

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  
March 20, 2006, 6:00 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 duration of Oral Communications*

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR  
City Manager and his designees pursuant to Merit Rules and Regulations (Frank Benest, Emily Harrison, Russ Carlsen, Carl Yeats, Keith Fleming)  
Employee Organization: Local 715, Service Employees International Union (SEIU) - Classified Unit  
Authority: Government Code Section 54957.6(a)

ADJOURNMENT

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Regular Meeting  
Council Chambers  
March 20, 2006, 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 duration of Oral Communications*

APPROVAL OF MINUTES

CONSENT CALENDAR

*Items will be voted on in one motion unless removed from the calendar by two Council Members.*

1. **(CMR:183:06)** Approval of Agreement and Declaration of Covenant to Provide Parking at 130 Lytton Avenue with Kenson Group **[ATTACHMENT]**
2. **(CMR:151:06)** Transmittal of Park and Recreation Commission and Staff Recommendations for Improvement of the Undeveloped Site at Greer Park **[ATTACHMENT]**

3. **(CMR:182:06)** Approval of a Revised Resolution to Implement Section 414(h) of the Internal Revenue Code to Designate the California Public Employee Retirement System 9% Retirement Contributions as Employee Contributions and Deduct from the Salaries of Palo Alto Peace Officer Association (PAPOA) Members **[ATTACHMENT]**
4. **(CMR:175:06)** Contract with Bellecci & Associates Inc. in An Amount Not To Exceed \$172,590 for Civil Engineering and Landscape Architecture Design Services for the San Antonio Medians and Street Improvements Capital Improvement Program (CIP) Project PE-00104 **[ATTACHMENT]**
5. **(CMR:122:06)** Approval of Amendment No. Two for an Additional \$40,000 for a Total Contract Amount of \$125,000 for Consulting Services with Water Solutions, Inc. to Assist Utilities Water Transmission and Distribution Staff with the Operational and Regulatory Requirements **[ATTACHMENT]**

#### REPORTS OF OFFICIALS

6. **(CMR:168:06)** Golf Course Preliminary Feasibility Study – Report to Council in Response to Colleagues Memo on Golf Course Redesign Options to Include Sports Fields and Recommendations for Future Action **[ATTACHMENT]**

#### COUNCIL COMMITTEE RECOMMENDATION

#### 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.*

#### UNFINISHED BUSINESS

#### ORDINANCES AND RESOLUTIONS

#### PUBLIC HEARINGS

7. **(CMR:172:06)** Public Hearing: Consideration of the Application by the City of Palo Alto Real Estate Division for the City-Initiated Zoning Change of a Portion of the “High Street City Surplus Property” at 2460 High Street [05PLN-00000-00363] from PF (Public Facilities) to RMD (Two Unit Multifamily Residential) Zone District: PF. **[ATTACHMENT]**

**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 Portion of 2460 High Street (Designated Surplus Property)**

**from PF (Public Facilities) to RMD (Two Unit Multi-Family Residential Residence District)**

8. **(CMR:173:06)** Public Hearing: Consideration of a Request by Channing House for a Planned Community Zone Amendment to modify the permitted uses to include "utility facilities," specifically wireless communications facilities, for an existing state licensed retirement facility. Zone District: Planned Community PC-4048 at 850 Webster Street [04PLN-00131]. Environmental Assessment: Exempt from the California Environmental Quality Act per section 15301. **[ATTACHMENT]**

**Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (The Zoning Map) by Amending the Existing Planned Community Zoning Designation of the Property Known as 850 Webster Street to Provide for Utility Facilities**

REPORTS OF COMMITTEES AND COMMISSIONS

COUNCIL MATTERS

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

*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.*

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) 24 hours in advance.*

**TO: HONORABLE CITY COUNCIL**

**FROM: CITY MANAGER**

**DEPARTMENT: PLANNING  
& COMMUNITY ENVIRONMENT**

**DATE: MARCH 20, 2006**

**CMR: 183:06**

**SUBJECT: APPROVAL OF AGREEMENT AND DECLARATION OF COVENANT  
TO PROVIDE PARKING AT 130 LYTTON AVENUE BETWEEN THE  
KENSON GROUP AND THE CITY OF PALO ALTO**

**RECOMMENDATION**

Staff recommends that Council approve and authorize the City Manager to execute the attached Agreement and Declaration of Covenant to Provide Parking at 130 Lytton Avenue between the Kenson Group and the City of Palo Alto.

**BACKGROUND**

In November 2004, the Kenson Group, owners of the property at 130 Lytton, contacted the City to address a potential future loss of leased parking at the site. The development at 130 Lytton is part of the 2001/2002 Downtown Parking Assessment District, with building area of 47,234 square feet and a parking obligation of 189 spaces. 118 parking spaces are provided by 130 Lytton, leaving an obligation of 71 spaces under the 2001/2002 Assessment District bond. Seventy of the 118 spaces associated with 130 Lytton are located in a two-story parking structure located on an adjacent parcel that is leased by the Kenson Group under a parking lease that expires in September 2014. While it is not anticipated that the leased parking spaces will be converted to any other use, the Parking Covenant is intended to resolve any uncertainty.

**DISCUSSION**

130 Lytton is the only property subject to the 2001/2002 Assessment District bond that has a portion of its credited parking spaces located on leased property owned by another property owner for which the lease may terminate during the assessment period. There is one other property with leased parking, but the obligation to provide parking extends beyond the term of the assessment. Three other properties provide parking offsite, however the subject properties and the parking location are under the same ownership. In addition, there are six other properties identified in the Assessment Roll as providing parking on a separate legal parcel. These six properties all include buildings that cover multiple parcels and parking that is fully integrated into the site, such that the parking locations could not be independently developed.

In order to compensate for the potential loss of parking, the Kenson Group has agreed to enter into a Parking Covenant that would guarantee compensation to the City for any loss of parking associated with the expiration of the lease for parking associated with 130 Lytton. The Covenant would provide for the payment of a fixed fee based on the Property's share of the remaining principal balance of the 2001 and 2002 Downtown Parking District Assessment Bonds at the time the lease is due to expire. This amount is intended to offset the benefit that would otherwise be received by 130 Lytton for parking spaces that were improperly credited to the property. Based on 902 total spaces constructed in the district, the payment would be \$34,928 per parking space lost for a total of \$2,444,956 for a loss of all 70 spaces. Any payments would be allocated to the City's in-lieu parking fund. The covenant would expire on December 31, 2030—the same year that the Assessment District bonds will be retired—after which the property owners would have no further obligation under the agreement. This payment appears to be an equitable solution that will provide the City with some of the funding to pay for alternative parking.

Palo Alto Municipal Code Section 18.49.100(c) allows for Assessment District parking requirements to be met by off-site parking as long as there is a binding Agreement and Declaration of Covenant. This Agreement will satisfy the Municipal Code requirements.

**RESOURCE IMPACT**

This Agreement will have no effect upon the finances of the Assessment District.

**POLICY IMPLICATIONS**

Kenson Group and the City desire to address the potential future loss of the spaces while ensuring that the parking requirement is still met. The approach taken is designed for these unique circumstances and is not designed to set policy for future City actions.

**ENVIRONMENTAL REVIEW**

There are no environmental impacts from entering into this Agreement.

**ATTACHMENTS**

A: Agreement and Declaration of Covenant to Provide Parking (130 Lytton Avenue)

**PREPARED BY:**

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**STEVE EMSLIE**  
Director of Planning and Community Environment

**CITY MANAGER APPROVAL:**

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**EMILY HARRISON**  
Assistant City Manager

**TO: HONORABLE CITY COUNCIL**

**FROM: CITY MANAGER**

**DEPARTMENT: PUBLIC WORKS**

**DATE: MARCH 20, 2006**

**CMR:175:06**

**SUBJECT: APPROVAL OF CONTRACT WITH BELLECCI & ASSOCIATES INC. IN AN AMOUNT NOT TO EXCEED \$172,590 FOR CIVIL ENGINEERING AND LANDSCAPE ARCHITECTURE DESIGN SERVICES FOR THE SAN ANTONIO MEDIANS AND STREET IMPROVEMENTS CAPITAL IMPROVEMENT PROGRAM PROJECT PE-00104**

### **RECOMMENDATION**

Staff recommends that the City Council approve and authorize the City Manager to execute the attached contract with Bellecci and Associates Inc. (Attachment A) in a not to exceed amount of \$172,590 for civil engineering and landscape architectural design services for the San Antonio Medians and Street Improvements Capital Improvement Program (CIP) Project (PE-00104), including \$156,900 for basic services and \$15,690 for additional services.

### **BACKGROUND**

San Antonio Road between Alma Street and Highway 101 contains center and frontage medians and is badly in need of repair and upgrading. The medians are currently planted with Stone Pine trees that have grown too large for the medians and the root systems have reached outside the medians and under San Antonio Road. The root systems have caused extensive damage to the median, sidewalk and curb in many locations. The tree roots have caused uplifted roadway and many costly base failure repairs over the years. The uplifted roadway and curb also interferes with drainage and can cause increased vehicle noise. Many of the trees have already been removed due to structural problems associated with their size and age. Trenching for irrigation in the median islands with the existing Stone Pines is unfeasible as it would destabilize the trees. Other methods of boring and pulling irrigation tubing would be too expensive. The remainder of the landscaping is currently in decline or nonexistent due to broken irrigation systems, damage from cars and gophers.

### **DISCUSSION**

The scope of work for this project, as identified in CIP PE-00104 San Antonio medians, involves the reconstruction of the medians including replacing trees, irrigation systems, landscaping and curbs as necessary. Professional engineering, landscape and environmental consultant services are needed to:

- develop a concept plan for renovating the San Antonio Road medians from Alma to Highway 101;

- perform an environmental review, including fulfilling California Environmental Quality Act (CEQA) requirements and public outreach;
- prepare construction plans and specifications for the first phase from Alma to Middlefield;
- provide construction administration services for the first phase of construction of San Antonio Road medians from Alma Street to Middlefield Road.

Associated street maintenance repair and resurfacing work will be done as part of the Annual Street Maintenance Program as it is a priority in the City’s Pavement Maintenance and Management System. Similarly, the second phase of construction on San Antonio Road from Middlefield Road to Highway 101 would be a jointly coordinated project over the next few years, pending available funds.

The project design will include “green” elements such as incorporating water conserving landscaping and sustainable irrigation technology. Replacement of the tree canopy with selections which can better adapt to the existing soil and improvements to the existing planting conditions within the medians are essential to the success of the project and will be addressed during design. Exhibit A includes the complete Scope of Services for the project.

A Request for Proposals (RFP) for the project was posted at City Hall, on the City website and mailed to 16 firms on September 20, 2005. The table summarizes the results of the RFP solicitation.

**Summary of RFP Process**

RFP Name/Number	San Antonio Road Median & Street Improvements #113845
Proposed Length of Project	19 months
Number of RFPs Mailed to Contractors	16
Number of RFPs Mailed to Builder’s Exchanges	1
Total Days to Respond to RFP	35
Pre-Proposal Meeting	October 6, 2005
Number of Company Attendees at Pre-Proposal Meeting	12
Number of Proposals Received:	5
Selected for Interviews	4
Proposal Price Range	From a low of \$147,000 to a high of \$337,248

An evaluation committee consisting of staff members from the Public Works Engineering Division, Public Works Operations, and Planning Department reviewed the five proposals received. Four firms were invited to participate in oral interviews on October 6, 2005. The committee carefully reviewed each firm’s qualifications and submittal in response to the selection criteria identified in the RFP.

The selection criteria included experience in streetscapes in the Bay Area, project management strengths and qualifications, civil engineering and landscape architecture design capabilities, arborist credentials, environmental assessment and public outreach experience. Bellecci & Associates Inc. was selected because they had the strongest team in all areas, specialized in streetscapes and had superlative references.

**RESOURCE IMPACT**

Funding for this contract is available in Capital Improvement Project PE-00104 and the Street Maintenance Capital Improvement Program PE-86070.

**POLICY IMPLICATIONS**

This recommendation does not represent any change to existing City policies.

**TIMELINE**

The timeline for this project is included in Exhibit B of the Contract.

**ENVIRONMENTAL REVIEW**

This project is essentially infrastructure replacement of the medians, and road repair and will not include redesign of roadway alignment. Trees to be removed and visual and other impacts will be identified as part of an environmental assessment, including an arborist report and a construction management plan. Appropriate CEQA review will be performed following selection of a preferred conceptual plan for the project.

**ATTACHMENTS**

Attachment A: Contract

PREPARED BY:

\_\_\_\_\_  
KATE ROONEY  
Project Manager

DEPARTMENT HEAD:

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GLENN S. ROBERTS  
Director of Public Works

CITY MANAGER APPROVAL:

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EMILY HARRISON  
Assistant City Manager