was now the extension of Sand Hill Road to El Camino Real.

Dorothy Bender, Palo Alto, said 10 years prior, Stanford proposed 160,000 square feet of new development for the Shopping Center. Eventually, it was negotiated down to 80,000 square feet, which at that time was considered enormous. Now the proposal included the addition of approximately 340,000 square feet of new development and Shopping Center. She questioned whether the Shopping Center could grow that much and could Palo Alto absorb that level of growth. There were empty sites along El Camino Real located in Menlo Park and within close proximity to the Shopping Center. She believed the Environmental Impact Report (EIR) should take into account future developments in that area.

Tom Jordan, 474 Churchill Avenue, said he was encouraged by Council Member Beecham's clarifying statement that the proposed project was different than the Mayfield site negotiations. It was essential based on past dealings with Stanford to retain public confidence.

Vice Mayor Kishimoto said subject to what came forth from the public hearings and the numbers received from the environmental analysis, she did not want the vote moving forward to be interpreted as an indication of Council's blessing on the numbers as proposed. She encouraged the P&TC and staff to take a more in-depth view of the transit center. The Valley Transportation Authority (VTA) had looked into having a high speed rail depot in either Palo Alto or Redwood City. The VTA had a benefit assessment district which would allow the City to help plan for improvements in the transit area.

Council Member Beecham said in response to Ms. Bender's concern about development in Menlo Park, the EIR must take into account reasonably expected development in that area. Also, the EIR would need to be certified by the Council seated at that time, and either they had mitigations to the impacts or they could vote in favor of or against the project.

Mayor Kleinberg said she looked forward to the details of the proposed project.

MOTION PASSED 6-0, Cordell, Klein, Mossar not participating.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Morton complimented Mayor Kleinberg and her colleagues on the action taken at tonight's meeting.

Council Member Beecham also complimented Mayor Kleinberg for the grace and aplomb at which she has handled herself throughout the year.

Council Member Drekmeier stated he has been very appreciative of Mayor Kleinberg's role in allowing him to feel very engaged as a new member of the Council. He also noted a member of the SEIU advised him there was an RFP issued to contract out park maintenance.

Mr. Benest said the Auditor's Report on Park Maintenance recommended contracting out the work to cut costs and maintain the service level. This was included as part of the \$3 million solution and is being explored through an RFP. SEIU acknowledges the City has the right to outsource this work.

Mayor Kleinberg wished everyone a wonderful holiday season.

FINAL ADJOURNMENT: The meeting adjourned at 12:15 a.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.