The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:06 P.M.

Present: Cormack, DuBois, Filseth, Mayor Fine, Kniss, Kou, Tanaka

Absent: 

Minutes Approval

1. Approval of Action Minutes for the June 3 and June 10, 2019 Council Meetings.

MOTION: Council Member Cormack moved, seconded by Vice Mayor Fine to approve the Action Minutes for the June 3 and June 10, 2019 Council Meetings.

MOTION PASSED: 7-0

Consent Calendar

Council Member Kou registered a no vote on Agenda Item Number 30.

Council Member Tanaka registered a no vote on Agenda Item Numbers 5, 18, 30.

Council Member Cormack registered a no vote on Agenda Item Numbers 28 and 30.

MOTION: Council Member Tanaka moved, seconded by Council Member Kou, third by Council Member XXXX to pull Agenda Item Number 30.

MOTION FAILED DUE TO THE LACK OF A THIRD

MOTION: Mayor Filseth moved, seconded by Vice Mayor Fine to approve Agenda Item Numbers 2-30A.

2. Policy and Services Committee Recommends the City Council Accept the Status Update of the Parking Funds Audit and Approve Consolidation of Residential Preferential Parking (RPP) Program Funds;
ACTION MINUTES

and Approve Fiscal Year 2019 Budget Amendments in the Residential Parking Fund and the General Fund.

3. Approval of Construction Contract Number C19174628 With AIMS Companies in the Amount of $1,732,250 for Phase 2 of the Cross Bore Verification, Inspection, and Assessment Program; and Authorization to Execute and Negotiate Related Change Orders in the Amount of $173,225, for a Total Not-to-Exceed Amount of $1,905,475.

4. Approval of Contract Number C19173720A With ARB, Inc. in the Amount of $1,886,682 for Gas Service Replacement Project Fiscal Year 2019, Capital Improvement Program Project GS-18000, and Authorization for the City Manager to Negotiate and Execute Related Change Orders Not-to-Exceed $94,334, for a Total Not-to-Exceed Amount of $1,981,016; and Approval of a Gas Capital Improvement Fund Budget Amendment.

5. Approval of Contract Number C19171363 With Professional Account Management, LLC dba Duncan Solutions, in an Amount Not-to-Exceed $627,000 Over a Five-year Term to Develop, Implement, Support and Maintain a Parking Permit and Citation Management System.

6. Approval of Professional Services Contract Number C19174525 With BKF Engineers in the Amount of $158,560 for Land Surveying Services, Including $14,400 for Additional Services, for a Total Not-to-Exceed Amount of $172,960.

7. Approval of a new Memorandum of Agreement Between the City of Palo Alto and Utilities Management Professional Association of Palo Alto (UMPAPA).

8. Approval of Amendment Number 1 to Contract Number C17162020 With West Coast Arborists Inc. for Tree Pruning and Removal Services, to Extend the Term by two Years (Through June 30, 2021) and add $2,657,084, for a new Total Not-to-Exceed Amount of $7,359,534; and Approval of a Fiscal Year 2020 Budget Amendment in the General Fund.

9. Approval of Amendment Number 2 to Contract Number C16162262 With Biggs Cardosa Associates, Inc., in the Amount of $466,569 to Provide Bidding and Construction Support Services for the Highway 101 Pedestrian/Bicycle Overpass Project (PE-11011), for a Total Not-to-Exceed Amount of $2,417,759; and Adoption of a Resolution 9848 Entitled “Resolution of the Council of the City of Palo Alto to
ACTIONS MINUTES

Approve Modification of the Freeway Agreement Between the State of California and the City of Palo Alto.”

10. Approval of Contract Number C20175131 With O'Grady Paving, Inc. in the Amount of $1,836,214 to Provide Synthetic Turf Replacement and Track Installation Services for the Cubberley Track and Field Replacement Project, Capital Improvement Program Project CB-19000.

11. Adoption of the Fiscal Year 2020 Investment Policy.


13. Approval of Amendment Number 3 to Contract Number C14150694 With Mark Thomas & Company in the Amount of $100,058 for the Charleston-Arastradero Corridor Project, Capital Improvement Program Project (CIP) PE-13011.

14. Approval of an Agreement With Santa Clara Valley Water District in the Not-to-Exceed Amount of $258,450 for Concrete Channel Lining Repair Along Barron Creek.

15. Approval of Contract Number C19175329 With American Asphalt Repair and Resurfacing, Inc., in the Amount of $362,724, Plus a Five Percent Contingency for Unforeseen Expenses for Tennis Court Improvements at Rinconada Park to be Completed by August 9, 2019 (CIP PG-06001).

16. Approval of Amendment Number 2 to Contract Number C17166591 With Artist Susan Zoccola, LLC to Extend the Term to November 30, 2021 for the Design Development, Fabrication, and Installation of Artwork Associated With the Charleston-Arastradero Corridor Project.

17. Approval of two Revenue Contracts With the City of Los Altos and the Town of Los Altos Hills for the City of Palo Alto to Provide Animal Control and Shelter Services for an Additional Five-year Term.

18. Approval of a Contract With Peter Wegner in the Amount of $716,000 for a 3-year Term for Fabrication and Installation of Public Art at the new Public Safety Building.

19. Resolution 9849 Entitled “Resolution of the Council of the City of Palo Alto Setting the Appropriations Limit (GANN Limit) for Fiscal Year 2020.”
20. Approval of Contract Number C20175327 With Saviano Company, Inc. in the Amount of $471,768, Plus a 10 Percent Contingency for Unforeseen Expenses for Pickleball Court Additions and Tennis Court Improvements at Mitchell Park (Capital Improvement Project PG-06001).


22. Policy and Services Committee Recommends the City Council Accept the Enterprise Resource Planning (ERP): Data Standardization Audit.

23. Policy and Services Committee Recommends the City Council Accept the Enterprise Resource Planning (ERP): Separation of Duties Audit.


25. Ordinance 5473 Entitled “Ordinance of the Council of the City of Palo Alto Amending Title 5 of the Palo Alto Municipal Code to Establish Regulations Related to Disposable Foodware Items and Other Disposable Products at Food Service Establishments (Chapter 5.30), and to Require the use of Compostable Produce Bags at Retail Service Establishments and Farmers Markets (Chapter 5.35) (FIRST READING: June 10, 2019 PASSED: 6-0 DuBois Absent).”

26. Approval of Amendment Number 1 to Contract Number C19172119 With Daryl D. Jones, Inc. dba Telecommunications Engineering Associates (TEA) for $60,000 to Provide Services to the Public Safety Building Architect and Additional Maintenance Costs for Fiscal Year 2019.

27. Approval of Amendment Number 3 to Contract Number C12142180 Between the City of Palo Alto (on Behalf of the Joint Powers Board) and Midpen Media Center for Public, Education and Government (PEG) Access Channel Support Services to Extend the Term to December 31, 2019.

29. Approval of Amendment Number 2 to Contract Number C14152828 With MV Transportation to Extend the Term for six Months for $216,185 to Operate the Palo Alto Free Shuttle Service on the Existing Crosstown Shuttle Route Until December 2019.

30. Approval of Amendment Number 1 to Contract Number C18171057 With AECOM for Continued and Expanded Services for the Connecting Palo Alto Rail Grade Separation Effort and to Increase Compensation by $1,206,126 for a Total Not-to-Exceed Amount of $2,484,786.


MOTION PASSED FOR AGENDA ITEM NUMBERS 2-4, 6-17, 19-27, 29 30A: 7-0

MOTION PASSED FOR AGENDA ITEM NUMBER 5: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBER 18: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBER 28: 6-1 Cormack no

MOTION PASSED FOR AGENDA ITEM NUMBER 30: 4-3 Cormack, Kou, Tanaka no

Action Items

31. Resolution 9850 Entitled “Resolution of the Council of the City of Palo Alto Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein.”

Public Hearing opened and closed without public comment at 5:41 P.M.

MOTION: Mayor Filseth moved, seconded by Council Member DuBois to adopt a Resolution confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

MOTION PASSED: 7-0
32. PUBLIC HEARING: to Hear Objections to the Levy of Proposed Assessments on the Palo Alto Downtown Business Improvement District (BID); Adoption of a Resolution 9851 Entitled “Resolution for the Council of the City of Palo Alto Confirming the Report of the Advisory Board and Levying Assessments for Fiscal Year 2020 on the Downtown Palo Alto Business Improvement District; and Adoption of a Budget Amendment in the Business Improvement District Fund.”

Public Hearing opened and closed without public comment at 5:50 P.M.

**MOTION:** Vice Mayor Fine moved, seconded by Council Member Kniss to:

A. Approve the Resolution confirming the report of the Advisory Board and levying an assessment for Fiscal Year 2020 on the Downtown Palo Alto Business Improvement District; and

B. Amend the Fiscal Year 2020 Budget Appropriation Ordinance for the Business Improvement District (BID) Fund by:
   
   i. Decreasing the revenue estimate by $52,500;  
   
   ii. Decreasing the expense appropriation by $60,500; and
   
   iii. Increase the ending fund balance by $8,000.

**MOTION PASSED:** 7-0

33. Ordinance Amending Chapter 5.20 (Refuse Collection) of Title 5 of the Palo Alto Municipal Code Related to the Storage, Sorting, Collection and Removal of Refuse, Including Restrictions on the Type and Color of Refuse Collection Bags and Other Modifications to Make Waste Sorting More Effective and Facilitate Monitoring; and Finding the Ordinance to be Exempt Under California Environmental Quality Act (CEQA).

**MOTION:** Council Member Kniss moved, seconded by Council Member DuBois to:

A. Find the Refuse Collection Ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15307 and 15308; and

B. Adopt the Refuse Collection Ordinance amending Chapter 5.20 of Title 5 of the Palo Alto Municipal Code (PAMC), related to the storage, sorting, collection and removal of refuse, including restrictions on the type and color of refuse collection bags and other modifications to make waste sorting more effective and facilitate monitoring.
AMENDMENT: Council Member Tanaka moved, seconded by Council Member XXX to exempt businesses with fewer than 100 employees.

MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION PASSED: 6-1 Tanaka no

34. PUBLIC HEARING: Adoption of a Resolution 9852 Entitled “Resolution of the Council of the City of Palo Alto Amending Utilities Rate Schedules E-15 (Electric Service Connections), W-5 (Water Service Connections), G-5 (Gas Service Connections), S-5 (Sewer Service Connections), and C-1 (Utility Miscellaneous Charges).”

Public Hearing opened and closed without public comment at 6:15 P.M.

MOTION: Mayor Filseth moved, seconded by Council Member Kniss to adopt the Resolution amending five Utilities rate schedules which set forth charges for utility connection and capacity charges and service calls: rate schedule E-15 (Electric Service Connection Charges), W-5 (Water Service Connection Charges), G-5 (Gas Service Connection Charges), S-5 (Wastewater Service Connection Charges), and C-1 (Utility Miscellaneous Charges), effective September 1, 2019.

MOTION PASSED: 6-1 Tanaka no

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to discuss Agenda Item Number 36 before Agenda Item Number 35.

MOTION PASSED: 4-3 Filseth, Kou, Tanaka, no

Council took a break at 6:36 P.M. and returned at 6:52 P.M.

36. Approval of: (1) the Re-issuance of the Fiber-to-the-Node (FTTN) Request for Proposals to Begin a Multi-phase Fiber Network Expansion to Support Advanced Metering Infrastructure (AMI), Supervisory Control and Data Acquisition (SCADA) Systems, and Wireless Communication Technologies for City Staff; and (2) the Sunsetting of the Fiber and Wireless Citizen Advisory Committee (CAC) and Assignment of the Utilities Advisory Commission (UAC) to Assume the Sole Advisory Role as the Public Input Forum for Fiber and Wireless Expansion for Proposed Phases 1 and 2.

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to:
A. Approve the reissuance of a Fiber-to-the-Node (FTTN) Request for Proposals (RFP) to begin a multiphase fiber network expansion to support Advanced Metering Infrastructure (AMI), Supervisory Control and Data Acquisition (SCADA) systems, and wireless communication technologies for City operations. Additional tasks in the reissued RFP (to address AMI, SCADA, and FTTN) will include detailed engineering designs, construction cost estimates and construction bid support services, and:

i. Direct Staff to return to Council with cost sharing plan; and

B. Approve the assignment of the Utilities Advisory Commission (UAC) to assume the sole advisory role and serve as the public input forum for fiber and wireless expansion initiatives, and the sunsetting of the Fiber and Wireless Citizen Advisory Committee (CAC).

MOTION PASSED: 6-1 Tanaka no

35. PUBLIC HEARING / QUASI-JUDICIAL. 1700 & 1730 Embarcadero Road [18PLN-00186]: Request for a Zoning Map Amendment, Site and Design Review and Design Enhancement Exception to Allow the Demolition of an Existing 18,000 Square Foot Vacant Restaurant Building and a 15,700 Square Foot Audi Service Building, and Construction of two new Automobile Dealerships Totaling 84,900 Square Feet. The Zoning Map Amendment Would Change the Zoning Designation From CS(D) and PC to CS(D)(AD) for Both Parcels. Environmental Assessment: Adoption of a Mitigated Negative Declaration, Including a Mitigation Monitoring and Reporting Program. The Planning and Transportation Commission Reviewed and Made a Recommendation for Approval on March 27, 2019.

Public Hearing opened at 8:51 P.M.

Public Hearing closed at 9:30 P.M.

MOTION: Council Member Kou moved, seconded by Council Member XX to deny the project.

MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION: Council Member Kou moved, seconded by Council Member DuBois to:
ACTION MINUTES

A. Direct Staff that the Council intention is to rezone the property to ROLM(E)(D) (AD) overlay to accommodate the Mercedes/Audi dealerships;

B. Direct Staff and the ARB to better incorporate the Baylands Master Plan guidance for this sensitive location in the Baylands and as a gateway to the Baylands: low, horizontal development, muted colors, parklike qualities of Embarcadero Road, signage, lighting, etc.;

C. Direct Staff and ARB to retain the existing trees along East Bayshore and also provide the bike/ped path (not specifying the location);

D. Direct Staff and ARB to reduce the height and perceived height of the building by reducing floor heights and stepping in the parapet from the edge of the building;

E. Direct the applicant to provide the context drawings as required;

F. Direct Staff and ARB to specify what security levels of lighting means and which lighting locations/fixtures would be utilizing this feature including bollard style fixtures and the impact on the Baylands;

G. Direct Staff to confirm all lighting specs are provided to the ARB;

H. Direct the ARB to address the list identified in the staff report as ARB concerns and any other considerations resulting from the changes directed by this Motion;

I. Address FAR discrepancies that have been identified between and among various documents describing the project including the MND, staff report to Council, various;

J. Direct Staff to provide responses from the airport land use committee; and

K. Direct Staff to include a TDM program for the project as was requested of the prior auto dealership.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to delete from the Motion Parts A and D.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion new Part B, the language “work with the applicant on specifying the use of larger trees in key locations.”
MOTION AS AMENDED RESTATED: Council Member Kou moved, seconded by Council Member DuBois to:

A. Direct Staff and the ARB to better incorporate the Baylands Master Plan guidance for this sensitive location in the Baylands and as a gateway to the Baylands: low, horizontal development, muted colors, parklike qualities of Embarcadero Road, signage, lighting, etc.;

B. Direct Staff and ARB to work with the applicant on specifying the use of larger trees in key locations;

C. Direct the applicant to provide the context drawings as required;

D. Direct Staff and ARB to specify what security levels of lighting means and which lighting locations/fixtures would be utilizing this feature including bollard style fixtures and the impact on the Baylands;

E. Direct Staff to confirm all lighting specs are provided to the ARB;

F. Direct the ARB to address the list identified in the staff report as ARB concerns and any other considerations resulting from the changes directed by this Motion;

G. Address FAR discrepancies that have been identified between and among various documents describing the project including the MND, staff report to Council, various;

H. Direct Staff to provide responses from the Airport Land Use Committee; and

I. Direct Staff to include a TDM program for the project as was requested of the prior auto dealership.

SUBSTITUTE MOTION: Council Member Kniss moved, seconded by Vice Mayor Fine to:

A. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;

B. Adopt the Ordinance changing the zoning district on the subject properties to CS(D)(AD); and

C. Adopt the Record of Land Use Action approving the request for Site and Design and a Design Enhancement Exception based on findings and subject to the conditions of approval.
ACTION MINUTES

D. Direct Staff and the ARB to better incorporate the Baylands Master Plan guidance for this sensitive location in the Baylands and as a gateway to the Baylands: low, horizontal development, muted colors, parklike qualities of Embarcadero Road, signage, lighting, etc.;

E. Direct Staff and ARB to work with the applicant on specifying the use of larger trees in key locations;

F. Direct the applicant to provide the context drawings as required;

G. Direct Staff and ARB to specify what security levels of lighting means and which lighting locations/fixtures would be utilizing this feature including bollard style fixtures and the impact on the Baylands;

H. Direct Staff to confirm all lighting specs are provided to the ARB;

I. Direct the ARB to address the list identified in the staff report as ARB concerns and any other considerations resulting from the changes directed by this Motion;

J. Address FAR discrepancies that have been identified between and among various documents describing the project including the MND, staff report to Council, various’

K. Direct Staff to provide responses from the Airport Land Use Committee; and

L. Direct Staff to include a TDM program for the project as was requested of the prior auto dealership.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Part D the words “...low, horizontal development...”

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to Motion Part C, “along with the correction as recommended by the Architectural Review Board.”

SUBSTITUTE MOTION AS AMENDED RESTATED: Council Member Kniss moved, seconded by Vice Mayor Fine to:

A. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;

B. Adopt the Ordinance changing the zoning district on the subject properties to CS(D)(AD);
C. Adopt the Record of Land Use Action approving the request for Site and Design and a Design Enhancement Exception based on findings and subject to the conditions of approval, along with the correction as recommended by the Architectural Review Board;

D. Direct Staff and the ARB to better incorporate the Baylands Master Plan guidance for this sensitive location in the Baylands and as a gateway to the Baylands: muted colors, parklike qualities of Embarcadero Road, signage, lighting, etc.;

E. Direct Staff and ARB to work with the applicant on specifying larger trees in key locations;

F. Direct the applicant to provide the context drawings as required;

G. Direct Staff and ARB to specify what security levels of lighting means and which lighting locations/fixtures would be utilizing this feature including bollard style fixtures and the impact on the Baylands;

H. Direct Staff to confirm all lighting specs are provided to the ARB;

I. Direct the ARB to address the list identified in the staff report as ARB concerns and any other considerations resulting from the changes directed by this Motion;

J. Address FAR discrepancies that have been identified between and among various documents describing the project including the MND, staff report to Council, various;

K. Direct Staff to provide responses from the Airport Land Use Committee; and

L. Direct Staff to include a TDM program for the project as was requested of the prior auto dealership.

**SUBSTITUTE MOTION AS AMENDED PASSED:** 6-1 Kou no

State/Federal Legislation Update/Action

None

Adjournment: The meeting was adjourned at 11:46 P.M.