



CITY COUNCIL ACTION MINUTES

Special Meeting
June 22, 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

Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Numbers 2 and 5.

MOTION: Vice Mayor Burt moved, seconded by Council Member Cormack to approve Agenda Item Numbers 1-5.

1. Approval of Construction Contract Number C21178601A With Azulworks, Inc. in the Amount of \$1,954,900; Authorization for the City Manager to Negotiate and Execute Change Orders up to a Not-to-Exceed Amount of \$195,490 for the Rinconada Park Improvement Project, Capital Improvement Program Project PE-08001; and Approval of Budget Amendments in the Stormwater Management Fund and the Capital Improvement Fund.
2. Approval of a Lease Agreement With BioScience Properties for the Regional Water Quality Control Plant Workspace at 1900 Embarcadero Road in the Estimated Total Amount of \$1.73 Million for a Period of Five-years; and Approval of a Fiscal Year 2022 Budget Amendment in the Wastewater Treatment Fund.
3. Approval of: 1) Construction Contract With O'Grady Paving, Inc. in the Amount of \$6,688,253 and Authorization for the City Manager to Negotiate and Execute Change Orders up to a Not-to-Exceed Amount of \$668,825; 2) Contract Amendment Number 4 to Contract C14150694 With Mark Thomas and Company in the Amount of \$27,136; and 3) Resolution 9977 Entitled, "Resolution of the Council of the City of Palo Alto for Senate Bill 1, the Road Repair and

ACTION MINUTES

Accountability Act for Fiscal Year 2022, Providing the Project List for the Charleston-Arastradero Corridor Project – Phase 3, Capital Improvement Program Project (CIP) PE-13011.”

4. Approval of Contract Number C21181431 With Palo Alto Housing Corporation (PAHC) Housing Services, LLC for a Not-to-Exceed Amount of \$316,236 to Provide Administration and Consulting Services for the City’s Below Market Rate Housing Program for a Term of Two-years Through June 2023; and Approve a Fiscal Year 2022 Budget Amendment in the Residential Housing Fund.
5. Approval of: 1) Contract Amendment Number Four to Contract Number C12142825 With NV5, Inc in an Amount Not-to-Exceed \$527,146 to Incorporate the Approved California Department of Transportation (Caltrans) Additional Budget Request for the Newell Road/San Francisquito Creek Bridge Replacement Project, Capital Improvement Program (CIP) Project PE-12011, and to Extend the Contract Through December 31, 2024; 2) a Cooperation Agreement With the City of East Palo Alto; and 3) a Budget Amendment in the Capital Improvement Fund

MOTION PASSED FOR AGENDA ITEMS 2 AND 5: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM 1, 3, 4: 7-0

City Manager Comments

None

Action Items

6. Consideration of Rescinding the City’s Local Emergency Proclamation; Adopt Emergency Ordinance 5527 Entitled, “Ordinance of the Council of the City of Palo Alto to Continue the Uplift Local Encroachment Permit Program, Including Temporary Parklets;” and Discuss and Provide Direction on Street Closures Under the Uplift Local Streets Program.

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

- A. End the City’s Local Emergency on July 1, 2021;
- B. Pass the Emergency Ordinance to continue the Permit Encroachment Program;

ACTION MINUTES

- C. Support the City Manager's suggestion to open the downtown area on July 6, 2021, and California Avenue on September 7, 2021; and
- D. Allocate \$50,000 to the Chamber of Commerce to engage with all businesses for cross-promotional activities and small events from current year COVID funds.

MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION: Council Member Kou moved, seconded by Council Member Tanaka to:

- A. End the City's Local Emergency on July 1, 2021;
- B. Pass the Emergency Ordinance to continue the Permit Encroachment Program;
- C. Support the City Manager's suggestion to maintain the closure of the downtown area and California Avenue until September 30, 2021, and to open Ramona Street for one-way traffic while keeping the encroachments of the cafes;
- D. Allocate \$50,000 to the Chamber of Commerce to engage with all businesses for cross-promotional activities and small events from current year COVID funds; and
- E. Direct Staff to collect sales data of willing businesses.

AMENDMENT: Vice Mayor Burt moved, seconded by Council Member Tanaka to continue with the current closure for Ramona Street as a half-closed configuration.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove the beginning of the Motion Part C, "Support the City Manager's suggestion to maintain..."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add onto Motion Part C, "...and review the next actions of the closures of California Avenue and University Avenue after Council Summer break."

AMENDMENT PASSED: 5-2 DuBois, Kou no

AMENDMENT: Vice Mayor Burt moved, seconded by Council Member Cormack to add to the Motion as a proposed Part F:

ACTION MINUTES

- F. Direct Staff to include in its workplan a streetscape design to pursue design expertise from the local AIA Chapter or others, and to include an evaluation of potential sites for permanent performance stages in downtown.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the end the Amendment, "...performance stages on California Avenue and other potential areas such as downtown..."

MOTION: Mayor DuBois moved, seconded by Vice Mayor Burt to continue this item to the end of the meeting.

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

COUNCIL CONTINUED THIS ITEM AND RETURNED TO IT AT 11:50 P.M.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to change the Amendment to read, "...for streetscape design on California Avenue to pursue design expertise..."

AMENDMENT AS AMENDED: Vice Mayor Burt moved, seconded by Council Member Cormack to add onto the Motion as a proposed Part F:

- F. Direct Staff to include in its workplan a streetscape design on California Avenue to pursue design expertise from the local AIA Chapter or others, and to include an evaluation of potential sites for permanent performance stages in other potential areas such as downtown.

AMENDMENT AS AMENDED PASSED: 4-2 Filseth, Kou no, DuBois absent,

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part C, "...direct Staff to reroute pedestrians onto the sidewalk of University Avenue..."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part F, "...have Staff return with a process recommendation to pursue a pro-bono design expertise such as AIA, ARB or others..."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: to restate Motion Part E as, "Direct Staff to provide available data attempting to distinguish impacts on closed streets versus non-closed streets of willing businesses;"

ACTION MINUTES

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: to add to the end of Motion Part E, "...to the extent allowed legally;"

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: to update the beginning of Motion Part E as, "Direct Staff to provide an analysis—to the extent the available data allows— ..."

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

- A. End the City's Local Emergency on July 1, 2021;
- B. Pass the Emergency Ordinance to continue the Permit Encroachment Program;
- C. Continue with the closure of the downtown area and California Avenue until September 30, 2021, continue with the current closure for Ramona Street as a half-closed configuration, direct Staff to reroute pedestrians onto the sidewalk of University Avenue, and review the next actions of the closures of California Avenue and University Avenue after Council Summer break;
- D. Allocate \$50,000 to Chamber of Commerce to engage with all businesses for cross-promotional activities and small events from current year COVID funds;
- E. Direct Staff to provide an analysis—to the extent the available data allows—in order to distinguish impacts on closed streets versus non-closed streets of willing businesses to the extent allowed legally; and
- F. Direct Staff to include in its workplan for streetscape design on California Avenue, have Staff return with a process recommendation to pursue a pro-bono design expertise such as AIA, ARB or others, and to include an evaluation of potential sites for permanent performance stages in other potential areas such as downtown.

MOTION AS AMENDED PASSED: 6-0 DuBois absent

7. Review of the Policy & Services Committee's Recommendation on State Legislative Advocacy; Discussion and Direction on Potential Alterations to the City's State Legislative Advocacy Program and Related Actions.

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

ACTION MINUTES

- A. Continue with Strategy Option Number 3 (Strategic Weighing in on Issues of Interest to the City);
- B. Support the 4 police bills (SB2, SB 16, AB 26, AB 718) as recommended by Staff; and
- C. Ask Staff to evaluate whether we should support Energy Innovation and Carbon Dividend Act under existing legislative guidelines and if so prepare a letter of support.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: to add onto the Motion as Part D:

- D. Direct Staff and Lobbyist to provide a forensic memorandum of a limited number (less than 25) of bills as legislative updates with the consultation of different City departments.

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

- A. Continue with Strategy Option #3 (Strategic Weighing in on Issues of Interest to the City);
- B. Support the 4 police bills (SB2, SB 16, AB 26, AB 718) as recommended by Staff;
- C. Ask Staff to evaluate whether we should support Energy Innovation and Carbon Dividend Act under existing legislative guidelines and if so prepare a letter of support; and
- D. Direct Staff and Lobbyist to provide a forensic memorandum of a limited number (less than 25) of bills as legislative updates with the consultation of different City departments.

MOTION AS AMENDED PASSED: 7-0

- 8. PUBLIC HEARING / QUASI-JUDICIAL. 250 Hamilton Avenue [20PLN-00118]: Appeal of Director's Approval of Three Wireless Communication Facilities (Verizon Cluster 4) by Verizon to be Placed Adjacent to 853 and 1221 Middlefield Road and 850 Webster Street. Environmental Assessment: Exempt From the Provisions of California Environmental Quality Act (CEQA) per Section 15303 (New Construction and Conversion of Small Structures) and 15311 (Accessory Structures).

Public Hearing opened at 9:13 P.M.

ACTION MINUTES

Public Hearing closed at 9:53 P.M.

MOTION: Council Member Kou moved, seconded by Council Member Stone to uphold the appeal denying the WCF Nodes based on:

- A. Procedural noticing requirements due to misleading notices to residents and the omission of notices to certain residents; and
- B. Compliance Grounds due to not meeting the City's objective and design standards, specifically the single shroud and an inadequate screening.

SUBSTITUTE MOTION: Council Member Cormack moved, seconded by Council Member Filseth to deny the appeal and uphold the initial Director's Determination and that the screening is provided by trees that have foliage throughout the year, and the applicant is to conduct additional outreach to residents of Channing House including participation exception.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: to remove, "...and the screening is provided by trees that have foliage throughout the year..."

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: to add "...on Nodes 061 and 205, extend the shot clock through a tolling agreement for 45 days on Node 204, and require..."

SUBSTITUTE MOTION AS AMENDED: Council Member Cormack moved, seconded by Council Member Filseth to:

- A. Deny the appeal and uphold the initial Director's Determination on Nodes 061 and 205;
- B. Extend the shot clock through a tolling agreement for 45 days on Node 204; and
- C. Require that the applicant conducts additional outreach to residents of Channing House including participation.

SUBSTITUTE MOTION PASSED: 4-2 DuBois absent, Kou, Stone no

Council took a break at 11:41 P.M. and returned at 11:50 P.M.

Adjournment: The meeting was adjourned at 12:23 A.M. in honor of Talanoa Tuifua, or "Ms. Noa" as most knew her by, who passed last week, an Administrative Services Department employee for over 20 years.

ACTION MINUTES

ATTEST:

DocuSigned by:
Lesley Milton
E5649TCF3DB34FA...

City Clerk

APPROVED:

DocuSigned by:
J. DePina
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.