



CITY COUNCIL ACTION MINUTES

Special Meeting
February 01, 2021

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

Participating Remotely: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent:

Agenda Changes, Additions and Deletions

NONE

Minutes Approval

1. Approval of Action Minutes for the January 19, 2021 City Council Meeting.

MOTION: Council Member Cormack moved, seconded by Mayor DuBois to approve the Action Minutes for the January 19, 2021 City Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Cormack moved, seconded by Vice Mayor Burt, third by Council Member XX, fourth by Council Member XX to pull Agenda Item Number 3 to be heard on a date uncertain.

MOTION FAILED DUE TO THE LACK OF A THIRD AND FOURTH

Council Member Cormack registered a no vote on Agenda Item Number 3.

MOTION: Mayor DuBois moved, seconded by Council Member Cormack to approve Agenda Item Numbers 2-3.

2. Finance Committee Recommends the City Council Adopt Resolution 9946 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Execution of Contract 20-SNR-02365 United States Department Of Energy Western Area Power Administration, Sierra Nevada Region, Contract For Electric Service Base Resource With City Of Palo Alto to Preserve the City's Options to Maintain, Terminate, or

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Reduce its Allocation Until June 30, 2024.”; and Approve the 2025 Base Resource Power Supply Contract for the Central Valley Project With the Western Area Power Administration to Preserve the City's Options to Maintain, Reduce, or Terminate the City's Allocation Until June 30, 2024.

3. Ordinance 5514 Entitled, “Ordinance of the Council of the City of Palo Alto Amending the Municipal Fee Schedule to add Vehicle Entrance Fees for Foothills Park, and Amending the Palo Alto Municipal Code (PAMC) Section 22.04.150(k) to Adjust Attendance Limits at Foothills Park” (FIRST READING: January 19, 2021 PASSED: 6-1 Cormack no); Adoption of Emergency Ordinance 5515 Entitled, “Ordinance of the Council of the City of Palo Alto Amending the Municipal Fee Schedule to add Vehicle Entrance Fees for Foothills Park, and Amending PAMC Section 22.04.150(k) to Adjust Attendance Limits at Foothills Park”; and Adoption of Resolution 9940 Entitled, “Resolution of the Council of the City of Palo Alto Adding a Penalty for Nonpayment of Foothills Park Entry Fee to the Administrative Penalty Schedule.”

MOTION PASSED FOR AGENDA ITEM 2: 7-0

MOTION PASSED FOR AGENDA ITEM 3: 6-1 Cormack no

Action Items

4. Approval of: 1) Construction Contract Number C21178123B With Swinerton Builders in the Amount of \$83,953,000; 2) Authorization for the City Manager to Negotiate and Execute Related Change Orders With Swinerton Builders for a Not-to-Exceed Amount of \$8,395,300 for a Total Not-to-Exceed Contract Amount of \$92,348,300; 3) Amendment Number 4 to Contract C16163034 With Nova Partners, Inc. in the Amount of \$3,071,978 for Construction Management Services; 4) Amendment Number 1 to Contract C17165953 With RossDrulisCusenbery Architecture, Inc. in the Amount of \$1,746,206; 5) Waterproofing Inspection Services Contract Number C2118074 With Consolidated Engineering Laboratories in the Amount of \$106,317; 6) Authorization to Execute a Short-term Lease for a Portion of the Courthouse Parking lot From the County of Santa Clara; 7) Authorization to Negotiate and Execute a Month-to-Month Lease of Parking Stalls From Caltrain; and 8) Approve the Surveillance Policy and use of a Construction Video Camera for the Public Safety Building Project (PE-15001).
5. Resolution 9941 Entitled, “Resolution of the Council of the City of Palo Alto Authorizing the Delivery and Sale of Certificates of Participation (COPs) in a Principal Amount Not-to-Exceed \$120 Million to Finance the

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Construction of the Public Safety Building; Declaring the Intention to Reimburse Expenditures Related to the Public Safety Building From Proceeds of the COPs; Approving, Authorizing, and Directing the Execution of Certain Lease Financing Documents; Approving a Preliminary Official Statement; and Authorizing and Directing Certain Related Actions.”

Mayor DuBois advised that Agenda Item Numbers 4 and 5 would be heard together.

Council took a break at 8:14 P.M. and returned at 8:24 P.M.

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

- A. Approve and authorize the City Manager or his designee to execute the attached Construction Contract C21178123B with Swinerton Builders in an amount not to exceed \$83,953,000;
- B. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with Swinerton Builders for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed \$8,395,300;
- C. Approve and authorize the City Manager or his designee to execute Amendment Number 4 to Contract C16163034 with Nova Partners, Inc. to add construction management services for the new Public Safety Building to the scope of services and increase compensation by \$3,071,978 for a total contract amount of \$8,880,906;
- D. Approve and authorize the City Manager or his designee to execute Amendment Number 1 to Contract C17165953 with RossDrulis Cusenbery Architecture, Inc. to increase compensation by \$1,746,206 for a total contract amount of \$8,754,198;
- E. Approve and authorize the City Manager or his designee to execute Contract C21180741 with Consolidated Engineering Laboratories for waterproofing inspection services in an amount not to exceed \$106,317;
- F. Authorize the City Manager or his designee to execute a short-term lease for a portion of the Courthouse parking lot from the County of Santa Clara;
- G. Authorize the City Manager or his designee to negotiate and execute a month-to-month lease agreement for up to 44 parking stalls at the California Avenue Caltrain Station parking lot; and

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- H. Approve the surveillance policy and use of a construction video camera for the Public Safety Building project, which will be used to visually record and share progress on the construction with Staff and residents and create a time-lapse video at the end of the project;
- I. Adopt a Resolution Approving, Authorizing, and Directing Execution of Certain Lease Financing Documents, Approving a Preliminary Official Statement, Declaring the Intention to Reimburse Expenditures, and Authorizing and Directing Certain Actions with Respect Thereto; and
- J. Authorize execution and delivery of one series of Certificates of Participation (COPs) in an amount not to exceed \$120 million to finance the Public Safety Building construction.

SUBSTITUTE MOTION: Council Member Tanaka moved, seconded by Vice Mayor Burt to delay decision on the Public Safety Building until there is a chance to review all Capital Improvement Projects.

SUBSTITUTE MOTION FAILED: 3-4 Cormack, DuBois, Filseth, Kou no

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER, "Direct Staff to examine the fixtures, furniture, and equipment (FFE) budget and remove all that are not necessary at time of completion." (New Part J)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion, Part H, "Approve the surveillance policy and use of a construction video camera for the Public Safety Building project, which will be used to visually record and share progress on the construction with Staff and residents and create a time-lapse video at the end of the project."

MOTION AS AMENDED: Mayor DuBois moved, seconded by Council Member Cormack to:

- A. Approve and authorize the City Manager or his designee to execute the attached Construction Contract C21178123B with Swinerton Builders in an amount not to exceed \$83,928,000;
- B. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with Swinerton Builders for related, additional but unforeseen work which may develop during the project, the total value of which shall not exceed \$8,392,800;

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- C. Approve and authorize the City Manager or his designee to execute Amendment Number 4 to Contract C16163034 with Nova Partners, Inc. to add construction management services for the new Public Safety Building to the scope of services and increase compensation by \$3,071,978 for a total contract amount of \$8,880,906;
- D. Approve and authorize the City Manager or his designee to execute Amendment Number 1 to Contract C17165953 with RossDrulis Cusenbery Architecture, Inc. to increase compensation by \$1,746,206 for a total contract amount of \$8,754,198;
- E. Approve and authorize the City Manager or his designee to execute Contract C21180741 with Consolidated Engineering Laboratories for waterproofing inspection services in an amount not to exceed \$106,317;
- F. Authorize the City Manager or his designee to execute a short-term lease for a portion of the Courthouse parking lot from the County of Santa Clara;
- G. Authorize the City Manager or his designee to negotiate and execute a month-to-month lease agreement for up to 44 parking stalls at the California Avenue Caltrain Station parking lot;
- H. Adopt a Resolution Approving, Authorizing, and Directing Execution of Certain Lease Financing Documents, Approving a Preliminary Official Statement, Declaring the Intention to Reimburse Expenditures, and Authorizing and Directing Certain Actions with Respect Thereto;
- I. Authorize execution and delivery of one series of Certificates of Participation (COPs) in an amount not to exceed \$120 million to finance the Public Safety Building construction; and
- J. Direct Staff to examine the fixtures, furniture, and equipment (FFE) budget and remove all that are not necessary at time of completion.

MOTION AS AMENDED PASSED: 5-2 Burt, Tanaka no

The meeting was temporarily adjourned at 9:57 P.M. and reconvened at 10:05 P.M.

- 6. Approval of Contract Number C20175026 With JC Decaux San Francisco, LLC in the Amount of \$1,053,924 for a Five-year Term to Provide the Rental and Servicing of two Automatic Public Toilets; Approval of a Fiscal Year 2021 Budget Amendment in the General Fund; and Approval to

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Remove the Automatic Public Toilet Located at Hamilton Ave and Waverley Street (Continued From November 16, 2020).

MOTION: Mayor DuBois moved, seconded by Council Member Kou to:

- A. Approve and authorize the City Manager or his designee to execute contract C20175026 with JCDecaux San Francisco, LLC ("JCDecaux") for an amount not to exceed \$1,053,924 for the continued rental of two Automatic Public Toilets (APT) for five years, with two options to extend the term for five (5) additional years each, by mutual agreement of the parties, to be exercised by future contract amendment(s) that would be brought back to Council for approval;
- B. Amend the Fiscal Year 2021 Budget Appropriation for the General Fund by 2/3 Council approval by:
 - i. Increasing the Public Works Department, Public Services Division operating budget by \$100,608;
 - ii. Decreasing the budget stabilization reserve by \$100,608;
- C. Discuss directing Staff to initiate the process to remove the Automatic Public Toilet located at Hamilton Avenue and Waverley Street as soon as practical. The removal of this APT would save approximately \$105,000 per year and is planned for removal if the proposed parking garage for this location is approved; and
- D. Direct Staff to evaluate alternatives before this contract expires.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER, "Direct Staff to evaluate options to remove the penalty for a shorter-term contract." (New Part E)

MOTION AS AMENDED: Mayor Dubois moved, seconded by Council Member Kou to:

- A. Approve and authorize the City Manager or his designee to execute contract C20175026 with JCDecaux San Francisco, LLC ("JCDecaux") for an amount not to exceed \$1,053,924 for the continued rental of two Automatic Public Toilets (APT) for five years, with two options to extend the term for five (5) additional years each, by mutual agreement of the parties, to be exercised by future contract amendment(s) that would be brought back to Council for approval;
- B. Amend the Fiscal Year 2021 Budget Appropriation for the General Fund by 2/3 Council approval by:

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- i. Increasing the Public Works Department, Public Services Division operating budget by \$100,608;
- ii. Decreasing the budget stabilization reserve by \$100,608;
- C. Discuss directing Staff to initiate the process to remove the Automatic Public Toilet located at Hamilton Avenue and Waverley Street as soon as practical. The removal of this APT would save approximately \$105,000 per year and is planned for removal if the proposed parking garage for this location is approved;
- D. Direct Staff to evaluate alternatives before this contract expires; and
- E. Direct Staff to evaluate options to remove the penalty for a shorter-term contract.

MOTION AS AMENDED PASSED: 6-1 Tanaka no

- 7. Formation of Working Group and Council Subcommittee for the 2023-2031 Housing Element Update Process. (Continued From January 19, 2021).

MOTION: Mayor DuBois moved, seconded by Council Member Kou to:

- A. Establish and provide direction to Staff regarding recruitment of a Working Group to assist with the development of the 2023-2031 Housing Element Update with the addition of two more neighborhood association representatives, a Parent Teacher Association representative, a PAUSD Board Member, and a senior organization;
- B. Direct Staff to solicit recommendations from City Council Members; and
- C. Form an ad-hoc committee.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part A, "...an additional Stanford Research Park representative".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part A, "...and an environmental representative".

MOTION AS AMENDED: Mayor DuBois moved, seconded by Council Member Kou to:

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- A. Establish and provide direction to Staff regarding recruitment of a Working Group to assist with the development of the 2023-2031 Housing Element Update with the addition of two more neighborhood association representatives, a Parent Teacher Association representative, a PAUSD Board Member, a senior organization, an additional Stanford Research Park representative, and an environmental representative;
- B. Direct Staff to solicit recommendations from City Council Members; and
- C. Form an ad-hoc committee.

MOTION AS AMENDED PASSED: 7-0

Council took a break at 11:25 P.M. and returned at 11:32 P.M.

- 8. Colleagues' Memo Proposing Adoption of Resolution 9942 Entitled, "Resolution of the Council of the City of Palo Alto Expressing Support for Actions to Further Strengthen Local Democracy, Authority, and Control as Related to Local Zoning and Housing Issues".

MOTION: Council Member Kou moved, seconded by Council Member Stone to Adopt a Resolution "Expressing Support for Actions to Further Strengthen Local Democracy, Authority, and Control as Related to Local Zoning and Housing Issues".

MOTION PASSED: 6-1 Cormack no

Adjournment: The meeting was adjourned at 11:51 P.M.

ATTEST:

DocuSigned by:
Beth Minor
27523117DA804D7...

City Clerk

APPROVED:

DocuSigned by:
J. D. ...
DD53585CA6CB4E9...

Mayor

NOTE: Action minutes are prepared in accordance with Palo Alto Municipal Code (PAMC) 2.04.160(a) and (b). Summary minutes (sense) are prepared in accordance with PAMC Section 2.04.160(c). Beginning in January 2018, in accordance with [Ordinance No. 5423](#), the City Council found action minutes and the video/audio recordings of Council proceedings to be the official records of both Council and committee proceedings. These recordings are available on the City's website.