

ORDINANCE NO. 4591

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO AMENDING THE BUDGET FOR THE FISCAL YEAR 1999-00 TO PROVIDE AN ADDITIONAL APPROPRIATION OF \$50,000 FOR THE CITY'S CONTRIBUTION TO THE COST OF A SOUND WALL FOR THE TENNIS FACILITY AT 3005 MIDDLEFIELD ROAD

WHEREAS, pursuant to the provisions of Section 12 of Article III of the Charter of the City of Palo Alto, the Council on June 28, 1999 did adopt a budget for fiscal year 1999-00; and

WHEREAS, on May 1, 1995, Council granted an option to lease to Community Skating, Inc. (CSI) for the development and operation of a tennis facility at 3005 Middlefield Road; and

WHEREAS, On August 15, 1996, the Zoning Administrator approved a conditional use permit for the project, which was appealed by three neighbors of the site; and

WHEREAS, the City Council directed staff to revise the Mitigated Negative Declaration to reflect the noise mitigations presented in the acoustical analyses and to assess any environmental impacts that could result from the height and location of the sound walls; and

WHEREAS, On October 13, 1998, Council approved the revised mitigated negative declaration and the conditional use permit for the project; and

WHEREAS, neighbors of the project filed three lawsuits challenging the approval, and the project has since been on hold; and

WHEREAS, one lawsuit has now been settled, the other two dismissed, and the project can now proceed; and

WHEREAS, the Council has agreed to City payment for one half the cost of the sound wall, in an amount not to exceed \$50,000; and

WHEREAS, City Council authorization is needed to amend the 1999-00 budget to make an additional appropriation of \$50,000 as hereinafter set forth; and

WHEREAS, the additional appropriation of funds from the General Fund Budget Stabilization Reserve is a one-time cost and no future year General Fund ongoing costs are anticipated from the construction of this Sound Wall.

NOW, THEREFORE, the Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. The sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated to non-salary expenses in the Property Management Functional Area in the Administrative Services Department, and the Budget Stabilization Reserve is correspondingly reduced.

SECTION 2. This transaction will reduce the Budget Stabilization Reserve from \$19,443,339 to \$19,393,339.

SECTION 3. As specified in Section 2.28.080(a) of the Palo Alto Municipal Code, a two-thirds vote of the City Council is required to adopt this ordinance.

SECTION 4. A mitigated Negative Declaration for the project was approved by Council on October 13, 1998. No further environmental review for the project is necessary under the requirements of the California Environmental Quality Act (CEQA).

SECTION 5. As provided in Section 2.04.350 of the Palo Alto Municipal Code, this ordinance shall become effective upon adoption.

INTRODUCED AND PASSED: October 4, 1999

AYES: EAKINS, HUBER, MOSSAR, OJAKIAN, ROSENBAUM, SCHNEIDER,
WHEELER

NOES:

ABSTENTIONS:

ABSENT: FAZZINO, KNISS

ATTEST:

Donna J. Rogers
City Clerk

APPROVED:
Al Fazzino
Mayor

APPROVED AS TO FORM:

Susan W. Case
Senior Asst. City Attorney

[Signature]
City Manager

[Signature]
Director of Administrative Services

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THIS DOCUMENT IS CERTIFIED TO BE AN
ORDINANCE DULY PASSED BY THE COUNCIL
OF THE CITY OF PALO ALTO AND
HEREAFTER POSTED IN THE COUNCIL
CHAMBERS ON 10/3/99 (WITHIN 15
DAYS OF ITS PASSAGE)

"I certify (or declare) under penalty
of perjury that the foregoing is true
and correct."

10/25/99 Palo Alto [Signature]
Date & Place Signature