Dear Mayor and Council Members:

On behalf of City Manager Jim Keene, please find below in **bold** staff responses to inquiries made by Council Members DuBois, Filseth, Kou and Tanaka in regard to the December 11, 2017 council meeting agenda.

Item 5: Reauthorizing PEG Fees – CMs DuBois, Tanaka
Item 6: Evergreen Park-Mayfield RPP – CM Filseth
Item 8: Chief of Police Employment Agreement – CM Tanaka
Item 9: Highway 101 Pedestrian Bike Bridge - CM Tanaka
Item 10: Requirements of Dewatering during Construction – CMs DuBois, Kou

**Item 5: Reauthorizing PEG Fees**

Q. 1. How much money does the city spend annually on PEG programs? How much of this is covered by Comcast and AT&T’s fees?

A. 1. In 2016, the City received PEG fees of $290,327 from Comcast and $39,486 from AT&T. The amounts received in 2017 are similar. All of this money is forwarded directly to the Media Center to support PEG capital requirements.

Q. 2. Why is the staff report written to say this applies to Comcast? Does it apply to ATT and any other provider of TV video services to Palo Alto residents?

A. 2. At the current time, the City of Palo Alto has two TV video service providers with state franchise agreements (Comcast and AT&T). State law requires the City to reauthorize the PEG fee at the renewal of each state franchise agreement. AT&T's state franchise renewed in March 2017 and the Council approved the reauthorization of the PEG fee at that time (Staff Report ID# 7817). This reauthorization applies to the renewal of the Comcast state franchise on January 2, 2018.

**Item 6: Evergreen Park-Mayfield RPP**
Item 8: Chief of Police Employment Agreement

Q.1. How much did the last police chief make in terms of total compensation and how does this compare to what Robert Jonsen will make in total comp? How much did Jonsen make in Menlo Park in terms of total comp?

A.1. Chief Jonsen’s salary in CY 2016 (same year as Chief Burn’s last year) was $202,106. His salary in Palo Alto will be $260,000. His total compensation for comparison purposes with former Chief Alto will be $393,745 (in comparison to $376,358 for Chief Burns).

Item 9: Highway 101 Pedestrian Bridge

Q. 1. How does the cost of this part of the contract compare to the East Palo Alto bike bridge design cost? How does the total design costs compare? How does the hourly cost compare?

A. 1. We cannot provide a comparable design cost for Phase 2 services for the City of East Palo Alto (EPA) because the contract’s scope of services is not configured in the same way as Palo Alto’s contract with Biggs Cardosa Associates. The EPA contract’s Phase 1 services included alternatives assessment, environmental and right of way assessments, and 30% design, and Phase 2 services included final design from 30% to 100% design. The total project design/predevelopment cost is approximately $1.13 million (EPA’s Council Report, July 31, 2017).

The City of Palo Alto contract’s bike bridge Phase 1 services included environmental assessment, optional enhancements design up to 15%, and 65% design. Phase 2 services include final design, right of way engineering services, and Adobe Creek Reach Trail paving and improvements. The total design cost for Phase 1 and Phase 2 is approximately $1.95 million.

Staff has asked EPA for its contract hourly rates, but has not received them at this time.

The level of effort and design cost for the Palo Alto bike bridge is reflective of the scope and complexity of engineering and design of the project. Some factors that differentiate the Palo Alto project from the EPA project are:

1. A portion of the project is located in sensitive habitat and creek areas that required more in-depth environmental assessment, and planning for restoration of the construction-impacted areas.

2. More involved Boards and Commissions meetings. The consultant participated in a total of nine public meetings (2 City Council, 2 Architectural...
Item 10: Requirements of Dewatering during Construction

Q. 1. How will the timing of this ordinance impact projects in the pipeline?

A. 1. Projects having Building Permits before the effective date of the Ordinance revisions would not have to meet new requirements. The effective date is likely to be in mid-February.

Q. 2. Why is discharge in excess of 10 gpm permitted year around?

A. 2. 10 gallons per minute is a small flow which will, generally, not interfere with the capacity of the Stormwater pipes.

Q. 3. Will commercial or large projects be subject to stronger regulations?

A. 3. Staff intends to consider and vet such requirements in early 2018.

Referred from Council Member Kou, Savepaloaltogroundwater.org questions:

In response to the issues raised by Keith Bennett (email attached) and Esther Nigenda and Rita Vrheil (Public Comments at 12/4 Council Meeting), Staff believes that the appropriate course of action is to adopt the proposed Ordinance enhancements now, and consider the other suggested changes after the new year. We concur that more work on this topic is needed, especially with respect to large commercial sites. But it is critical to get the proposed changes in place now for residential sites, to provide certainty for designers, and to avoid more “grandfathering” of residential sites as has occurred in the past. Most of the new sites will be residential, not commercial, as in past years. The key specific requirements these 3 people (all Save PA Groundwater members) suggest are:
1) Require large commercial and residential sites to install cut-off walls (to dramatically reduce required pumping). Specifically address the coming Marriot hotels on San Antonio & the Police Building

2) Require sites in or near contaminated GW plumes to install cut-off walls (to reduce the spreading of the plume).

3) Require “Best Practices” when designing pumping systems (such as a limit on flow rate of 60 gpm)

4) Require more soil borings to better characterize the flow through the soil

5) Address pumping for railroad trenches and tunnels

6) Include clear metrics and avoid case-by-case requirements.

7) Factor into the Ordinance the latest estimate of the “safe yield” (2,500 acre ft/year) of the Northwest County basin

Staff needs to fully consider and vet these suggestions. That can best be done after the new year and our assessment of our ability to adequately resource the effort, and will result in a follow-up set of recommendations back to Council.

Thank you,
Janice Svendsen
Overall, in our opinion, this draft ordinance is incomplete and lacks details in several key sections, and will be not meet the policy goals of conserving groundwater. Staff should add specific metrics required for the City Engineer to accept dewatering plans and hydrogeological reports, include specific guidelines for commercial / large underground construction projects, and underground construction in the vicinity of toxic plumes.

1. For what projects does the Ordinance take effect? Those which receive building permits on or after the effective date of the ordinance? The applicability must be clearly stated in the Ordinance to avoid confusion and “grandfathering.” Is there any reason the ordinance related to “controlled groundwater pumping” cannot take effect for any projects if a street work permit has not been issued for that project?
   [Note: Public Works should not issue streetwork permits prior to April 1]

2. Who is the “City Engineer?” The 2017 Regulations also refer to the City Engineer. The sections of this ordinance related to “controlled dewatering” are effectively left to the discretion of the City Engineer. Without clear guidance, decisions left to an individual will be subject to very wide interpretation.

The following questions pertain to subsection (f) of the proposed ordinance

3. f (i) Dewatering plan
   a. What are the requirements for an acceptable dewatering plan?
   b. What is different in the dewatering plans required for 2018 from the 2017 dewatering plans accepted by the City? The current guidelines are incorporated as Appendix C, and the proposed 2018 guidelines ratify these requirements without addressing the demonstrated limitations.
   c. What “best practices” are required to reduce dewatering? For example, there is no requirement to design and use the hydrogeological report to design a dewatering plan which limits the dewatering. Furthermore, limiting the depth of dewatering wells is a very effective method for reducing flow rates (when cutoff walls aren’t used), however this ordinance does not limit dewatering wells in any way.
   d. How will the City decide if the dewatering plan effectively minimizes dewatering? What prevents an applicant from simply predicting a very high (e.g. 200 gpm) flow rate, extracting 20 million gallons, with a 6 foot drawdown, and stating “no effects are expected”. A report simply estimating the amount of water pumped is ineffective for minimizing groundwater pumping, and is “make work” for applicants.

4. f (ii) Hydrogeology report
   a. What is required by the City Engineer for an acceptable hydrogeology report? The requirements for such a report should be included, at least by reference.
   b. The City Engineer has had authority to accept or reject the hydrogeological study since 2017. However, the City Engineer has accepted all “Geotechnical” reports and
dewatering plans without contest, even if they are obviously incomplete or in error. Public Works claimed, the City had neither the basis nor technical ability to determine which reports to accept. What’s changed?

c. How does the hydrogeology report reduce total amount of water pumped for dewatering?

Note: Sterling Banks, whose company does much of the residential dewatering in Palo Alto suggested requiring 4 bore holes instead of 1 to "customize" the depth of the dewatering wells for each property, and said this will decrease well depth and groundwater extraction.

5. f (iii) Structural monitoring and building survey
   a. Why does this proposed ordinance limit monitoring of structures to adjacent properties? Multiple residents have complained of damages from dewatering, and significant groundwater pulldown several hundred feet from dewatering sites has been documented.
   b. How does monitoring protect other property? No recourse is provided to those affected.

The following questions pertain to subsection (g) of the proposed ordinance

6. g (i) Year-around discharge
   a. Why is discharge in excess of 10 gpm permitted year around? This is a major loophole: Enforcement during a time of storm emergency is not practical, and the main concern is not 10-year storm events, but rather 100-year storm events.

7. g (ii) and others. Two-week startup period
   a. What is the purpose of this start-up period? The terminology is confusing.
   b. How did applicants use the start-up period in 2017?

8. g (vi) Trucking
   a. Are fill stations and trucking required during the “start-up” period? The wording is not clear.
   b. Is increased trucking (5 days / week) required after 8-total weeks of “regular” trucking? Or 6 weeks of trucking beginning at the end of the start-up period?

9. Commercial and large dewatering projects
   a. Will commercial or large projects be subject to stronger regulations? A single commercial project in 2017 pumped 45 million gallons (40% of the total construction dewatering groundwater pumped in 2017). The City should have stronger and clear regulations for any large (>4,000 square feet underground construction requiring dewatering) and commercial projects.

10. Section 6: Dewatering near groundwater contaminant plume areas
    Clear regulations should be provided, as dewatering near (within 1000 feet) of contaminant plumes can mobilize and spread contaminated groundwater into uncontaminated areas. See the attached graph of changes in groundwater levels 220 feet from a dewatering site, which shows the groundwater was lowered by approximately 3 feet.
What “various complexities” and specific requirements are anticipated that would require decision on a case-by-case basis?

11. **Impacts of underground construction on stormwater retention and drainage**

The Council should direct Staff to analyze the impacts of underground construction on groundwater absorption by the soils and flows, especially for construction extending into groundwater levels. Underground construction removes soils which would otherwise be available to absorb stormwater and block groundwater flows of stormwater. Atherton already has regulations to protect groundwater storage and flows. See section 1 (b) of the attached document.

https://www.ci.atherton.ca.us/DocumentCenter/View/281