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September 15, 2003

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Bayshore Road. Council actions on this item include: approval of site and design and architectural review for the project based on findings and conditions of approval, adoption of findings for the environmental review, adoption of a Park Improvement Ordinance for the portion of the project within Byxbee Park, direction to staff to include project in text and maps of the Baylands Master Plan when updated, and authorization for the City Manager to grant easements necessary for the construction of the project.412

12. Public Hearing: The City Council will consider an appeal by Weiping Wang and Helen Feng of the Director of Planning and Community Environment’s denial of a Home Improvement Exception application (03-HIE-12) to allow an addition to the existing residence located at 4044 Sutherland Drive, 90 square feet of which would encroach 5'0" into the required 25'0" contextual front yard setback.432

11. Public Hearing: The City Council will consider approval of an ordinance adding Chapter 12.10 to Title 12 [Public Works and Utilities] to establish fees to mitigate damage caused by excavation in public rights-of-way.432

8. Conference with Labor Negotiator.....433

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10. Conference with Labor Negotiator.....433

FINAL ADJOURNMENT: The meeting adjourned at 11:45 p.m.433

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 5:50 p.m.

PRESENT: Beecham, Burch, Freeman, Kishimoto, Kleinberg (arrived at 6:25 p.m.), Lytle, Morton, Mossar, Ojakian

ORAL COMMUNICATIONS

Bunny Good, P. O. Box 824, Menlo Park, spoke regarding State Nepotism Law Pertaining to Municipal Council Members.

SPECIAL MEETING

1. Joint Annual Meeting with Assemblyman Joe Simitian

No action required.

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 7:03 p.m.

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

SPECIAL ORDERS OF THE DAY

1. Resolution 8336 entitled "Resolution Of The Council Of The City Of Palo Alto Expressing Appreciation to Richard Ferguson Upon His Retirement From The Utilities Advisory Committee"

MOTION: Council Member Morton moved, seconded by Ojakian, to adopt the resolution.

MOTION PASSED 9-0.

Vice Mayor Beecham said he had the opportunity to work with Rick Ferguson during the prior four years, and Rick had the special ability to understand the complex issues and find a way to explain them in simple, clear, concise terms. His skills would be missed on the Utilities Advisory Committee (UAC).

Richard Ferguson said he was glad to put in almost five years on the UAC. He felt honored to have been chosen to fill Fred Eyerly's seat on the UAC. The City had a wonderful utility operation and a fine staff. The utilities were in fine shape for the future.

Council Member Kishimoto said she worked with Rick for a number of years, and the resolution was well written in documenting Rick's unique contributions to the Utilities strategic planning, fiber to the home, and pushing the City in looking at long-term regional water issues.

Council Member Morton thanked Rick for setting a high set of standards.

ORAL COMMUNICATIONS

Mandy Lowell, 1423 Hamilton Avenue, thanked the Council for action taken on the Terman School.

John Barton, 360 W. Charleston Road, spoke regarding his appreciation for the shortening of the time for the Terman School issue.

Seth Yatowitz, 207 High Street, spoke on the assessments for the Downtown parking structures and suggested the same be done with the Downtown North parking issues.

Carroll Harrington, 830 Melville Street, spoke on 800 High Street and the parking structure opening.

Bunny Good, P.O. Box 824, Menlo Park, spoke regarding safety issues.

Jerry Schwartz, 230 Emerson Street, spoke regarding the Downtown business community issues.

Teri Blackburn, 408 Grant Ave, spoke regarding the Terman tennis courts.

Zack Bering, 408 Grant Ave., spoke regarding the Terman tennis courts.

Monica McHenney, 769 Los Robles, spoke regarding the Terman basketball courts.

Jacqueline Stewart, 1580 Walnut Drive, spoke regarding education.

APPROVAL OF MINUTES

City Clerk Donna Rogers requested the minutes of July 14 and 21, 2003, be removed.

MOTION: Council Member Morton moved, seconded by Ojakian, to approve the minutes of June 16, 2003, as corrected.

MOTION PASSED 9-0.

CONSENT CALENDAR

Council Member Freeman referred to Item No. 2 and said she asked the City Attorney's Office to provide the annual cost in dollars for the City to participate in the Santa Clara Valley Water Resources Protection Collaborative.

Director of Public Works Glenn Roberts responded that the cost involved in the City's participation was restricted solely to staff time, which came out of current resources. Staff estimated the project involved approximately 8 hours per month, 100 hours during a year, at a cost of \$6,000 to \$7,000 worth of staff time, including benefits.

Council Member Freeman clarified a Budget Amendment Ordinance would not be required.

Mr. Roberts said that was correct.

Blair Stewart, 1580 Walnut Drive, suggested Item No. 5 be removed from the Consent Calendar and given a full review by the Council. The City spent a lot of money on sidewalks that could go to schools where the bonds were originally proposed. The City and Palo Alto Unified School District (PAUSD) were not completely congruent, so there was a deal that there had to be sidewalks.

Herb Borock, P.O. Box 632, recalled when the Utilities User Tax (UUT) was adopted by a small amount of voters; more money was given to the PAUSD than what the City received from the UUT. During that time, the City did not receive an equivalent amount of money from the portion of the PAUSD district at Stanford University or Los Altos Hills. Former Mayor Kniss and a former member of the PAUSD Board estimated the enrollment from within the PAUSD boundaries, from those portions that did not provide UUT, was approximately 11 percent at the time. The City spent less money than was projected on sidewalks.

MOTION: Council Member Ojakian moved, seconded by Morton, to approve Consent Calendar Item Nos. 2-5.

LEGISLATIVE

2. Resolution 8337 entitled "Resolution of the Council of the City of Palo Alto in Support of the Santa Clara Valley Water Resources Protection Collaborative Memorandum of Consensus for Mutual Cooperation to Jointly Develop and Implement Water and Watershed Resources Protection Measures, Guidelines and Standards in Santa Clara County"
3. Ordinance 4802 entitled "Ordinance of the Council of the City of Palo Alto Amending the 2003-04 Municipal Fee Schedule to Correct for an Inaccurate Fee Change"

ADMINISTRATIVE

4. Contract Between the City of Palo Alto and Redwood Plumbing Co., Inc. in the amount of \$79,747 for the Foothill Park Interpretive Center Mechanical Upgrades - Capital Improvement Program Project
5. Contract Between the City of Palo Alto and J.J.R. Construction, Inc. in the Amount of \$593,927 for the Contracting Out Construction of the 2003-04 Phase 1 Sidewalk Replacement Project



MOTION PASSED 9-0.

UNFINISHED BUSINESS

09/15/03

96-411

- *6. Public Hearing: The Palo Alto City Council will consider an application by Santa Clara Valley Water District for Site and Design approval for the downstream portion of the Matadero Creek Long Term Remediation Project, the construction of an overflow flood control channel downstream of East Bayshore Road and adjacent to the City Municipal Service Center, to increase flood protection and convey a 100-year (1%) flood event flow. The project address is 3201 East Bayshore Road. Council actions on this item include: approval of site and design and architectural review for the project based on findings and conditions of approval, adoption of findings for the environmental review, adoption of a Park Improvement Ordinance for the portion of the project within Byxbee Park, direction to staff to include project in text and maps of the Baylands Master Plan when updated, and authorization for the City Manager to grant easements necessary for the construction of the project. *(Continued from July 14, 2003)*

****This item is quasi-judicial and subject to Council's Disclosure Policy***

Mayor Mossar noted the item was quasi-judicial and subject to Council disclosure policies.

Council Member Kishimoto reported talking to many people from the neighborhood and Midtown Residents Association about the creek and went on the field trip.

Council Member Lytle reported conducting her own field trip, spoke with Midtown residents, received calls from Florence LaRiviere and Ellie Gioumousis, and received contact from Emily Renzel. All the issues raised in the conversations were in the record before the Council.

Mayor Mossar reminded the Council Members that the purpose of ex parte disclosure was to share with the public any information that the public might not have had access to prior to the hearing.

Council Member Kishimoto said she had extensive phone conversations with Ellie Gioumousis and Emily Renzel.

Council Member Kleinberg said she went on the field trip and spoke with members of the Santa Clara Valley Water District (SCVWD) and City staff. Her policy questions were sent to staff and copied to the Council. She had conversations with Midtown residents and members of Barron Park, as well as a conversation with Ellie Gioumousis.

Vice Mayor Beecham said he received no information that was not reflected in the public record.

Mayor Mossar said she had not received any information that was not

reflected in the public record and was unable to attend the site visit.

Council Member Burch stated he received a phone call from Ellie Gioumouis, and he made his own site visit.

Council Member Morton said he was the liaison to the Parks and Recreation Commission (PARC) when the issue was first before the PARC. In that capacity, he spoke with Ellie Gioumouis. He heard nothing that was not a matter of public record.

Council Member Ojakian said he attended the site visit.

Council Member Freeman said she attended the site visit and spoke to the SCVWD staff and residents. She spoke to Ellie Gioumouis, who described an alternative she was planning to provide to the Council and public.

Council Member Lytle said the Council received an email from Bob Moss, and she had a follow up email exchange with him about policy questions that would be discussed at the current meeting.

Council Member Morton said he attended the site visit.

Council Member Freeman said she asked several questions via email that were public record.

Director of Public Works Glenn Roberts stated that benefits from the project were significant for Palo Alto residents. There were two categories of benefit that would be attained. There were 450 properties that were able to be removed from the flood hazard area and would no longer have to pay flood insurance. Those properties were in the Matadero Creek Flood Zone. There were approximately 4,000 properties in the Matadero Creek Flood Zone that would receive benefit from the project and would no longer be subject to the 1 percent or 100-year flood risk from Matadero Creek but could not be removed from the Flood Zone Map because they were also in the tidal flood area. As a result of the project, approximately 4,450 properties would receive flood protection from Matadero Creek flooding. Staff recognized there was a great amount of concern about the environmental impacts of the project and mitigation involved. Understanding background and history of the stream, when considering impacts, was important. The key point was that Matadero Creek was not a natural habitat of a creek flowing to the Bay. Matadero Creek originally was a marsh that ended near the vicinity of Lewis Road. During the prior 100 years, Matadero Creek was a man-made, implemented channel to drain the area for agriculture and for flood control purposes. Staff believed the results of the project created a better habitat than what currently existed because non-native species would be removed. The project made the channel more sustainable from a balance of flood control and habitat because the current siltation problem was eliminated.

The area downstream of Lewis Road always silted up, which was a maintenance problem. The project had a direct benefit on City services because it enabled staff to get in and out of the area and not be blocked in the event of flooding. The bypass channel helped provide the capacity. One alternative was to move the project alignment onto the Municipal Service Center (MSC) right-of-way. Staff considered the alternative but recommended against it. Staff was engaged for the prior two years in a study of the needs assessment and potential draft Master Plan revision for the MSC. There were a number of unmet needs for parks maintenance, parks open space, utilities, and public works that resulted in the draft Master Plan still in a working stage.

Assistant Planning Official John Lusardi said in order to facilitate the City's review, staff contracted with a natural resource consultant experienced in projects, specifically to address hydraulics, quality of habitat mitigation, and long-term monitoring after construction. The consultant, who provided comments on the project's impacts and mitigation, reviewed the proposed projects and supporting materials. Flood control projects almost always required some regulatory agency permits, such as the Army Corps of Engineers or Department of Fish and Game. The project, through the site and design, provided for the City's local review process. Regulatory agencies did not normally address view corridors, landscaping, screening, and aesthetics. The City was able to contribute to the areas, such as reducing the amount of concrete channel, using earth tone channel material at key view points, and adding landscape screening around the entire MSC site. Staff and the consultant worked with the applicant to strengthen the habitat mitigation by adding a variety of native vegetation within the project area of impact and the natural channel. The end result of the review was to achieve a successful balance of flood control, aesthetics, and long-term habitat enhancement. The local review involved the evolution of a project from a 60-foot wide concrete channel to half concrete and half earthen material with natural earthen walls and elements added such as landscape screening beyond the project area. The Site and Design Review provided for the City's review with important local project conditions. One concern heard by staff was the lack of adequate maintenance contributed to flooding impacts. Staff recommended important local controls that helped ensure the long-term success and maintenance of the project, which included a ten-year monitoring program by the City's Natural Resources consultant and staff and maintenance of the natural and bypass channels for the life of the project.

Mayor Mossar declared the Public Hearing open at 7:50 p.m.

Bunny Good, P.O. Box 824, Menlo Park, asked why the drain channel along the Highway 101 crossover landscaping at Embarcadero Road near Albertson's was left clogged and unmaintained for several years prior to the flood and not cleaned out since the flood. Prior to 1995, the drain channel was closed each year. The Public Works staff indicated the drain channel was

not in the City's jurisdiction. Senior Public Works Engineer Joe Teresi said he would look into it to get the answer. She opposed messing up the Bay environment for the sake of flood control.

Liang Lee, Project Manager, Santa Clara Valley Water District, said in December 2002, the PARC recommended the Council approve the project. The PARC raised a concern that the Ciardella Garden Supply might be displaced. A way to share the site with the Ciardella Garden Supply was found. An easement was provided to the City for a future storm water pump station. In April 2003, the Planning and Transportation Commission (P&TC) requested alternative sites be explored. The concern was that Ciardella might be replaced. The issue was resolved since the method to share the site was developed. The P&TC requested an interim habitat plan be explored. Following approval by the Department of Fish and Game and Regional Water Quality Control Board (RWQCB), a plan to remove the invasives would be developed in order to improve the habitat quality of the area. The P&TC requested other project designs be explored, including the use of the Emily Renzel Marsh. All possible alternatives for the project were reviewed, including upstream alternatives to store and divert the flow. The alternative of using the Emily Renzel Marsh involved inundating 240 acres of marshland. That alternative required significant cost to build a levee that would directly impact 12 acres of land. In June 2003, the Architectural Review Board (ARB) requested the north portion of the creek be landscaped and screened. An agreement was reached where coyote brush would be planted for screening. The ARB requested that integral color be added to the most visible concrete area, which was incorporated into the design. The concrete in the overflow bypass channel would have a layer of soil to reduce the visual impact. The ARB requested that alternative offsite mitigation be explored. One question raised had to do with a bike path connecting to the flood basin between Greer Road and Highway 101. The RWQCB and staff determined that a bike path could be partnered with Caltrans. The feasibility would be investigated. Another question had to do with further reducing concrete. The existing design was the result of several meetings with City staff and regulatory agencies. The channel length was reduced by 300 feet, and the concrete pavement was reduced to cover only 30 feet off the channel. The total width of 55 feet was determined based on the flow requirement, and the 30 feet of concrete surface was based on maintenance requirements. The foundation of the concrete had to be increased in order to reduce the concrete width to 20 feet. The mitigation planting along East Bayshore Road improved the visual impact. A concern was raised that by building the overflow bypass channel, the existing creek was left high and dry. That was not the case because the creek overflowed if water rose in the creek and the overflow channel provided an open passage for the water to flow downstream. Concern was expressed that more than 300 trees would be moved. A professional arborist inventoried the property. Sixty-three Eucalyptus, four Northern California Walnut, two Pine, three Ash, one Box Elder, and approximately 200 Willow trees would be removed. More than 1,000 Willow trees would be planted at

the site. Concerns were raised the impact was too significant to the Baylands. The area that would be covered was a small portion of a natural habitat, and the impact was temporary. The project provided 1 percent flood protection and also relief to street flooding. The City and the SCVWD would develop together and commit to a maintenance plan that ensured the long-term success of the project.

Larry Ciardella, 2027 East Bayshore Road, supported the project. He was committed to working with the SCVWD and the City to resolve any issues.

Emily Renzel, 1056 Forest Avenue, urged the Council to satisfy itself that the project would be effective prior to considering approval of the project. The project would be destructive to the last existing riparian corridor in the Baylands and provided minimal, if any, flood protection along Matadero Creek. The staff report (CMR:438:03) indicated comments from the Department of Fish and Wildlife and Fish and Game were forthcoming. That information was important to the Council's decision. The SCVWD repeatedly said water would not be lost to the natural creek because by the time the water was diverted, there would be sheet flow. Envisioning what the incremental protection would be from the major boondoggle was difficult. Public Works Senior Engineer Joe Teresi had agreed the current storm drainage in the Greer Park neighborhood had to be pumped into Adobe, Barron, and Matadero Creeks and suggested the project would relieve stress on the pumps. The City should look for better pumps if they could not handle the few hours of stress that might result in the absence of the project. The SCVWD might help fund better pumps. The SCVWD asked the City to communicate to the County in its general planning that upstream retention near Page Mill and Foothill Roads, on Stanford University land, be encouraged for Matadero Creek. Stanford University was not amenable, but Stanford University generated a lot of runoff and should be cooperative in the solution. Another solution discussed was using the "nude" area of the MSC. That would obviate the need for much environmental havoc and might spur more efficient use and reconfiguration of MSC. The Council was urged to deny the project or continue the item to see if pressure could be brought to bear for less environmentally harmful solutions.

Ellie Gioumousis, 992 Loma Verde Avenue, said a geologist, Paul Hipol, looked at Matadero Creek and agreed the creek was not natural, but he was impressed by the high quality of the habitat. Mr. Hipol suggested the habitat be saved. The area had the most diversity of birds in the South Bay. The habitat contained native trees along the creek because of the fresh water that flowed in the creek. There were invasive nonnative plants where the bypass was proposed. The rampant growth crowded out native vegetation and blocked the free water flow. Mr. Hipol pointed out the proposed work ignored the hydrology that made the riparian system work. The riparian plants on the corridor needed all the water to soak into the ground. If the water were diminished, salt water would intrude and the plants would die.

Mr. Hipol's suggestion was to take the existing channel, clear away the non-native vegetation, and recreate the original creek to join Matadero Creek. There should be no revegetation, removal, or disturbance in the existing channel of Matadero Creek because that invited more weeds and broke up the soil structure. The Council was urged to preserve the good habitat, remove the weeds from the bad habitat, and put the bypass back into Matadero Creek.

Mae Tinklenberg, 2841 Greer Road, supported completion of the Matadero Overflow Bypass. Completing the bypass decreased any direct flooding from Matadero Creek and reduced flooding from the backup of the many storm drains that flowed into Matadero Creek. The SCVWD worked hard to develop the best possible solution for reducing flooding and protecting the area. The Council was urged to vote in favor of the bypass.

Libby Lucas, 174 Yerba Santa Avenue, Los Altos, said the Native Plant Society was concerned about the enormous loss of the riparian corridor. There was no real evidence the project took away the flood hazard from the area that flooded in 1998. Matadero Creek had not flooded since 1955, when it flooded in the Barron Park area. The high water level was the normal result of a high tide that came in three to four hours after a heavy, inundating rainstorm. The street drainage problem was due to flaps not opening. The present pumping to the Matadero Creek was low, almost at creek level. The normal back ups for storm conditions had to be addressed separately. The suggested mitigation in the stream channel was 1,200 feet of mitigation wetlands, which was "double dipping" by taking out normal wetlands and removing riparian vegetation.

Sheri Furman, 3094 Greer Road, said Matadero Creek came close to overflowing in 1998, but the SCVWD closed off one of the diversion gates in Barron Park. The Matadero Creek Committee did not question the bypass, knowing the work needed to be done. The lack of maintaining the channel led to the problem. There were no problems when the channel was regularly dredged. The SCVWD incorporated many of the residents' requests, and the solution was workable. She urged the Council to approve the project.

Robert Moss, 4010 Orme Street, said the Barron and Matadero Creeks were a system that operated together. With the bypass, there was an overflow channel at Gunn High School. The SCVWD was convinced to operate the two creeks independently because the water sheds and flows were different. When Matadero Creek backed up, the diverter gate at Gunn High School was closed, and Barron Park flooded. Matadero Creek overbanked in 1983, when several hundred homes in Barron Park were flooded. Downstream diversion was needed to prevent flooding. The proposed project was modified several times after input from staff and the community. The amount of paving that would be seen in park area near the MSC was a net of less than one-half acre of concrete and would not have significant impact on water flow into the

ground on recharging of aquifers or on the environment. He urged the Council to support the project.

Mayor Mossar declared the Public Hearing closed at 8:38 p.m.

Council Member Morton thanked the SCVWD for its patience and listening to concerns. When the matter first went to the PARC, the project was a 55-foot wide concrete culvert. A number of issues had not been fully addressed. The impact of diverting water into the Emily Renzel Marsh, as opposed to rejoining the Matadero Creek downstream, was an issue that needed an answer. The Council needed to know if there was a way to avoid destroying habitat that took 30 and 40 years to reclaim and restore. A way should be found to shorten the bypass and have the bypass return to the flood basin. She asked why the bypass should drain into the marshland behind the MSC and not return to the Matadero Creek.

John Bourgeois, Consultant, HT Harvey, said under the 100-year flood, the same amount of water reached the salt marshes. During all flood events, the same amount of fresh water was on top of the salt marshes. The question was raised about making the bypass a "true bypass" and reconnecting it to Matadero Creek. To do that, a path of vegetation had to be cleared, and more Willow riparian habitat would be removed.

Council Member Morton said the riparian habitat was in a concentrated area close to Highway 101.

Mr. Bourgeois pointed out on an overhead the area of the riparian habitat, which proceeded beyond the bypass. The bypass went away from the good habitat along the creek, through the area of non-native plants, turned the corner and emptied water. More riparian and wetland habitat would be impacted if the bypass were reconnected to Matadero Creek.

Council Member Morton clarified bringing the bypass south to drain where Adobe drained was more preventative than going to the existing channel of the Matadero Creek.

Gary Kittleson, Natural Resource Consultant, said the distribution of water during a storm event would be across a smooth curve. The edge between the MSC and the existing channel was a flat edge that shed water in a sheet throughout the area. A flow was not directed into the habitat. The purpose of the proposed bypass channel was to provide a consistently smooth, level area for water to move quickly. The project did not change volumes of water. The entire Bay system was a basin that filled and spilled. There was no high elevation that split the flow.

Council Member Morton clarified by going along behind the MSC, the turn did not cause any mitigation.

Mr. Kittleson said the mitigation was minimized. There was some loss of habitat. Habitat was minimized by taking pavement, and the existing levee road and turning that into habitat. The key issue was the hydraulics provided a smooth, flat surface that was maintainable, and water flowed equally off the surface back into the lower lying areas.

Council Member Morton said there was no disagreement that there would be a bypass on the north area of the MSC.

Mr. Kittleson said the existing road was a liability for habitat. By moving the road back, using the decreased slope, there was more edge habitat to the salt marsh and fresh water habitat. The road would be moved away from the Bay edge.

Council Member Ojakian asked when the project would be completed if the Council were to approve the project.

Mr. Roberts understood if the Council were to approve the project at the current meeting, the SCVWD would finish its process of permitting and plan development during the winter and go out to bid late winter or early spring. Construction would begin in the spring of 2004 with completion no later than October 15, 2004.

Council Member Ojakian clarified the project would be completed prior to the winter of 2004.

Mr. Roberts said that was correct.

Council Member Ojakian asked for an explanation of the overhead provided by Mr. Lee that showed the two options.

Mr. Lee, pointing out the MSC on the overhead, noted where the earthen slope was with a foundation that kept the slope stable. The concrete was within the 20-foot section with a cut off wall on both sides. The construction would be done by excavation, installing the foundation and walls for concrete.

Council Member Ojakian asked about the length of concrete from the frontage road to the gravel road.

Mr. Lee said the length of concrete was approximately 1,100 feet long and 20 feet wide.

MOTION: Council Member Ojakian moved, seconded by Beecham, to accept the staff recommendation as follows:

- a. Adopt findings for the Matadero Creek Long-Term Remediation

Project from the Final Environmental Impact Report (FEIR) certified by the Santa Clara Valley Water District (SCVWD) Board as set forth in the resolution (Attachment C or CFMR428:03);

- b. Adopt a Park Improvement Ordinance for the portion of the Matadero Creek overflow flood control channel in Byxbee Park, as set forth in Attachment B;
- c. Direct staff to include the project in text and maps when the Baylands Master Plan is updated;
- d. Approve the Site and Design for the proposed Matadero Creek overflow flood control channel based on the findings and conditions in Attachment A;
- e. Authorize the City Manager to negotiate and execute an easement giving SCVWD the right to construct, operate and maintain portions of the Matadero Creek overflow flood control channel on 0.86 acres of City property; and
- f. Subject to Condition of Approval #12A, approve the early removal of non-native vegetation, including the eucalyptus trees on-site, prior to bird nesting season, which begins in January 2004.

Further, to add the preferred cross-section alternative with the 20-foot wide concrete structure.

Resolution 8338 entitled "Resolution of the Council of the City Of Palo Alto Certifying the Adequacy of the Final Environmental Impact Report for the 3201 East Bayshore Road; Matadero Creek Long-Term Remediation Project Pursuant to the California Environmental Quality Act"

Ordinance 1st Reading entitled "Ordinance of the Council of the City Of Palo Alto Approving and Adopting Plans of Santa Clara Valley Water District for a Flood Control Channel in Byxbee Park for Matadero Creek Remediation Project"

Council Member Ojakian said the project traded off an environmental situation against people's safety. The SCVWD did a good job explaining in detail how the project worked. The Council had not discussed how to create the bike path, which Mr. Lee indicated he was willing to work on with staff.

Vice Mayor Beecham said the project addressed the flood issue in Palo Alto. Flooding was something that did not happen every 100 years. Finding a way to encourage the water to leave as quickly as possible was difficult. The

project improved since the first time it surfaced. Matadero Creek currently overflowed the banks and continued to overflow with the bypass, but the bypass helped keep the overall level of water lower than otherwise. There was a benefit to the community with the project. Backpressure going through the creeks made a difference upstream. The upstream impact did not stop immediately. Scheduling was an issue as it was unknown when there might be a flood. The project needed to go forward.

Council Member Burch said a statement was made about bringing the bypass back into the Matadero Creek. The Matadero Creek diffused into the salt marsh.

Mr. Roberts said Matadero Creek extended further downstream as a contiguous fresh water channel than where the bypass channel would terminate. Once the Matadero Creek blended into the flood basin in a 100-year or major storm condition, the fresh water and salt water mixed together.

Council Member Burch was unclear why there was an advantage to bringing the bypass back into the channel if both ended up diffusing into the salt marsh. The decision had to be made to protect the residents. The environment and native plants should be protected.

Council Member Lytle said the City and agency staffs that worked on the project did a good job of analyzing public policies from the perspective of flood control. Public Policies 9 through 11 in the Comprehensive Plan (Comp Plan) were not raised in the analysis during the site and design process or during consideration by the PARC. The portion of Public Policy 9N read, "Avoid channelization of creeks when flood control and public safety can be achieved through measures that preserved the natural environment." Staff responded by saying it did channelized creeks in other places in the natural environment in parks. The Council directed new policy to avoid channelizing projects. Staff did much progress trying to reduce the amount of concrete. The question was asked whether the Council could have done something completely biotechnical. Public Policy 10 said, "Work with Santa Clara Valley Water District and other relevant agencies to enhance riparian corridors and provide adequate flood control by use of low impact restoration strategies." The question was asked whether staff could have relocated the proposal to the back property of the MSC, achieve the same result, and take advantage of an opportunity to reorganize the MSC to be more efficient and handle more storage space.

Mr. Lusardi said it was true that the policy asked to avoid fencing, piping, and channelization. The issue was to avoid as much engineering and manmade projects in natural areas. The proposed project enhanced the mitigation areas in the project impact area and strengthened the riparian habitat in the long-term mitigation for the project area.

Council Member Lytle asked how channelizing was avoided.

Mr. Lusardi said channelizing was not avoided. The project reduced the physical impacts from the channel by further reducing the concrete, softening the walls of the channel, and increasing the mitigation and screening.

Mr. Roberts said channelization was avoided in its primary sense. The alternative that was considered and discarded early in the process was to go in and rebuild the existing channel to scoop out the existing channel and build it with concrete protection. Staff looked at the alternative alignment for the secondary channelization and took the issue of tradeoff very seriously. There were a number of unmet needs for space at the MSC for ongoing City activities for the long-term future. The needs inventory and draft Master Plan showed that space was necessary. Alternative configurations were looked at. There was a two-story overlay on the area, and the City's operations were almost all constrained to single-story operations such as shop floor type activities with heavy equipment that needed to be at a ground floor level. The draft Master Plan maximized the use of the space and necessitated retaining what was there.

Council Member Kleinberg understood the concrete was almost entirely hidden by the dirt. She asked whether other materials were totally permeable, other than concrete that provided a bed for heavy equipment and did not create an unnatural permanent installation.

Mr. Roberts said the proposal offered by the SCVWD, was a reasonable compromise in order to accomplish the maintenance needs to prevent occurrence of the past problems. Heavy equipment needed to be used to clean out the siltation, load trucks, and haul the siltation away. A stable, strong base for the equipment to drive on needed to be created so the equipment did not sink into the subsoil. The subsoil was a silty, clay material that did not dry out.

Council Member Kleinberg asked whether there were more amphibious types of tires or equipment that might not require a concrete bed.

Mr. Roberts said there were large, floating dredges and hydraulic equipment, which had to be wide and would have a maneuverability problem. Getting floating excavating equipment into the location was difficult. Trucks were the more likely type of equipment to use.

Council Member Kleinberg asked about cranes that reached into the water from the banks.

Mr. Roberts said there were road cranes with booms that extended out 20 or 30 feet, which had been used to pull debris out of San Francisquito Creek

during flood events. With a 55-foot wide channel, there were no pieces of equipment with that type of reach.

Mr. Lusardi said staff struggled with the issue about how narrow the concrete maintenance channel could be and the type and size of equipment that could be used. The goal was to reduce the amount of time heavy equipment was used in order to limit intrusion on the habitat.

Mr. Kittleson said issues looked at including how often the maintenance happened, what the thresholds were that triggered maintenance, and what would be undertaken. The area would develop habitat of grasses and non-native plants. Small equipment took more time to get work done than heavy equipment. The cost was greater to the SCVWD, and there were more disturbances to the habitat and birds.

Council Member Kleinberg asked whether there was a way to filter the water.

Mr. Roberts responded that filtering was difficult on a large scale with the volume of water that flowed during flood conditions. The new storm water discharge permit requirements and pollution prevention activities were designed to prevent the pollutants from getting to the creek. The new redevelopment requirements required each parcel to treat its own storm drainage runoff.

Public Works Senior Engineer Joe Teresi said one of the features of the bypass channel along the outer edge where the water spilled into the marsh was the planting of willow trees that were intended to act as a filter to keep some of the sediment in the bypass channel.

Council Member Kleinberg said Ms. Gioumouis indicated in her letter that removal of some of the noxious plants, such as arundel, might solve the problem.

Mr. Roberts said the elevation where the plant material sat was at a higher level, which blocked flow at that level. In order to accommodate the volume of water that went down the creek, the area needed to open up to the lower elevation. Simply removing the plant material did not provide enough capacity to handle all the flow.

Council Member Kleinberg asked whether City and SCVWD staff considered how there might be some redirection of the water in order to mitigate the issue of the current native plants.

Mr. Roberts said the dry times of the year would not change. The amount of water in the existing channel in the dry times of the year stayed the same.

Council Member Kleinberg said there were a number of matters brought to the PARC's attention during the review process. PARC Commissioner Hagan was asked whether she felt comfortable that all the suggestions made by the PARC were adequately addressed.

Parks and Recreation Commissioner Jennifer Hagan, said the vote of the PARC was 3-2. The two Commissioners who voted against the project had concerns and ideas about alternative ways to reduce the impact on the parkland and other land adjacent to the parkland. The SCVWD offered creative solutions. The major concerns to the parkland included the impact on the riparian area with respect to the loss of approximately 290 trees. The trees represented a habitat for a number of birds. The impact to the saltwater runoff behind the MSC was another concern. The concrete situation was creatively addressed and seemed to resolve the concerns expressed by the PARC. The saltwater issue was outside the parkland but was addressed.

Council Member Kleinberg asked P&TC Commissioner Cassel about matters brought to the P&TC.

Planning and Transportation Commissioner Phyllis Cassel, said the P&TC supported the staff recommendation with some reservations. The P&TC debated on how to make the most out of the situation. The P&TC asked the applicant to look at alternatives, which they did. Additional riparian areas would be replaced.

Council Member Kleinberg said she was glad to see that the SCVWD's proposal for solving the creek overflow problem was better with improved methods, both aesthetically and environmentally, than only concrete troughs. The Council needed to rely on the indepth examination made by the commissioners as well as staff. The Council was ultimately asked to preserve property rights and the security of homeowners and residents upstream, while doing the best to mitigate the damage to the habitats downstream.

Council Member Kishimoto noticed in the Environmental Impact Review (EIR) the environmentally preferred and feasible alternative was the "underground bypass channel." That alternative had an underground culvert that went under East Bayshore Road. The question was asked whether building a culvert on the outside of the MSC was possible. Advantages of going under East Bayshore Road were that the saltwater harvest mouse habitat was bypassed, and the site was 100 percent mitigatable. The land next to the MSC, which was shown to be contaminated, would be avoided.

Mr. Roberts said the issue of an underground box culvert was ultimately rejected because of maintenance issues. The box tended to quickly fill up with silt and was virtually impossible to clean out. That became a cost issue for maintenance costs.

Council Member Kishimoto clarified the silting problem was related to the slope issue.

Mr. Roberts said that was correct. The topography was flat, and there was no way build on a slope.

Council Member Kishimoto questioned the feasible alternative.

Mr. Roberts said the box culvert could be built but not maintained.

Mr. Lusardi said the EIR was required to identify the environmentally superior alternative, which was the alternative with the least environmental impacts. There was a hydrology issue with respect to the box culvert and the ability for the floodwaters to make a 90-degree turn to get into the basin.

Council Member Kishimoto clarified most alternatives were rejected because they were not considered engineering-wise not feasible.

Catherine Oven, SCVWD, said rather than building the bypass around the MSC, one alternative was to have a 90-degree turn and a culvert that went under East Bayshore Road where water emptied out into the flood basin. There was a concern for slope. The entire East Bayshore Road had to be elevated because the culvert had to be approximately eight feet tall. There was not enough room to pass the flow and enter the flood basin at the invert of the flood basin. The structure would be enclosed, and the undertaking was dangerous because vents and lights were needed in order for maintenance workers not to be in danger. The project cost was \$15 million while the bypass was approximately \$8 million.

Council Member Kishimoto clarified the habitat for the salt marsh harvest mouse would be preserved.

Ms. Oven said excavating the channel along the MSC would be avoided. The impact to the salt marsh harvest mouse was addressed with the moving of the access road.

Council Member Kishimoto clarified there would be temporary disturbance.

Ms. Oven said that was correct.

Mr. Bourgeois said the salt marsh harvest mouse was a federally endangered species, and its habitat was the pickleweed-dominated salt marsh in the area. Shortening the bypass channel and moving the road away did not impact the pickleweed habitat.

Council Member Kishimoto said there was much discussion about the salt marsh harvest mouse, which was unique to the Bay Area.

Mr. Bourgeois said there was no direct take of habitat. Several measures were implemented to insure there was no take during construction activities. The salt marsh harvest mouse was a federally endangered species, and the U.S. Fish and Wildlife Service had jurisdiction over that species. The U.S. Fish and Wildlife was in agreement that the measures taken were adequate to prevent incidental take during construction activities. Greater pickleweed marsh and escape cover habitat were a result of the project.

Council Member Kishimoto asked whether the applicant had permits from both Fish and Game and Fish and Wildlife.

Mr. Bourgeois said he was unsure of the status of the permits.

Mr. Lee said he had a draft permit from the Department of Fish and Game, which listed the condition on the harvest mouse. The permit from the Corps of Engineers took longer because the Corps needed to consult with the U. S. Fish and Wildlife Services. All issues were resolved with the Corps.

Council Member Kishimoto asked about eradication of the giant reeds. The condition referred to a standard that allowed the giant reeds to go to 5 to 10 percent. The giant reed was one of the top ten most noxious and hard to eradicate and might have a higher standard of total eradication.

Mr. Bourgeois said total eradication was the goal. The giant reed was an abundant, evasive plant in the upper watershed. Without starting at the top of the watershed and working down, guaranteeing 100 percent eradication was nearly impossible. A threshold had to be established for considering success. The five to ten percent could be manageable if there were a restored riparian habitat with a diverse and robust native overstory and understory.

Council Member Freeman said balancing public safety with environmental preservation was a difficult situation. The Council struggled with alternatives. Her premise was that decision-making bodies be provided with matrixes of alternatives, so that the Council could look at the alternatives along with a reason why they were not accepted. The EIR contained a matrix, which addressed alternatives that were upstream of Highway 101. The question was asked whether the issue of box culverts were addressed by any of the committees.

Ms. Oven said one of the issues with regard to putting a box culvert under the MSC was the fact that in order to minimize the amount of necessary space, the culvert had to be raised. The outlet needed to come out at the invert of the flood basin. One third to one half of the MSC had to be covered with box culvert cells beneath the MSC in order to pass the flow of water. A certain square area of flow was needed in order to move the water.

Council Member Freeman asked whether the channel diversion would be dug further down.

Ms. Oven said the digging was slightly down in order to remove accumulated sediment. The outlet on the downstream side of the MSC at East Bayshore Road was lower. There were higher elevations in terms of the exit points of the potential culverts, looking at the east side of the MSC.

Council Member Freeman suggested using the same channelization going underneath the MSC but using a box culvert, not down Bayshore Road, but beneath the portion of the MSC that could cover things that could be removed in order to clean out the sedimentation.

Ms. Oven said if the flow were boxed in, there would be a different set of parameters than an open bypass that spilled over into the adjoining riparian area. The open bypass that was provided allowed for better flow conveyance. The water was moved toward the flood basin and spilled over into the other riparian area.

Council Member Freeman asked why the 20-foot section could not be placed directly next to the MSC.

Mr. Lee said the equipment that was used had a track width of 15 feet, 4 inches, with a 10 foot swinging tail. Twenty-five feet was needed to allow the carriage to rotate.

Council Member Freeman said the City used road oil for parking lots and asked whether there was a problem with making holes in the road oil to allow water to go through.

Mr. Roberts said the road oil was used with decomposed granite at the Baylands parking lot in the windsurfer's area, which was suitable for light vehicles such as passenger cars and pick up trucks. Permeability was not an issue because the ground was wet and saturated. No benefit was gained by having a permeable surface in the location.

Council Member Freeman asked whether it was possible for mature vegetation to be placed in the triangle section that was devoid of any large vegetation for approximately 5 to 10 years and what would be the cost.

Mr. Bourgeois clarified Council Member Freeman's concern was with the visual, aesthetic impact of having the area devoid of vegetation. Larger materials would be used on the screening parameter landscaping. The goal within the mitigation site was long-term sustainability of the habitat.

Council Member Freeman said she understood that coyote brush would be placed along the levee side. Her concern was with the triangle area that would be devoid.

Mr. Bourgeois said mature plantings would be placed along East Bayshore Road and the MSC.

Council Member Freeman noticed there were options for short, native imbedded plants on the sides of creekbeds that made them look more like vegetation than an earthen opening and asked whether that was planned for the proposed project.

Susan Landry, Landscape Architect, said the floodwall was approximately two feet high, which was reduced from a higher bank. The alternative of planting pockets was looked at. When the floodwall was only two feet high on the sides, the size of plants had to be very small.

Council Member Freeman asked whether there was any room for greenery.

Ms. Landry said there was a six- or seven-foot wide planting strip around the MSC. The triangle and area along the frontage road by the bike lane was planted.

Council Member Freeman clarified there would be no plantings on the two-foot walls.

Ms. Landry said that was correct.

Mr. Bourgeois said all areas that were disturbed would be hydroseeded with native grasses.

Council Member Freeman said Emily Renzel's letter discussed the fact the new diversion could be a highway for skunks, raccoons, possums, and feral cats. She asked whether there was anything that might inhibit the animals from using the area as a superhighway to Midtown.

Mr. Bourgeois said he was unaware of anything that was humane and acceptable to people in Palo Alto.

Council Member Freeman said a potential pest control issue was created, and there was no mitigation for the pest control issue.

Mr. Bourgeois said there was a pest control issue, and the SCVWD did not believe the project significantly increased the amount of pests.

Mr. Roberts said there was no change in the access for wildlife from the current condition to the project condition.

Council Member Freeman said alternatives were exhausted, but she was not convinced that the proposal was the best idea. She supported the motion.

MOTION TO CALL THE QUESTION: Council Member Burch moved, seconded by Ojakian, to call the question.

MOTION TO CALL THE QUESTION FAILED 6-3, Burch, Mossar, Ojakian "yes."

Council Member Morton said the issue was that fresh water had significant negative impacts on the saltwater marsh. The Council trusted significant enhancements to drainage to the San Francisquito Creek, which affected the north part of the flood basin. The enhancements to San Francisquito Creek would not make it a preferable alternative for the bypass to drain to the north.

Mr. Roberts said there was no relationship between San Francisquito Creek and the flood basin. Any improvements made to San Francisquito Creek had no bearing on the decision made by the Council.

Council Member Morton clarified the outflow at the Baylands were not affected by the enhancements.

Mr. Roberts responded that the San Francisquito Creek drained directly into the Bay and not through the flood basin.

Council Member Morton supported the motion.

AMENDMENT: Council Member Kishimoto moved, seconded by Lytle, to reduce the .66 riparian corridor acreage loss to .4.

Council Member Lytle noted the alternatives might have been explored more fully if they were presented earlier in the site and design process and in the P&TC process. The notion of the amendment was to try to carry out more fully the Comp Plan policies that reduced the channelization in the natural areas and the impacts on riparian corridors.

Mayor Mossar said the Comp Plan was full of policies, which required that the MSC be a viable facility for the City to carry out its services and maintain its facilities.

AMENDMENT FAILED 3-6, Freeman, Kishimoto, Lytle "yes"

Council Member Lytle said she hoped, in the future, the Council would be able to raise alternative issues earlier in the process.

MOTION PASSED 9-0.

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96-429

7. Policy and Services Committee Recommendation to the City Council Regarding Approval of Protocols for Council Meeting Consent Calendar in Memorandum Dated July 15, 2003. *(Continued from September 8, 2003)*

MOTION: Council Member Ojakian moved, seconded by Morton, that the Policy and Services Committee recommends the City Council adopt and direct the City Attorney to incorporate into its City Council Procedure Guidelines, the procedures for the Consent Calendar as attached to CMR:389:03.

AMENDMENT: Council Member Morton moved, seconded by Mossar, to remove the provision in the protocols that allows Council Members who vote "no" on a Consent Calendar item three minutes to explain their "no" vote.

Council Member Morton said the point of a Consent Calendar was to include items that were discussed by other commissions. Giving a Council Member three minutes to explain their vote defeated the purpose of consent. The majority Council was not given the opportunity to rebut the negative position.

Herb Borock, P.O. Box 432, said Council Member Morton's issue was directly connected to the fact of changing the type of items placed on the Consent Calendar from those that had a unanimous recommendation to those that had a majority recommendation. The idea of the system of government that the City operated under was to let the majority rule, while protecting the rights of the minority. With regard to the public's right to speak, the City of Palo Alto always had the procedure where the public could speak at Council meetings to any items before the Council for action, notwithstanding the fact that a Standing Committee reviewed the item. The Council needed to resolve how it had a set of standards of good behavior as to when the Council pulled something from the Consent Calendar.

Council Member Burch said the Policy and Services (P&S) Committee and the Finance Committee could put items on the Consent Calendar. The protocol was that unanimous items automatically went on the consent calendar. The P&S Committee's attempt was to say when an item was on the Consent Calendar and the full Council wanted to vote "no," the Council Members were given an opportunity to explain their no vote. The P&S Committee wanted to offer the opportunity to make Council comments at the end of the Consent Calendar when people were present to hear why a Council Member might be in opposition. The P&S Committee added the three-minute limit as an outside cap. The Council was asked to try the three-minute limit.

Mayor Mossar withdrew her second to the amendment.

AMENDMENT FAILED FOR LACK OF A SECOND

Council Member Freeman noted that under Oral Communications, the new suggestion was that the Mayor had the option to allow public testimony at the end of a meeting or on a subsequent agenda, depending on the number of speakers. Her preference was the Council listen to the speakers prior to making a decision.

INCORPORATED INTO MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to correct the wording in the Protocols to show that public testimony is always taken before a decision is made.

Council Member Freeman said she was confused on the Statements of Opposition, which said, "The City Clerk shall preserve such written statements and shall assure that the minutes of the meeting take reference to the existence and location of such written statements." When the Council gave a "no" response, a written statement must be made.

Council Member Kleinberg said Council Members could write their objection to the Consent item.

Council Member Freeman clarified whether the Council Member spoke or wrote the statements were included in the minutes.

Council Member Kleinberg noted the minutes were not verbatim.

Council Member Freeman said Category 4 indicated, "The consent calendar may include any item approved by Council Committee by a majority vote." She was under the impression that a unanimous vote was required unless voted on by the Committee.

Assistant City Manager Emily Harrison said there was no requirement.

AMENDMENT: Council Member Freeman moved, seconded by Lytle, to leave only unanimous decisions by a Standing Committee on the Consent Calendar.

Council Member Lytle did not recall the discussion at the P&S Committee about majority votes.

Council Member Burch said even with a 3-1 vote, the Committee would ask that an item be included on the Consent Calendar.

Interim City Attorney Wynne Furth said there were two issues about what was majority and what was unanimous. If the Committee unanimously voted to ask that an item go on the Consent Calendar, the item should go on the Consent Calendar, no matter the vote.

Council Member Burch said that was correct.

Council Member Lytle withdrew her second to the amendment.

AMENDMENT FAILED FOR LACK OF SECOND

MOTION PASSED 8-0, Beecham absent.

PUBLIC HEARINGS

BY A CONSENSUS OF THE COUNCIL move Item Nos. 11 and 12 ahead of the Closed Session items, dealing with Item No. 12 first.



- *12. Public Hearing: The City Council will consider an appeal by Weiping Wang and Helen Feng of the Director of Planning and Community Environment's denial of a Home Improvement Exception application (03-HIE-12) to allow an addition to the existing residence located at 4044 Sutherland Drive, 90 square feet of which would encroach 5'0" into the required 25'0" contextual front yard setback. **(Item to be rescheduled to October 20, 2003 at the request of staff)**

**This item is quasi-judicial and subject to Council's Disclosure Policy*

MOTION: Council Member Ojakian moved, seconded by Morton, to continue the item at the request of staff to the regular October 20, 2003, City Council meeting.

MOTION PASSED 8-0, Beecham absent.

11. Public Hearing: The City Council will consider approval of an ordinance adding Chapter 12.10 to Title 12 [Public Works and Utilities] to establish fees to mitigate damage caused by excavation in public rights-of-way.

MOTION: Council Member Burch moved, seconded by Kishimoto to approve the staff recommendation to introduce an Ordinance adding Chapter 12.10 Title 12 [Public Works and Utilities] to establish fees to mitigate damage caused by excavation in public rights-of-way (Attachment A to CMR:429:03).

Ordinance 1st Reading entitled "Ordinance of the Council of the City Of Palo Alto Adding Chapter 12.10 to Title 12 [Public Works And Utilities] to Establish Fees to Mitigate Damage Caused by Excavation in Public Rights-Of-Way"

Mayor Mossar declared the Public Hearing open at 10:38 p.m. and hearing no requests to speak, declared the Public Hearing closed.

Council Member Kleinberg asked whether there were any lands owned by Stanford University that would be affected by the ordinance.

Interim City Attorney Wynne Furth responded that the item was an ordinance of uniform application.

MOTION PASSED 8-0, Beecham absent.

CLOSED SESSION

The meeting adjourned to a Closed Session at 10:43 p.m.

8. Conference with Labor Negotiator
Agency Negotiator: City Council Ad Hoc Personnel Committee (Judy Kleinberg, Dena Mossar, Nancy Lytle, Vic Ojakian)
Unrepresented Employees: Interim City Attorney Wynne Furth, City Auditor Sharon Erickson, City Clerk Donna Rogers, City Manager Frank Benest
Authority: Government Code section 54957.6
9. Conference with Labor Negotiator
Agency Negotiator: City Manager and Human Resources Director pursuant to the Merit System Rules and Regulations
Employee Organization: Unrepresented Management and Confidential Employees
Authority: Government Code Section 54957.6
10. Conference with Labor Negotiator
Agency Negotiator: City Manager and his designee pursuant to the Merit System Rules and Regulations (Leslie Loomis, Nick Marinaro, Charles Perl and William Avery)
Represented Employees Organization: International Association of Firefighters (IAFF), Local 1319
Authority: Government Code section 54957.6

The City Council met in Closed Session to discuss matters involving labor negotiations as described in Agenda Item Nos. 8, 9, and 10.

Mayor Mossar announced that no reportable action was taken on Agenda Item No. 8, 9 and 10.

FINAL ADJOURNMENT: The meeting adjourned at 11:45 p.m.

ATTEST:

APPROVED:

City Clerk

Mayor

09/15/03

96-433

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.