



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
November 4, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:03 P.M.

Present: Cormack; DuBois arrived at 5:06P.M., Filseth, Fine, Kniss, Kou, Tanaka

Absent:

Study Session

1. Joint Study Session With the Palo Alto Youth Council.

NO ACTION TAKEN

Council took a break from 5:50 P.M. and returned at 6:04 P.M.

Minutes Approval

2. Approval of Action Minutes for the October 21, 2019 Council Meeting.

MOTION: Mayor Filseth moved, seconded by Council Member Cormack to approve the Action Minutes for the October 21, 2019 Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Cormack moved, seconded by Mayor Filseth to approve Agenda Item Numbers 3-7.

3. Approval of Amendment Number 1 to Contract Number C17166486 With Tanner Pacific, Inc. to Increase Maximum Compensation for a Not-to-Exceed Amount of \$2,240,000 for Continued Construction Management Services for the Sludge Dewatering and Loadout Facility Project, Capital Improvement Program Project (WQ-14001).
4. Approval of Amendment Number 4 to Contract Number S17165080 With Lexington Planning to add \$114,440 for a Not-to-Exceed Amount of \$230,940 to Continue Work on Reviewing and Modifying Objective Standards for Title 18.

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5. Resolution 9864 Entitled, "Resolution of the Council of the City of Palo Alto Approving Project Agreement Number 6 With the Transmission Agency of Northern California and its Participating Members for Regulatory Engagement in Participating Transmission Owner Cases Before the Federal Energy Regulatory Commission for an Initial 3-year Term; and Granting the City Manager or his Designee the Authority to Approve Future Operational Amendments to the Agreement."
6. Approval to Execute two Change Orders With Design Space Modular Buildings, Inc. Totaling an Additional \$51,300 to Provide Additional Needed Interior Detail and External Foundation Materials, Decking, Skirting, and Related Installation Services for the Animal Shelter Modular Building, for a new Total Not-to-Exceed Amount of \$351,300; and Authorization of Additional Change Orders Not-to-Exceed \$35,130, Funded From the Animal Shelter Renovation Capital Improvement Program Project (PE-19002).
7. Appointment of Monique le Conge Ziesenhenné, PhD as Assistant City Manager.

MOTION PASSED: 7-0

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8. TEFRA HEARING: Regarding Conduit Financing for the Bowman International School Project Located at 4000 Terman Drive, and 693 Arastradero Road, Palo Alto; and Resolution 9865 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Issuance of Revenue Obligations by the California Enterprise Development Authority for the Purpose of Financing and Refinancing the Cost of the Acquisition, Development, Construction, Installation, Equipping and Furnishing of Various Educational Facilities and Other Matters Relating Thereto."

TEFRA Hearing opened and closed without public comment at 6:27 P.M.

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

- A. Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended (Code); and
- B. Adopt a resolution approving the issuance of the bonds by the California Enterprise Development Authority (CEDA) (the "Authority") on behalf of

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and for the benefit of Bowman International School (aka Bowman School) (the "School").

MOTION PASSED: 7-0

- 9A. PUBLIC HEARING: Adoption of Eight Ordinances That Repeal and Adopt Various Sections of the Palo Alto Municipal Code Related to the 2019 California Building Code Update and Proposed Local Amendments; including: (1) Repeal Chapter 15.04 of Title 15 and Adopt a new Chapter 15.04 Incorporating the 2019 California Fire Code With Local Amendments Including Title 24 of the California Code of Regulations (CCR), Part 9; (2) Repeal Chapter 16.04 of Title 16 Related to Various Building Codes and Adopt a new Chapter 16.04 Incorporating the 2019 California Building Code With Local Amendments Including Title 24 of the CCR, Part 2; (3) Repeal Chapter 16.05 of Title 16 Related to the Mechanical Code and Adopt a new Chapter 16.05 Incorporating the 2019 California Mechanical Code With Local Amendments Including Title 24 of the CCR, Part 4; (4) Repeal Chapter 16.06 of Title 16 Related to the Residential Code and Adopt a new Chapter 16.06 Incorporating the 2019 California Residential Code With Local Amendments Including Title 24 of the CCR, Part 2.5; (5) Repeal Chapter 16.08 of Title 16 Related to the Plumbing Code and Adopt a new Chapter 16.08 Incorporating the 2019 California Plumbing Code With Local Amendments Including Title 24 of the CCR, Part 5; (6) Repeal Chapter 16.14 of Title 16 Related to the Green Building Standards and Adopt a new Chapter 16.14 Incorporating the 2019 California Green Building Standards With Local Amendments Including Title 24 of the CCR, Part 11, and Amend Section 16.12.035; (7) Repeal Chapter 16.16 of Title 16 Related to the Electrical Code and Adopt a new Chapter 16.16 Incorporating the 2019 California Electrical Code With Local Amendments Including Title 24 of the CCR, Part 3; (8) Repeal Chapter 16.18 of Title 16 Related to the Swimming and Spa Codes and Adopt a new Chapter 16.18 Incorporating the 2018 International Swimming Pool and Spa Code With Local Amendments. This Project is Exempt Under California Environmental Quality Act (CEQA) Guidelines Sections 15061(b) and 15308.
- 9B. PUBLIC HEARING: Adoption of an Ordinance Repealing Chapter 16.17 of Title 16 (Building Regulations) Related to the California Energy Code and Resolution 9866 Entitled "Resolution of the Council of the City of Palo Alto Adopting a new Chapter 16.17 Incorporating the 2019 California Energy Code With Local Amendments and Amendments to Title 24, Chapter 6 of the California Code of Regulations, the Subject Ordinance is Exempt From the California Environmental Quality Act (CEQA) in Accordance With Guidelines Sections 15061 (b) and 15308.

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Public Hearing for Agenda Item 9A opened and closed without public comment at 6:40 P.M.

MOTION FOR 9A: Mayor Filseth moved, seconded by Council Member Kniss to:

- A. Adopt eight Ordinances that repeal and adopt various chapters of Title 15 and 16 of the Palo Alto Municipal Code related to the 2019 California Building Code update with local amendments and findings; and
- B. Find that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15308 and 15061(b)(3).

MOTION PASSED: 7-0

AT THIS TIME COUNCIL HEARD AGENDA ITEM NUMBER 9B

Public Hearing for Agenda Item 9B opened at 7:43 P.M.

Public Hearing for Agenda Item 9B closed at 8:22 P.M.

MOTION FOR 9B: Vice Mayor Fine moved, seconded by Council Member DuBois to:

- A. Adopt an Ordinance repealing and restating Palo Alto Municipal Code Chapter 16.17 and amending the 2019 California Energy Code, Title 24, Part 6, of the California Code of Regulations to include local amendments;
- B. Adopt a Resolution declaring the City's intent to mandate all-electric service for new construction effective July 2020;
- C. Find that the proposed action is exempt from the provisions of the California Environmental Quality Act in accordance with Sections 15308 and 15061(b)(3); and
- D. Direct Staff to return to Council with a plan for electrification of accessory dwelling units.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Motion Part B to, "direct Staff to return to Council with Ordinances to mandate all-electric service for new construction in effective 2020".

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion new Part E, the language, "direct Staff to explore a rebate for a retrofit heat pump water heater hooked up to an air conditioner".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Motion Part E to, "refer to the Utilities Advisory Commission to explore scalable, cost-effective rebates for retrofitting existing homes, such as heat pump water heaters hooked up to air conditioners".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to Motion Part A, "and to require all-electric residential new construction in April 2020".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the language in Motion Part A to, "...include local amendments except to require...".

MOTION AS AMENDED RESTATED FOR 9B: Vice Mayor Fine moved, seconded by Council Member DuBois to:

- A. Adopt an Ordinance repealing and restating Palo Alto Municipal Code Chapter 16.17 and amending the 2019 California Energy Code, Title 24, Part 6, of the California Code of Regulations to include local amendments except to require all-electric residential new construction in April 2020;
- B. Direct Staff to return to Council with Ordinances to mandate all-electric service for new construction effective 2020;
- C. Find that the proposed action is exempt from the provisions of the California Environmental Quality Act in accordance with Sections 15308 and 15061(b)(3);
- D. Direct Staff to return to Council with a plan for electrification of accessory dwelling units; and
- E. Refer back to Utilities Advisory Commission to explore scalable, cost-effective rebates for retrofitting existing homes, such as retrofit heat pump water heaters hooked up to air conditioners.

MOTION AS AMENDED PASSED: 7-0

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10. Consideration of a Revenue Generating Ballot Measure Including Review and Approval of Stakeholder Outreach and Initial Polling Framework; Approval of an Exemption From Competitive Solicitation Requirements for Selection of Polling Consultant Fairbank, Maslin, Maullin, Metz & Associates; Approval of an Exemption From Competitive Solicitation Requirements for Contract Number C20177157 With Terris Barnes Walters Boigon Heath Inc., d/b/a TBWB Strategies, for Stakeholder Outreach and Authorization for the City Manager or his Designee to Enter Into This Contract With TBWB Strategies; and Approval of a Budget Amendment in the General Fund.

MOTION: Council Member DuBois moved, seconded by Council Member Cormack to:

- A. Consider a Revenue Generating Ballot Measure Including Review and approval of the stakeholder outreach and initial polling framework as outlined in the Finance Committee report (CMR 10743) and direct Staff to begin stakeholder outreach and conduct initial polling for a potential ballot measure;
- B. Approve by Council action, per PAMC 2.30.330, an exemption from competitive solicitation requirements for the selected consultant, Fairbank, Maslin, Maullin, Metz & Associates, to conduct public opinion research on the potential ballot measure, described below from the competitive solicitation requirements of the Palo Alto Municipal Code (PAMC);
- C. Approve by Council action, per PAMC 2.30.330, an exemption from competitive solicitation requirements, and approve and authorize the City Manager or his designee to execute professional services contract, Contract No. C20177157, in an amount not to exceed \$94,125 with Terris Barnes Walters Boigon Heath Inc., d/b/a TBWB Strategies, to provide community outreach services related to the potential revenue generating ballot City of Palo Alto Page 2 measure for a one-year term ending October 31, 2020, in the amount of \$89,125 with a \$5,000 contingency for a total not-to-exceed amount of \$94,125; and
- D. Amend the Fiscal Year 2020 Budget Appropriation Ordinance for the General Fund by:
 - i. Increasing the Administrative Services Department appropriation by \$179,125; and
 - ii. Decreasing the General Fund Budget Stabilization Reserve by \$179,125.

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MOTION PASSED: 5-2 Kniss, Tanaka no

Adjournment: The meeting was adjourned at 10:50 P.M.