TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER
DEPARTMENT: ADMINISTRATIVE SERVICES

DATE: SEPTEMBER 19, 2005
CMR: 385:05

SUBJECT: AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR THE MAINTENANCE OF LANDSCAPE ON THE PAGE MILL-OREGON EXPRESSWAY NEAR THE EL CAMINO REAL INTERSECTION

RECOMMENDATION
Staff recommends that the City Council authorize the City Manager to execute the attached agreement between the City of Palo Alto and County of Santa Clara for the maintenance of landscaping on Page Mill-Oregon Expressway near the El Camino Real intersection (Maintenance Agreement).

BACKGROUND
On May 2, 2005, the City Council finalized approvals for the Mayfield site project, including the development agreement and lease with Stanford University for a 51-year term at $1 per year for the 6-acre Mayfield site. Under the ground lease, Stanford will construct soccer fields and associated improvements on the Mayfield site at Stanford’s cost and turn them over to the City upon completion.

DISCUSSION
The proposed maintenance agreement between the City and County concerns an area (approximately 6,450 square feet) within the County-owned Page Mill Road right-of-way (see Attachment A) which will be developed with sidewalk and landscaping as part of the Stanford-Palo Alto Community Playing fields project. Stanford will construct the improvements, which will be accepted by the City upon completion. Terms of the Mayfield development agreement and lease require the City to acquire necessary permits for construction on the site and to maintain, during the term of the lease, all improvements and facilities, including sidewalks and landscaping. City staff has applied to the County for an encroachment permit for the improvements to be constructed in the Page Mill Road right-of-way. One of the County requirements, prior to issuance of an encroachment permit, is that the City and County enter into a landscape maintenance agreement for the area of encroachment.

The attached landscape maintenance agreement provides for the City to maintain, at no cost to the County, all the landscaping and other improvements, including curb and gutter, within the
area of encroachment. Other major provisions include a term of 51 years, or until terminated by mutual agreement of the parties, and mutual indemnification clauses.

**RESOURCE IMPACT**
Funds for maintenance of the area covered under the attached agreement will be included in the annual budgets for maintenance of the entire Mayfield site, once construction is completed.

**POLICY IMPLICATIONS**
The proposed maintenance agreement is consistent with the terms of the development agreement and lease for the Mayfield site project.

**ENVIRONMENTAL REVIEW**
Entering into the attached Maintenance Agreement is Categorically Exempt under provision 15305, Minor Alterations in Land Use Limitation, of the California Environmental Quality Act Guidelines. The Environmental Impact Report for the Mayfield Development Agreement and Lease project was approved by resolution of the Council on May 2, 2005.

PREPARED BY: ________________________________
WILLIAM W. FELLMAN
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DEPARTMENT HEAD APPROVAL: ________________________________
CARL YEATS
Director/Administrative Services

CITY MANAGER APPROVAL: ________________________________
EMILY HARRISON
Assistant City Manager

**ATTACHMENTS**
Attachment A: Map
Attachment B: Landscape Maintenance Agreement with County