

Agenda posted according to PAMC Section 2.04.070. A binder containing supporting materials is available in the Council Chambers on the Friday preceding the meeting.

Special Meeting
Council Chambers
April 21, 2003 6:00 p.m.

ROLL CALL

CLOSED SESSION

1. Public Employee Performance Evaluation
Subject: City Manager Frank Benest
Authority: Government Code section 54957

ADJOURNMENT

Regular Meeting
Council Chambers
April 21, 2003 7:00 p.m.

ROLL CALL

ORAL COMMUNICATIONS

Members of the public may speak to any item not on the agenda; three minutes per speaker. Council reserves the right to limit the Oral Communications period to 30 minutes

SPECIAL ORDERS OF THE DAY

1. Appointment of Candidates to Library Advisory Commission
2. Appointment of Candidates to the Human Relations Commission
3. Appointment of Candidates to the Public Art Commission

UNFINISHED BUSINESS

4. **CMR 239:03** Schedule for Phase 2 of the South of Forest Avenue Coordinated Area Plan and Impacts on Other Planning Division Work Items and Related 800 High Street Referendum Issues *(continued from 4/14/03)*

5. **CMR 181:03** Public Hearing: The City Council will consider an application by A & P Family Investments for a Comprehensive Plan Amendment and Rezoning of a 1.84-acre parcel located at 2300 East Bayshore Road to the Research/Office Park land use and LM(D)(3) zoning designations. The property is currently zoned Planned Community (restaurant) and designated for service commercial uses in the Comprehensive Plan *(continued from 4/14/03) (Public testimony closed)*

Resolution of the Council of the City of Palo Alto Amending the Land Use Map of the Palo Alto Comprehensive Plan to Change the Designation of a 1.84 Acre Parcel at 2300 East Bayshore Road from "Service Commercial" to "Research/Office Park"

Ordinance of the Council of the City of Palo Alto Amending the Zoning Map of the City of Palo Alto to Change the Designation of a 1.84 Acre Parcel at 2300 East Bayshore Road from "Planned Community" to LM(D)(3) "Limited Industrial with Combining Districts"

APPROVAL OF MINUTES

February 10, 2003

CONSENT CALENDAR

Items will be voted on in one motion unless removed from the calendar by a Council Member.

LEGISLATIVE

ADMINISTRATIVE

6. **CMR 243:03** Proposed "Green" Building Policy
7. **CMR 229:03** Amendment No. 3 to Contract No. C8103688 Between the City of Palo Alto and Turner Construction in the Amount of \$76,800 for Additional Testing and Inspection Services - Downtown Parking Structures (CIP19530)

Amendment No. 4 to Contract No. C6076145 Between the City of Palo Alto and Watry Design, Inc. in the Amount of \$37,400 for Additional Design Services and Request for Additional Contingency Monies for Future Unforeseen Design Needs - Downtown Parking Structures (CIP 19530)

8. **CMR 233:03** Approval Of Appendix 6 Of The SAP Inc., Software License Agreement in the Amount of \$35,000 For Fiscal Year 2002-03



and \$95,000 in 2003-04 for Training Services Related to the Implementation of the Enterprise Resource Planning (ERP) Software or Resource and Financial Tracking System (RAFTS)

9. **CMR 238:03** Northern California Power Agency (NCPA) Member Cost Sharing Agreement for the Financing of the Planning and Development of the POE Hydroelectric Project
10. **CMR 131:03** Cost Analysis and Timing for Internet Broadcasting of Council Meetings
11. **CMR 240:03** Amendment No. 1 to Extend the Existing Contract No. C0125969 Between the City of Palo Alto and CompPsych Corporation (CompPsych) in the Amount of \$12,000 for the Employees Assistance Program
12. **CMR 178:03** Contract Between the City of Palo Alto and 3 Phases Energy Services to Provide Renewable Energy Certificates and Sales and Marketing Support for the Palo Alto Green Program for up to Five Years, Up to the Amount of \$1,890,000
13. From Utilities Advisory Commission: Approval of Utilities Strategic Plan Update *(Item to be removed at the request of staff)*

COUNCIL COMMITTEE RECOMMENDATION

14. **CMR 230:03** The Finance Committee recommends to the City Council re New Green Power Program Rate Schedules, adoption of a resolution to establish Green Power Rate Schedules E-1-G, E-2-G, E-4-G, E-7-G, and E-18-G

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO ADOPTING NEW UTILITY RATE SCHEDULES E-1-G, E-2-G, E-4-G, E-7-G AND E-18-G, AND AMENDING RESOLUTION NUMBERS 8058, 8075 AND 8174 AND REPEALING RESOLUTION NUMBER 7938 PERTAINING TO ELECTRIC SERVICE SCHEDULES E-1-G1, E-1-G2, E-1-G3, E-2-G1, E-2-G2, E-2-G3, E-4-G1, E-4-G2, E-4- G3, E-7-G1, E-7-G2 AND E-7-G3 OF THE CITY OF PALO ALTO UTILITIES RATES AND CHARGES

15. **CMR 221:03** The Finance Committee recommends to the City Council, adoption of a resolution authorizing the City Manager to enter into agreements with Western Area Power Administration to temporarily reduce the City's contract rate of delivery in 2003 and/or 2004 by up to 40 MW, and to spend up to \$20,000,000 on fixed price forward purchases for replacement with creditworthy counterparts with

BBB+ or better credit ratings; and when contract gets to \$15,000,000 in a 12-month period, staff will report to Council.

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO APPROVING FOR A LIMITED PERIOD OF TIME A REDUCTION IN THE CONTRACT RATE OF DELIVERY AUTHORIZED UNDER CONTRACT NUMBER DE-MS65-85WP59007 WITH THE UNITED STATES DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION

16. **CMR 247:03** The Policy and Services Committee recommends to the City Council to direct staff to draft a resolution supporting a moratorium on the State of California's death penalty.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

HEARINGS REQUIRED BY LAW: Applicants and/or appellants may have up to ten minutes at the outset of the public discussion to make their remarks and up to three minutes for concluding remarks after other members of the public have spoken.

OTHER AGENDA ITEMS: Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of five minutes per speaker unless additional time is granted by the presiding officer. The presiding officer may reduce the allowed time to less than five minutes if necessary to accommodate a larger number of speakers.

PUBLIC HEARINGS

17. **CMR 231:03** Public Hearing: The City Council will hold a Public Hearing to consider, among other items, mid-year changes to the 2002-03 Municipal Fee Schedule, including the adoption of new fees, increasing existing fees, rates or assessments.

The Finance Committee recommends to the City Council re the 2002-03 Adjusted Budget - Midyear Amendments and Capital Improvement Program Status, adoption of a Budget Amendment Ordinance, which included:

- a. Proposed midyear adjustments to the 2002-03 Budget for the General Fund, Enterprise Funds, Special Revenue funds, Internal Service Funds, Debt Service Funds, and Capital Improvement Fund;
- b. New or amended 2002-03 CIP Project Descriptions;
- c. Amendments to the 2002-03 Adopted Municipal Fee Schedule; and
- d. Amendments to the 2002-03 Table of Organization.

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO AMENDING THE BUDGET FOR THE FISCAL YEAR 2002-03 TO ADJUST BUDGETED REVENUES AND EXPENDITURES IN

ACCORDANCE WITH THE RECOMMENDATIONS IN THE MIDYEAR REPORT

18. Public Hearing: The City Council will consider a request by Clare Malone Prichard of Stoecker & Northway Architects, Inc. on behalf of Mr. & Mrs. Irving Grousbeck for consideration of Site and Design Review and Variances for improvements to an existing single-family residence located at 706 and 708 Los Trancos Road. The Site and Design Review includes the following: a room addition, a new pad for relocation of existing mechanical equipment, removal of a masonry fireplace, the upper portion of the driveway to remain as concrete, two existing free-standing fences, and a lot line adjustment to increase site area. The Variance requests are for the following: the transference of allowable impervious surface area from Lot 5 (708 Los Trancos Road) to Lot 4 (706 Los Trancos Road) and an existing 8-foot high fence to remain as constructed. Further, the City Council will consider a request by Clare Malone Prichard of Stoecker & Northway Architects, Inc. on behalf of Mr. & Mrs. Irving Grousbeck for consideration of Site and Design Review of an existing free-standing fence that lies within a portion of the property located at 690 Los Trancos Road *(At the request of staff, item to be continued to 5/5/03)*

REPORTS OF COMMITTEES AND COMMISSIONS

ORDINANCES AND RESOLUTIONS

REPORTS OF OFFICIALS

19. Possible Further Directions to Staff Regarding Retention or Demolition of Roth Building Spine and Related Matters

COUNCIL MATTERS

- 19A. Council Members Hillary Freeman and Judy Kleinberg re Semi-Annual Reporting by Palo Alto Police Department on Demographic Data

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Members of the public may not speak to the item(s).

CLOSED SESSION

This item may occur during the recess or after the Regular Meeting.

Public Comments: Members of the public may speak to the Closed Session item(s); three minutes per speaker.

20. Conference with City Attorney -- Potential Initiation of Litigation
Subject: Potential Initiation of Litigation on One Matter
Authority: Government Code Section 54956.9(c)

21. Conference with City Attorney -- Existing Litigation
Subject: Eugenia Weiner v. City of Palo Alto, SCC#CV796572
Authority: Government Code Section 54956.9(a)
22. Conference with City Attorney -- Existing Litigation
Subject: Philip Gibson v. City of Palo Alto, et al., Santa Clara County Superior No.: CV805641
Authority: Government Code section 54956.9(a)
23. Conference with City Attorney--Potential/Anticipated Litigation
Subject: Significant Exposure to Litigation
Authority: Government Code section 54956.9(b)(1) & (b)(3)(A).

ADJOURNMENT

Persons with disabilities who require auxiliary aids or services in using City facilities, services, or programs or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990, may contact 650-329-2550 (Voice) or 650-328-1199 (TDD)