

CLOSED SESSION4

1. Conference with City Attorney - Potential /Anticipated Litigation4

2. Conference with City Attorney - Existing Litigation.....4

ADJOURNMENT4

SPECIAL MEETING.....5

1. Proclamation Honoring Realtors for their Fundraising Efforts for the School District5

ADJOURNMENT5

ORAL COMMUNICATIONS6

3. Resolution Amending the Administrative Penalty Schedule and the Civil Penalty Schedule for Certain Violations of the Palo Alto Municipal Code and the California Vehicle Code Established by Resolution No. 8066
(Item to be removed at the request of staff)8

4. Adoption of a Resolution Recommending that the California Building Standards Commission Adopt the International Building, Residential and Fire Codes as the 2004 Edition of the California Building Code8

6. Contract Between the City of Palo Alto and Athens Administrators in the Amount of \$178,500 for One Year for Workers' Compensation Claims Administration Services8

7. Contract Between the City of Palo Alto and Select Benefit Administrators, Inc in the Amount of \$70,000 for One Year for Claims Administration Services for the City of Palo Alto's Self-Funded Dental Plan8

8. Agreement Between the City of Palo Alto and Skyhawks Sports Academy for Recreation Youth Sports Contract Camps8

9. Contract Between the City of Palo Alto and Arguss Communications, Inc., DBA Can-Am Construction in the Amount of \$520,045 for Installing Electric and Communication Substructure for the Northampton/Southampton System Rebuild Project (CIP 0102) and the Baylands Underground Conversion Project (CIP 0209) 8
10. Amendment No. 2 to Contract No. C1126141 Between the City of Palo Alto and Underground Construction for the 2000-2001 Utility Trench and Substructure Installation to Extend the Performance Period Through August 31, 2003..... 8
11. Contract Between the City of Palo Alto and Power Engineering Contractors in the Amount of \$323,700 for the Soil Filter and Piping Project for the Water Quality Control Plan (Wastewater Treatment CIP Project 8021) 9
12. Contract Between the City of Palo Alto and Raines, Melton, & Carella, Inc. in the Amount of \$300,000 for the Preparation of a Water Recycling Facility Plan for the Southern Region (Mountain View-Moffett) of the Regional Water Quality Control Plant Service Area - A Project 50% Funded by the State of California 9
13. Amendments Between the City of Palo Alto and the Cities of Mountain View, Los Altos, and the Town of Los Altos Hills Extending Agreements for Animal Control and Sheltering Services from July 1 to December 31, 2003 9
14. Contract Between the City of Palo Alto and Burns International Securitas Company in the Amount of \$140,00 for the First Year and to Set the Amount for Each Subsequent Year of the Agreement to an Amount Not To Exceed \$162,482 to Provide Security Services at Parking Structures C/W, Q, R, and S/L..... 9
15. Contracts Between the City of Palo Alto and Avenidas in the Amount of \$434,708, Palo Alto Community Child Care in the Amount of \$435,512, Palo Alto Mediation Program in the Amount of \$65,641, and Adolescent Counseling Services in the Amount of \$89,782 for Human Services Resource Allocation Process Fiscal Year 2003-05 9
- 15A. Ordinance Authorizing the Exchange of Minor Portions of Park Land for Contiguous Lands in Order to Implement Article 8 of the Palo Alto City Charter..... 9
16. Recommendation from Stanford Liaison Committee for Council to authorize the City Manager and City Attorney to negotiate a development agreement with Stanford University based upon offer letter regarding Mayfield Site..... 11

19.	Public Hearing: The City Council will hold a preliminary review of a redevelopment project concept for the 12-acre former Sun Microsystems site located at 901 San Antonio Road, as requested by Randy Popp of The Steinberg Group. The developers, Bridge Urban Infill Land Development (BUILD), a for-profit subsidiary of Bridge Housing Corporation, and Campus for Jewish Life (CJL), a non-profit organization, have proposed a mixed use development with affordable/attainable housing units, a community center and senior housing (Item to be continued to August 4, 2003)	19
20.	Public Hearing: The City Council will hold a preliminary review of a proposed Planned Community Zone change requested by Sunrise Development, Inc., to allow an 80,577-square-foot senior assisted living facility comprised of 81 living units on an approximately one-acre lot located at 2701 El Camino Real. (Item to be continued to a Date Uncertain) ..	19
21.	Public Hearing: The City Council will consider an appeal by Omer Gokcek of the Director of Planning and Community Environment’s approval of a Home Improvement Exception application (02-HIE-23) requested by Dean and Cindy Samos to allow a rear daylight plane encroachment and rear setback encroachment (approximately 45 square feet) to accommodate a second floor addition to existing single-story residence located at 346 Colorado Avenue (Item to be continued to August 4, 2003	20
22.	Public Hearing: The City Council will consider an appeal by Roger Kohler of the Director of Planning and Community Environment’s denial of a Home Improvement Exception application (02-HIE-21) requested by Roger Kohler to allow additional floor area (26.5 square feet) and lot coverage (106.3 square feet) beyond what is allowed in the R-1 Single Family Residential zone district for a residence located at 4291 Wilkie Way	20
17.	Phase 1 Implementation Plans for Athletic Fields Synthetic Turf and Lighting Projects	20
18.	City Clerk’s Report re: Fluoridating Palo Alto Public Drinking Water Issue: Report from City Attorney on Legal Issues Associated with Initiative (Item continued from June 2, 2003	25
23.	Mayor Mossar regarding rescheduling of Monday, July 7, 2003 Regular Council Meeting to Monday, July 28, 2003	27
	COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS	27
	ADOURNMENT:	28

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:05 p.m.

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

ABSENT: Lytle, Morton

CLOSED SESSION

1. Conference with City Attorney - Potential /Anticipated Litigation
Subject: Significant Exposure to Litigation on One Matter
Authority: Government Code section 54956.9(b)(1) &(b)(3)(A)
2. Conference with City Attorney - Existing Litigation
Subject: In re Pacific Gas and Electric Company, a California Corporation, Debtor, U.S. Bankruptcy Court case No.: 01-30923DM
Authority: Government Code Section 54956.9(a)

The City Council met in Closed Session to discuss matters involving potential/anticipated litigation, as described in Agenda Item Nos. 1 and 2.

Mayor Mossar announced that no reportable action was taken on Agenda Item Nos. 1 and 2.

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

Special Meeting
June 23, 2003

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:52 p.m.

PRESENT: Beecham, Burch, Freeman, Kishimoto, Kleinberg, Lytle, Mossar, Ojakian

ABSENT: Morton

SPECIAL MEETING

1. Proclamation Honoring Realtors for their Fundraising Efforts for the School District

No action required.

ADJOURNMENT: The meeting adjourned at 6:54 p.m

ROLL CALL

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

PRESENT: Beecham, Burch, Freeman, Kishimoto, Kleinberg, Lytle, Mossar, Morton (participating by telephone from Syracuse, Kansas), Ojakian

ORAL COMMUNICATIONS

Bunny Good, P.O. Box 824, Menlo Park, spoke regarding support to roadblock removal.

Phil Smaller, 4155 Wilkie Way, spoke regarding Terman Park.

SPECIAL ORDERS OF THE DAY

1. Selection of Candidates to be Interviewed for Planning and Transportation Commission

MOTION: Council Member Burch moved, seconded by Ojakian, to interview all the candidates for the Planning and Transportation Commission.

MOTION PASSED 9-0.

2. Appointment of Candidates to the Parks and Recreation Commission

FIRST ROUND OF VOTING FOR THE PARKS AND RECREATION COMMISSION

VOTING FOR PENELOPE CHESTNUT-LEE:

VOTING FOR ANNE WARNER CRIBBS: Burch, Kleinberg, Morton, Mossar, Ojakian

VOTING FOR JONATHAN FOSTER:

VOTING FOR RICHARD HELD: Freeman, Kishimoto

VOTING FOR JASON LARSEN:

VOTING FOR PAUL LOSCH: Beecham, Lytle

VOTING FOR JOSEPH PODOLSKY:

06/23/03

VOTING FOR PAUL QUISTGARD:

City Clerk Donna Rogers announced that Anne Warner Cribbs was appointed on the first ballot (with 5 votes) to an unexpired term ending December 31, 2003.

2A. Ad Hoc Committee Recommendation on Selection of Utilities Advisory Commission Applicants for Council Interviews

MOTION: Council Member Freeman moved, seconded by Burch, to ratify the Council Ad Hoc Committee's recommendations to interview the following candidates for three, three-year terms on the Utilities Advisory Commission: Elizabeth Dahlen, Dexter Dawes, Mary Dimit, Jeffrey Hoel, Marilyn Keller, Walter Loewenstein, John Melton, Dick Rosenbaum and Jerry Scharf.

MOTION PASSED 9-0.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Burch, to approve the minutes of May 5, 2003, as submitted.

MOTION PASSED 9-0.

CONSENT CALENDAR

Mayor Mossar announced that Item No. 3 was removed at the request of staff.

Council Member Kishimoto requested staff remove Item No. 5 to become Item No. 15A.

Council Member Freeman registered a "no" vote on Item No. 9.

Council Member Morton stated he would not participate in Item No. 15, which dealt with Urban Ministries Adolescent Counseling Services due to a conflict of interest because he provided, or had provided, services to those organizations receiving Community Development Block Grant Funds.

MOTION: Council Member Ojakian moved, seconded by Burch, to approve Consent Calendar Item Nos. 4 and 6-15.

LEGISLATIVE

3. ~~Resolution Amending the Administrative Penalty Schedule and the Civil Penalty Schedule for Certain Violations of the Palo Alto Municipal Code and the California Vehicle Code Established by Resolution No. 8066~~
(Item to be removed at the request of staff)

~~Resolution of the Council of the City of Palo Alto Amending the Administrative Penalty Schedule and Civil Penalty Schedules for Certain Violations of the Palo Alto Municipal Code and the California Vehicle Code Established by Resolution No. 8066~~

4. Adoption of a Resolution Recommending that the California Building Standards Commission Adopt the International Building, Residential and Fire Codes as the 2004 Edition of the California Building Code

Resolution 8315 entitled "Resolution of the Council of the City of Palo Alto in Support of State of California Adoption of the International Building Codes"

ADMINISTRATIVE

6. Contract Between the City of Palo Alto and Athens Administrators in the Amount of \$178,500 for One Year for Workers' Compensation Claims Administration Services
7. Contract Between the City of Palo Alto and Select Benefit Administrators, Inc in the Amount of \$70,000 for One Year for Claims Administration Services for the City of Palo Alto's Self-Funded Dental Plan
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MOTION PASSED 9-0 for Item Nos. 4, 6-8, and 10-14.

MOTION PASSED 8-1 for Item No. 9, Freeman "no."

MOTION PASSED 8-1 for Item No. 15 Morton "not participating."

- 15A. Ordinance Authorizing the Exchange of Minor Portions of Park Land for Contiguous Lands in Order to Implement Article 8 of the Palo Alto City Charter

~~Ordinance of the Council of the City of Palo Alto Authorizing the Exchange of Minor Portions of Park Land for Contiguous Lands in Order to Implement Article VIII of the Palo Alto City Charter~~

Betsy Allyn, 148 Willmar Road, said she believed the ordinance should be sent to the Parks and Recreation Commission for public review.

Enid Pearson, 1019 Forest Court, said an agreement between the City of Palo Alto and the Palo Alto Unified School District (PAUSD) five years prior allowed the PAUSD temporary use of a portion of Rinconada Park, a dedicated park, for school purposes. The Park Dedication Ordinance did not allow that type of use without adoption of an ordinance, referenced by the voters, and placed on the ballot for the vote of the residents.

Herb Borock, P.O. Box 632, spoke in regard to park dedication and removal of dedicated parkland. He stated copies of agreements between the staff and the PAUSD were a matter of public record.

Council Member Kishimoto said the Park Ordinance Initiatives were created by the citizens to protect the quality of life for all residents.

MOTION: Council Member Kishimoto moved, seconded by Kleinberg, to refer the item to the Parks and Recreation Commission for review.

Council Member Kishimoto commented that even one acre was too much.

Council Member Kleinberg said preservation of the open space and honoring the charter was important. She stated the Park and Recreation Commission (PARC) would be the place for an open discussion to determine the terminology for current needs.

Council Member Lytle said it was clarification of what was in State law as it related to the City's Charter.

City Attorney Calonne said the City was looking for the Council's interpretation of the Charter. A Council approved ordinance establishing a park exchange policy needed to be made.

Council Member Lytle said the Council could embellish the text of the ordinance with the kinds of criteria heard from concerned individuals.

City Attorney Calonne confirmed.

Council Member Lytle queried the maker and seconder of the motion. She said individuals recommended the review of the PARC and Planning and Transportation Commission (P&TC).

Council Member Kishimoto said she was open to the suggestion.

Council Member Kleinberg said she was concerned about the timing and mentioned there was a PAUSD waiting for an answer.

Mayor Mossar said Council Member Lytle could make a motion and see if she could get a second.

Council Member Kishimoto said there were a couple of former Planning Commissioners on the Council.

Council Member Lytle said she understood the PARC would look at the Comprehensive Plan (Comp Plan) criteria as they did the review.

Council Member Freeman said the PARC would take into consideration the language that indicated the park acreage per thousands of residents. The approved housing element would increase the population size.

MOTION PASSED 9-0.

REPORTS OF OFFICIALS

Council Member Kleinberg stated she would not participate in the item due to a potential conflict of interest because her husband's former law firm represented Stanford in land use matters.

Mayor Mossar stated she would not participate in the item due to a conflict of interest as her husband was employed by Stanford University.



16. Recommendation from Stanford Liaison Committee for Council to authorize the City Manager and City Attorney to negotiate a development agreement with Stanford University based upon offer letter regarding Mayfield Site

Vice Mayor Beecham stated Stanford offered the Mayfield site on June 10, 2003 to the City for 51 years for \$1 a year in exchange for the rights to build commercial space.

City Manager Frank Benest spoke about the six major provisions: 1) Stanford would lease the six-acre site to the City for 51 years for \$1 a year for an athletic field complex; 2) Stanford would build a complex, jointly designed by the Stanford Athletics Department and the City's Community Services Department, which would include two lighted competition-size soccer fields plus one practice soccer field, a restroom storage facility, parking and landscaping. Once built, the facility would be turned back over to the City to maintain; in exchange; 3) Stanford would receive a vested right to build 100,000 square feet of commercial development; 4) Stanford would build 250 housing units including 50 below market rate units once the existing leases expired; 5) Stanford would receive the right to rebuild a maximum of 200,000 square feet out of a total 312,000 square feet of

current commercial development displaced by the new housing; and 6) Stanford agreed to collaborate with the City to develop a traffic mitigation program for future development in the research park to reduce the use of single occupancy vehicles as the transportation mode of choice for the development.

Larry Horton, Government Affairs Director for Stanford University, said in Stanford's revised offer, the City's needs were addressed for community playing fields, for additional housing, and the desire to review transportation and traffic issues with regard to the Research Park.

Karen White, 146 Walter Hays Drive, said she did not feel the suggestion to build a hotel at the Mayfield site should be considered. To meet the needs of the community, Stanford's offer should be accepted.

Jack Koch, 1466 Dana Avenue, said the Mayfield site would be an asset to the community, would provide needed space for soccer, would reduce the overuse of other fields, would visually be pleasant, and the cost was attractive.

Bill Garvey, Chair Park, 3232 Emerson Street, said the solution to the severe shortage of athletic fields was to acquire land or take existing fields and convert them into fields with artificial turf and lights to extend the use of those fields year-round. He stated Stanford had provided us the opportunity to acquire additional space.

Audrey Sullivan Jacob, Palo Alto Chamber of Commerce, said she believed the development agreement should be moved forward.

Mike Cobb, Dixon Place, said the package presented had the enthusiastic support of his organization, which represented essentially every youth sport and most of the adult sports organizations in the City.

Jeanette Marques, Los Robles Avenue, said her children had an extremely valuable experience with sports activities. Approximately 5,000 children in the community played sports.

John K. Abraham, 736 Ellsworth Place, said he did not believe playing fields should be next to housing at that site because of the noise issues in the evening.

Gail Price, 4082 Orme Street, said there was an opportunity to address several policy and community issues simultaneously; the lack of athletic fields to serve the current and growing demand for recreational

opportunities, housing, the City-wide traffic study, and traffic mitigation for the future development of the Research Park.

Council Member Ojakian acknowledged Ms. Price as a professional planner and stated she probably had looked at a lot of issues such as that one.

Ms. Price confirmed she was a professional planner and had addressed a lot of issues such as the one presented.

Brian Schmidt, Legislative Advocate for Committee for Green Foothills, East Bayshore Road, said he was concerned with environmental protection, but the Committee would not take a position on the proposal. The Committee urged the City to structure the agreement so the recreational interests and housing interests would not be against the City's environmental interests and desire to protect the environment.

Paul Garrett, 890 California Avenue said the College Terrace Residents Association (CTRA) had experience with the completed development by the Stanford Management Company (SMC) at Hanover Street. Meetings with SMC, the City planners and the Architectural Review Board enabled the neighborhood to make its needs known and, in general, to get them adopted. The proposed soccer fields and housing were worthy of consideration.

Diego Beltrami, 762 Gailen Court, said he felt there was insufficient space for youth to play soccer at a competitive level.

Dorothy Bender, 591 Military Way, asked why Stanford was putting a 50-year limit on the field. She commented the City could have the Mayfield Site and housing now and would not need to have the additional 100,000 square feet of development.

Jeff Rensch, 741 Chimalus Avenue, said he was in favor of the Council going ahead with Stanford's offer.

Irene Sampson, Bibbits Drive, League of Women Voters of Palo Alto, believed the addition of the 250 housing units would help alleviate the jobs and housing imbalance and help maintain the economic viability of the Research Park.

Sally Probst, 735 Coastland Drive, said there was 300,000 square feet versus 312,000 square feet and hoped there would be long-range flexibility when the leases expired. She hoped the extra 12,000 square feet would be used for retail in connection with the housing on California Avenue in 2012 when the housing was being built.

Diana Steeples, 850 Webster Street #935, said it was an opportunity to increase housing for lower income individuals and an area, which needed increased residential.

D.J. Joseph, Boyce Avenue said there was a need for more playing fields.

Edie Keating, 3553 Alma Street, said Stanford offered to pay the development of the site. She suggested to the staff or Council to take the current commercial areas that would be turned into housing, and zone them as housing.

Joe Martignetti, 1018 Cowper Street stated there was not enough field space in Palo Alto. He also suggested approval of the housing.

Noah Sneider, 403 Cowper Street, said there had been progress on the project and hoped there would be continued progress.

Viviana Tul, 410 Sheridan Avenue, said she was enthusiastic about more fields but stated it did not seem like the appropriate place for a field.

Council Member Ojakian asked if Stanford leased their lands for greater than 51 years.

Mr. Benest responded that although 51 years was the most that Stanford would lease their land for \$1/year, it would be renewable.

Council Member Ojakian asked if the City leased their property for longer than 51 years.

Mr. Benest stated the City leased property for 50 years.

Council Member Ojakian said Stanford and the City of Palo Alto had the same terms.

MOTION: Council Member Ojakian moved, seconded by Kishimoto, to approve the staff recommendation to give direction to the City Manager and City Attorney to negotiate a Development Agreement for the Mayfield site based on Stanford's offer letter dated June 10, 2003.

Council Member Ojakian said Stanford was being a good community citizen. The proposal honored a series of Council policies. The City would again have use of property it had previously.

Council Member Kishimoto said, as the Stanford liaison, the job was to bring forth the proposal. The process and minds would be open to improving the proposal. She asked about the scoping session timeline.

City Manager Benest said when a consultant was hired, sometime within the next month, a scoping meeting would be held.

Council Member Kishimoto encouraged working together with the Valley Transit Association and CalTrain to make an integrated program.

Council Member Lytle said at the long-range future of the community needed to be looked at. She asked what the entitlements were that would be required to accomplish that, and would the property need to be rezoned.

Mr. Benest assumed the property would need to be rezoned.

Council Member Lytle asked if the soccer fields required rezoning or a Conditional Use Permit (CUP) only.

City Attorney Ariel Calonne said the CUP might permit it, but rezoning could be accomplished through the Development Agreement.

Council Member Lytle asked if Stanford would pay housing development impact fees and would the commercial square footage generate impact fees for park and recreation use.

Mr. Benest said the housing development would pay impact fees. He believed the commercial development impact fees had been negotiated and would be paid by Stanford.

Mr. Calonne said the Development Agreement stated the park impact fees related to the vested square footage were paid by the dedication of Page Mill/El Camino.

Council Member Lytle confirmed it would be for the 50 years.

Mr. Calonne said yes.

Council Member Lytle said the subcommittee called for another site to be considered for park-dedicated land. She asked if the alternative site would be considered in the Environmental Impact Report (EIR) for Stanford's construction.

Vice Mayor Beecham asked to what subcommittee report she was referring.

Council Member Lytle clarified the Council's field sub-committee report. She said the recommended site was in the Baylands.

Mr. Benest said the Supplemental Environmental Impact Report (SEIR) would look at alternatives. With the City Attorney and the City Manager's authorizations, the Council would negotiate the Development Agreement based on Stanford's offer.

Council Member Lytle asked if the Council was able to look at alternatives.

Mr. Benest said alternates had to be looked at in the EIR.

Council Member Lytle asked if an alternate site had a revenue generating use, would it be considered as part of the alternatives analysis in the EIR.

Mr. Benest said alternatives would be looked at.

Council Member Lytle said the financial portion was what she wanted heard because it was not normally part of an EIR.

Mr. Benest said it would not be difficult to look at.

Council Member Lytle said an alternative land use possibility came from the Barron Park community.

Mr. Calonne wanted to clarify the fees. He explained the Mayfield lease was mitigation for all of the impacts in the County, but the new development in the City would pay full fees.

Council Member Lytle said she believed Doug Moran in Barron Park had asked whether consideration was given to a mixed-use designation and reserving the corner as retail. She asked if it would be another option.

Mr. Benest said it could be looked at, but the biggest concern would be generating the housing numbers, recognizing that it was a lot of commercial.

Council Member Lytle said she hoped everyone would remain open. She said it would be nice if that facility were on property that is park dedicated permanently.

Council Member Morton said he hoped staff would explore ways to make the development rights more time equivalent to the housing and field rights. He mentioned a phrase in the negotiations, which stated in exchange for development rights and perpetuity, it would be expected the lease on the fields would be renewed.

Council Member Freeman said she would like advice on the process, which allowed negotiating agreements to be more in the public view. There were super fund issues with that parcel, which meant there were toxins left unabated that would need to come out in the EIR. There were traffic, air quality, and noise issues at that intersection. There was a possibility Stanford could withdraw the offer if the EIR was unacceptable. She asked if the City would receive impact fees for the commercial development in the south end of the Research Park, which she believed to be within the County property.

Mr. Calonne said the last negotiated Development Agreement said the community service impacts of County development approved under the General Use Permit, were mitigated.

Council Member Freeman queried if the commercial land was developed, would the City of Palo Alto benefit from the impact fees from that development.

Mr. Calonne replied the development within the City would pay fees.

Council Member Freeman asked if it was within the City.

Mr. Calonne said the Research Park was.

Council Member Freeman confirmed it would not be a swap, the fields for the development fees. She stated at one point there could be nine years of excess commercial property that would be imbalanced with the housing property. She would like to see the option for renewal included. Another item she wanted to include was "the spine," which was a street off of El Camino Real and continued up to the new Hanover building that allowed traffic to avoid using California Avenue.

Council Member Burch said he hoped the field would be built quickly so the young people could enjoy it.

Vice Mayor Beecham said this project would be exposed to the Palo Alto process. The Council would be providing housing and athletic space.

Council Member Freeman asked the pros and cons of a Development Agreement with that type of deal versus some other type of agreement.

Mr. Calonne replied a Development Agreement was a way of giving a property owner a guaranteed, vested right to build. Otherwise, any property was subject to being rezoned by the Council or by the voters with an

Initiative. Building rights were guaranteed for 25 years. On expiration of the 25 years, the Council could rezone and change the rules again.

Council Member Freeman questioned if it was 51 years.

Mr. Calonne said the term of the vested rights would be 25 years. The lease was 51 years. There had not been discussion for the Development Agreement to go 51 years.

Council Member Freeman said it would revert back.

Mr. Calonne said the Council and the voters get back the power that is tied up for 25 years.

Council Member Freeman said she understood. She stated she wanted to see this process go quickly.

Council Member Lytle asked how long a supplemental EIR takes to prepare.

Mr. Benest forwarded the question to Steve Emslie.

Steve Emslie said a draft could be completed after the first of the year.

Council Member Lytle wanted clarification that the supplemental EIR timeline is fixed and the questions raised that evening were within the scope of a typical Environmental Impact Report one would prepare for a project as complex as this one. She stated the questions do not slow down the process, but enhance the outcome.

Mr. Calonne said the supplemental EIR is not only about this deal. He said the Council had given the direction to update the Comprehensive Plan for the Research Park. He said Staff realizes a lot is at stake, other than the fields, and wanted to confirm they would not be pressured to make inappropriate environmental decisions based on that deal.

Council Member Lytle queried if she had said something inaccurate.

Mr. Calonne said that the EIR covered more ground than what Council Member Lytle had spoken of.

Council Member Kishimoto encouraged Staff and Stanford to take a serious look at ground floor retail as an option.

Council Member Ojakian said the demand exceeded the three playing fields. If there were concerns about Hotel and Transient Occupancy Tax (TOT), the

City Manager should be asked to explore some other sites with Stanford, closer to the shopping center where there would be more synergy from the hotel. He said he hoped the process moves ahead quickly.

Vice Mayor Beecham said what was in front of them was to direct the City Manager and the City Attorney to negotiate with Stanford University on a Development Agreement and bring that back to the Council for review.

Council Member Burch said it seemed to him reasons are being sought to not proceed and was concerned the process was going to be longer than most individuals thought.

Council Member Lytle wanted to define her intent. She said her comments were not made to prevent the proposal from going forward, but to embellish on the proposal as the process moves forward.

MOTION PASSED 7-0, Kleinberg, Mossar “not participating.”

MOTION: Council Member Ojakian, seconded by Kishimoto, to move Item Nos. 19-22 forward ahead of Item No. 17.

MOTION PASSED 9-0.

PUBLIC HEARINGS

19. Public Hearing: The City Council will hold a preliminary review of a redevelopment project concept for the 12-acre former Sun Microsystems site located at 901 San Antonio Road, as requested by Randy Popp of The Steinberg Group. The developers, Bridge Urban Infill Land Development (BUILD), a for-profit subsidiary of Bridge Housing Corporation, and Campus for Jewish Life (CJL), a non-profit organization, have proposed a mixed use development with affordable/attainable housing units, a community center and senior housing (Item to be continued to August 4, 2003)

MOTION: Council Member Morton moved, seconded by Ojakian, to continue the item to the August 4, 2003, City Council meeting.

MOTION PASSED 9-0.

20. Public Hearing: The City Council will hold a preliminary review of a proposed Planned Community Zone change requested by Sunrise Development, Inc., to allow an 80,577-square-foot senior assisted living facility comprised of 81 living units on an approximately one-acre lot located at 2701 El Camino Real. (Item to be continued to a Date Uncertain)

MOTION: Council Member Ojakian moved, seconded by Mossar, to continue the item to a date uncertain.

MOTION PASSED 9-0.

21. Public Hearing: The City Council will consider an appeal by Omer Gokcek of the Director of Planning and Community Environment's approval of a Home Improvement Exception application (02-HIE-23) requested by Dean and Cindy Samos to allow a rear daylight plane encroachment and rear setback encroachment (approximately 45 square feet) to accommodate a second floor addition to existing single-story residence located at 346 Colorado Avenue (Item to be continued to August 4, 2003)

MOTION: Council Member Ojakian moved, seconded by Mossar, to continue the item to July 28, 2003.

MOTION PASSED 9-0.

22. Public Hearing: The City Council will consider an appeal by Roger Kohler of the Director of Planning and Community Environment's denial of a Home Improvement Exception application (02-HIE-21) requested by Roger Kohler to allow additional floor area (26.5 square feet) and lot coverage (106.3 square feet) beyond what is allowed in the R-1 Single Family Residential zone district for a residence located at 4291 Wilkie Way

MOTION: Council Member Ojakian moved, seconded by Morton, to continue the item to a date uncertain.

MOTION PASSED 9-0.

17. Phase 1 Implementation Plans for Athletic Fields Synthetic Turf and Lighting Projects

Council Member Kleinberg stated she would not participate in the item due to a potential conflict of interest because her husband's former law firm represented Stanford in land use matters.

Mayor Mossar stated she would not participate in the item due to a conflict of interest because her husband was employed by Stanford University.

Deputy Director of Community Services Richard James said the Parks and Recreation Commission (PARC), along with the Fields Committee, determined a critical need for playing fields existed. The Committee

developed a report that suggested using synthetic turf and lighting. He explained synthetic turf would be low maintenance and sustainable. Natural turf at the Mayfield site would cost the City approximately \$65,000 a year to maintain; with synthetic turf, the cost would be approximately \$8,000. He explained natural turf could be used only eight hours a day before there were maintenance issues, whereas artificial turf could be used 24 hours a day. The most used fields in Palo Alto were used 1,800 hours per year. During the budget process, a Capital Improvement Project (CIP) had been brought to Council and approved, but he asked the Council to change it. Mayfield with artificial turf would add almost 10,000 hours playing time; more than all the other projects combined. He asked that the Greer vacant field be included and completed in synthetic turf so the younger children's games could be pulled from the neighborhood parks. The total cost would be approximately \$1.2 million. The estimated upgrade to the Mayfield turf would be about \$600,000, the Greer Park vacant new field is estimated at \$550,000. About \$735,000 in funding had been identified: the State's Proposition 12 (Prop 12) funds that were coming to the City, \$588,000 plus park impact fees that exist of \$147,000. The identified funds of \$415,000, still exist and needed to be determined where those dollars would come. He was asking the Council to allow an amendment to the CIP, fund the Mayfield project, upgrade fields to synthetic turf using State Prop 12 funds, develop a funding plan to complete the Greer vacant field with synthetic turf and, following the construction of those two projects, determine if there was a continuing shortage of fields.

Council Member Burch queried if there would be enough money to do the Mayfield upgrade.

Mr. James replied there would be.

Council Member Burch said money to do the new Greer Park field would be sought.

Mr. James said yes.

Council Member Burch asked if all three fields at Mayfield would be artificial turf.

Mr. James said yes.

Council Member Burch said Stanford had offered to put in grass and the dollars shown were the additional cost.

Mr. James replied yes.

Council Member Burch said the City was getting the benefit of what Stanford would have put in, and grass was part of it.

Mr. James said the City would get the credit for the irrigation that would not be put in.

Council Member Lytle asked what would be given up from the approved CIP.

Mr. James said nothing would be given up, the State funds had not been dedicated.

Council Member Lytle asked where the field's enhancement was budgeted.

Mr. James replied the Greer Park Infrastructure Management Plan (IMP) dollars.

Assistant City Manager Emily Harrison believed the CIP process would move ahead with the public process for Cubberley and for Greer at the same time and, from that process, move forward with the project that freed up first.

Council Member Lytle asked if Cubberley was being given up.

Ms. Harrison responded it was a matter of what would go first. The staff recommendation would be Mayfield.

Vice Mayor Beecham said the Finance Committee prioritized the installation of synthetic turf and believed Cubberley offered the biggest advantage in terms of the most additional use. At that time, neighbors had not been spoken to with regard to lighting and the night use.

Council Member Lytle said her concerns were with exhaust from automobiles at the location, especially with heat inversions, the potential of artificial turf giving off its own fumes, and the need to mitigate the air quality problems. She asked if the process could wait until the environmental assessment came in on the air quality problems that might be at El Camino Real and Page Mill Road for athletes and an assessment of the turf.

Mr. James said the State grant dollars would need to be reapplied for. Those were per capita dollars for a project in Palo Alto. If the dollars were not to be used for that particular project, the dollars would need to be redirected by reapplying for those dollars with a new project.

Council Member Lytle said her concern was committing to the turf before the air quality impacts were studied and the appropriate mitigation.

Mr. James said he did not believe the funds were locked in if something down the line came up.

Council Member Kishimoto wanted it defined as an amendment to a CIP, and then the Council would have another chance to review the contract.

Ms. Harrison said that was correct.

Council Member Kishimoto asked if the step taken changed the CIP content.

Mr. James said yes.

Ms. Harrison said the Council should direct the staff to return with a Budget Amendment Ordinance (BAO) that would change the CIP.

Council Member Kishimoto said it would increase by the \$400,000.

Ms. Harrison said what was asked was for the project description to be changed.

Council Member Kishimoto queried why the money was not being added.

Ms. Harrison said what would be changed would be the scope or the description of what the first priorities would be in the project.

Council Member Kishimoto asked about tennis at the Winter Lodge, Mitchell, Terman and Greer. She said she understood that location was in the Master Plan earmarked for tennis.

Mr. James indicated it was the Greer location.

Council Member Kishimoto said there was no tennis group currently.

Mr. James said there would be an opportunity to amend the Master Plan.

Council Member Kishimoto asked if the tennis issue would be brought to the Parks and Recreation Commission.

Mr. James said there would be neighborhood meetings as well as input from the Parks and Recreation Commission.

Council Member Morton said he would defer to the public.

Chris Stirrat, 2575 Ross Road, said the use of the fields had exceeded the ability to keep them maintained properly.

Council Member Burch asked if Mr. Stirrat had played on artificial turf.

Mr. Stirrat replied he had not played in 20 years, but his daughter had. They had traveled to tournaments, kicked soccer balls around and watched them bounce, and watched the kids play. It always came back as a superior surface.

Harold Justman, 828 Ramona Street, spoke on behalf of his son Patrick Justman who was in favor of artificial fields because it was safer.

Douglas Kreitz, Fields Administrator for AYSO, 1043 Cowper Street, wanted four factors to be considered: 1) the total life cycle cost; 2) the environmental advantages; and 3) extended playing time and 4) the safety of players.

Herb Borock, P.O. Box 632, said he was surprised to see staff's discussion of the allocation of Prop 12 funds and park impact fees. When allocation of funds were discussed, usually the Finance Committee reviewed them.

Craig Holland, 555 Bryant Street, said soccer was played during the time of year when the fields were water logged and there were no lights. He believed astro-turf was an excellent idea.

MOTION: Council Member Morton moved, seconded by Burch, to approve the staff recommendation to direct staff to return with an amended capital project for the Athletic Field Artificial Turf and Lighting Projects, which reflects the development of a Mayfield sports complex with synthetic turf and completion of the "Greer New" field with synthetic turf.

Council Member Morton said that was a direction to staff to allow them to reformulate the CIP.

Council Member Burch said he wanted to have the designation made between astro-turf and artificial turf.

Mr. James said astro-turf was a carpet with padding. Artificial turf was grass fibers made out of polyester. Within the grass fibers was embedded either sand or small rubber particles. It was installed over a couple foundations of gravel.

Council Member Freeman believed there were three issues: 1) cost; 2) environmental; and 3) extended playing field time. She suggested an analysis of the oxygenation health issues be presented.

Council Member Lytle asked why Cubberley would not be kept on the list.

Mr. James said all the fields on the list were being kept. Those projects were being looked at first.

Council Member Lytle said the CIP was just to add the potential, not to track any others.

Council Member Freeman said she understood there would be a public discussion on Greer Park.

Ms. Harrison said all the parks had issues.

Vice Mayor Beecham said the issue that evening was to add Mayfield to the top of the priority list.

Council Member Lytle asked if moving Mayfield to the top de-prioritized Greer.

Mr. James said it was staff's intention to move forward on the Mayfield and Greer projects at the same time.

MOTION PASSED 7-0, Kleinberg, Mossar "not participating."

18. City Clerk's Report re: Fluoridating Palo Alto Public Drinking Water Issue: Report from City Attorney on Legal Issues Associated with Initiative
(Item continued from June 2, 2003)

City Attorney Ariel Calonne said a legal analysis showed a number of areas where State law superceded any attempt to implement a local law. He did not believe any of those areas would keep the initiative off the ballot. Repealing the City's 1954 Initiative was lawful.

Juri Vilms, 1330 Harker Avenue, said he felt it was important to put the Initiative on the ballot in November. The City Attorney referred to the Health and Safety Code, which clearly expressed the intent of the State to have pure water as one of the overriding requirements.

Jeff Green, Citizens for Safe Drinking Water, 1010 University Avenue, #52, San Diego, said no community had been compelled by the State to fluoridate.

Billie Barewald, 321 Sleeper Avenue, Mountain View, said the public would have the opportunity to find out about the harmful effects of fluoridation and fluoride.

Susan Willis, 2733 Cowper Street, said the signatures were collected in the right way and the task was simply to put it on the ballot.

Herb Woodward, 2733 Cowper Street, said the Federal Drug Administration (FDA) had not approved the use of the fluoride being added to the water.

Brian Scott, DDS, 511 Byron Street, wanted to see the initiative disallowed from the ballot because it went against a State law. Organized dentistry supported the continued fluoridation in the State. He said 85% of the state would be fluoridated within the next two years, including Palo Alto.

Nick Bulaich said the initiative was not in violation of any section or California Constitution, and should be placed on the ballot.

Robert Moss, 4010 Orme Street, said the initiative should not be put on the ballot, as it was illegal. The State had said if the City had funds, it needed to fluoridate. To remove the fluoride was a violation of public health and dental safety.

Council Member Freeman asked if the City Attorney would repeat what the legal requirements were.

Mr. Calonne said the courts disfavored a pre-election challenge and would try to save an Initiative. If the Council refused to put it on the ballot, the proponents could bring litigation to challenge that decision. The law, which would be repealed, was the 1954 Initiative.

Council Member Freeman said she heard the cost to put something on the ballot was approximately \$40,000.

City Clerk Donna Rogers said to put a measure on the ballot; the approximate cost she had received from the County would be \$35,000.

Council Member Freeman asked what the cost of litigation would be if it should be rejected and should litigation occur.

Mr. Calonne said pre-election challenges would be less than \$40,000. If the City lost the litigation, it would end up on the ballot. It would be less expensive to defend a lawsuit than put it on the ballot.

MOTION: Vice Mayor Beecham moved, seconded by Kleinberg, to place the Initiative on the ballot of a Special Election to be held at the time of the November 4, 2003 Election.

Vice Mayor Beecham said he had gone through the material and information from Barbara Dawson, the web site, and material from Britain's top medical agencies and concluded that fluoridation was safe and worthwhile to use in the City's water.

Council Member Kleinberg said she had given research physicians in the Stanford/Palo Alto area, the information she had been given on fluoride, and they all came back and told her that fluoride was safe.

Council Member Kishimoto believed it should be put on the ballot. She noted in the City Attorney's report that San Francisco planned to fluoridate the Hetch Hetchy water in two years.

City Attorney Ariel Calonne said he did not have all the details.

Council Member Kishimoto asked if, as far as he knew, it had already been decided.

Vice Mayor Beecham said San Francisco controlled Palo Alto's water supply and the City did not have a vote.

Council Member Burch believed it should be on the ballot.

MOTION PASSED 8-0, Morton absent.

COUNCIL MATTERS

23. Mayor Mossar regarding rescheduling of Monday, July 7, 2003 Regular Council Meeting to Monday, July 28, 2003

MOTION: Council Member Ojakian moved, seconded by Burch, to reschedule the Monday, July 7, 2003, regular City Council meeting to Monday, July 28, 2003.

MOTION PASSED 7-0, Freeman "abstaining," Morton absent.

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Vice Mayor Beecham noted his concerns regarding erroneous comments made by Council Member Lytle on Council's unanimous vote on May 12, 2003, to ask staff to return to the Council with direction to place the referendum on 800 High Street on the November 4, 2003 election.

Council Member Lytle noted her willingness to correct the record and welcomed the correction of facts.

Council Member Kishimoto stated she voted to approve Item No. 13, but requested that staff provide alternatives when they returned with an agreement with City of Cupertino. She had gone to an Association of Bay Area Government (ABAG) meeting and rode the first new BART connection to SFO.

Council Member Lytle noted she previously had requested information on whether there was a contingency plan on IKEA, but she did not intend to give direction to staff.

Council Member Freeman clarified her "no" vote on Item No. 9 was due to her disagreement with the CIP on the Baylands Conversion Project involving cable television lines in the Baylands.

Council Member Lytle questioned why the four public hearings were placed on the agenda when they were all continued.

Assistant City Manager Emily Harrison responded many public hearings needed to be placed on agendas within specific timelines.

Council Member Kleinberg noted that two Council Appointed Officers had received recognition: City Manager Frank Benest was awarded the *2003 Clarence E. Ridley Memorial Award* from the International City/County Management Association (ICMA) for his work in the area of employee training, and City Attorney Calonne was awarded "Public Lawyer of the Year" from the California State Bar Association.

ADOURNMENT: The meeting adjourned at 11:00 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.