



# ACTION MINUTES

City Council  
Special Meeting  
October 18, 2021  
Virtual Only

The City Council of the City of Palo Alto met on this date in virtual teleconference at 5:01 P.M.

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

Absent:

## Closed Session

2. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION Subject: Hamilton and High, LLC, The Keenan Family Trust, et al. v. City of Palo Alto, et al. Santa Clara County Superior Court Case No. 20CV366967 Authority: Government Code Section 54956.9(d)(1).

**MOTION:** Council Member Cormack moved, seconded by Council Member Filseth to go into Closed Session.

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:03 P.M.

Council returned from Closed Session at 6:01 P.M.

Mayor DuBois announced no reportable action.

## Special Orders of the Day

1. The Great California Shake Out.

## **NO ACTION TAKEN**

## Agenda Changes, Additions and Deletions

None

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## Consent Calendar

Council Member Kou registered a no vote on Agenda Item Number 4.

Mayor DuBois registered a no vote on Agenda Item Number 4.

Council Member Tanaka registered a no vote on Agenda Item Numbers 5-7.

**MOTION:** Mayor DuBois moved, seconded by Vice Mayor Burt to approve Agenda Item Numbers 3-11.

3. Approval of Minutes from October 4, 2021.
4. Adoption of an Ordinance and **Resolution 9992** to Extend the Temporary Outdoor Encroachment Permit Program for Dining, Retail, and Other Uses, Including the Parklet Pilot Program, until June 30, 2022.
5. Approval of Funding Allocations for the Second Round of Human Services Resource Allocation Process Funding for FY 2022 in the Amount of \$200,000 and Authorize the City Manager to Execute Contracts with the Nine Recipient Organizations.
6. Review and Approve a Fire Department Ambulance Subscription Program: 1) Adopt Ordinance to Establish Program and Fees, and 2) Approval of a Budget Amendment in the General Fund.
7. Approval of Facility Interior Finishes Replacement Purchase as Approved in the CIF With Pivot Interiors in the Amount of \$349,545 Project PF-02022.
8. Adoption of a Park Improvement Ordinance for Renovations, Expansion and New Amenities at John Boulware Park as Recommended by the Parks and Recreation Commission.
9. Review and Approval of the Annual Williamson Act Contract Renewals Within Palo Alto City Limits (2021).
10. Approval of Fiscal Year 2021 Reappropriation Requests to be Carried Forward Into Fiscal Year 2022 and Budget Amendments in Various Funds.
11. Approval of Contract Number C21181420 with West Coast Arborists, Inc. for a Total Not-to-Exceed Amount of \$3,765,380 Over a Three-Year Term for Tree Pruning and Removal Services.

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**ITEM 4 OF MOTION PASSED:** 5-2, DuBois, Kou no

**ITEMS 5-7 OF MOTION PASSED:** 6-1, Tanaka no

**ITEMS 3, 8-11 OF MOTION PASSED:** 7-0

## Action Items

12. Approval of Advanced Metering Infrastructure (AMI) Contract with Sensus USA Inc. in the Amount of \$15,283,218; and Authorization for the City Manager to Negotiate and Execute Change Orders up to a Not-to-Exceed Amount of \$1,484,000, for a Total Contract Amount Not-to-Exceed \$16,767,218; Approval of Amendment No. 2 with E Source in an Amount Not-to-Exceed \$1,339,947 for Phase 3 AMI Consulting; and 3) Adoption of a Resolution to Transfer up to \$18,900,000 from the Electric Special Project Reserves to the Smart Grid Technology Installation Project EL-11014.

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

- A. Approve and authorize the City Manager or their designee to execute Contract C22177782 (Attachment A) with Sensus USA Inc. (Sensus), for advanced metering infrastructure (AMI) system and installation services, in an amount not to exceed \$15,283,218 through 12/31/31;
  - i. Authorize the City Manager or their designee to negotiate and execute one or more task orders for additional services under the contract with Sensus for related additional, but unforeseen work which may develop during the project; the total of which shall not exceed \$1,484,000 or 10% of the implementation cost, for a total contract amount not to exceed of \$16,767,218;
  - ii. Authorize the City Manager or their designee to determine whether executing the optional Network Performance Assurance Services (Contract Exhibit N) for post deployment support of the AMI network and extension of performance warranty for two years, in an amount not to exceed \$338,531 (included in the total Sensus contract amount above) is in the City's best interests, and approve and authorize the City Manager or their designee to execute Contract Exhibit N if it is determined to be in the City's best interests, not later than six months from the anticipated completion of AMI deployment;
- B. Approve and authorize the City Manager or their designee to execute Amendment No. 2 to Contract C17165774A (Attachment B) with E

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Source Companies, LLC, for phase 3 AMI consulting services including project management, system integration, change management, and field installation oversight, in an amount not to exceed \$1,339,947 through 12/31/2025;

- C. Approve the adoption of **Resolution 9993** (Attachment C), in which Council:
- i. Authorizes the transfer of up to \$18.9M from the Electric Special Project (ESP) reserves to the Smart Grid Technology Installation Project (EL-11014), as follows:
    - i. Transfer up to \$8.4 million from the ESP reserves to the Smart Grid Technology Installation Project (EL-11014) for Electric Advanced Metering Infrastructure (AMI) and smart grid-related expenditures;
    - ii. Transfer up to \$6.5 million from the ESP reserves to the Smart Grid Technology Installation Project (EL-11014) for Water AMI and smart grid-related expenditures as an inter-fund loan with a repayment term of 5-years with appropriate interest, upon completion of the project;
    - iii. Transfer up to \$4.0 million from the ESP reserves to the Smart Grid Technology Installation Project (EL-11014) for Gas AMI and smart grid-related expenditures as an inter-fund loan with a repayment term of 5-years with appropriate interest, upon completion of the project; and
    - iv. Individual fiscal year transfer amounts up to the totals listed in the subsections above will be determined based on annual CIP budgets, and are currently estimated to be \$7 million in FY 2022, \$7 million in FY 2023, and \$4.9 million in FY 2024.
  - ii. Approves the commitment of ESP funds to support the electric AMI Project expenses, and the loan of ESP funds to support the water and gas AMI Project expenses, and finds that the proposed fund transfers meet Council's guidelines for managing the Electric Special Project Reserve.

**MOTION PASSED:** 6-1, Tanaka no

13. Consideration of Policy and Services Committee Recommendations to Council on the Updates to Title 8 of Municipal Code (Tree Protection), Expanding the Role of the Parks & Recreation Commission, and Elevating the Position of Urban Forester.

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

- A. Accept the Policy and Services motion and recommendations and incorporate them into the updated ordinance;
- B. Evaluate the redlines regarding tree replacement and the removal of protected trees, which were sent in today for inclusion from the Ad-Hoc Resident group;
- C. Evaluate and return with an option to modify the definition of protected trees 8.10.020.j (3) to include any tree at least 15" in diameter;
- D. Return no later than April 2022 with an ordinance for City Council review and approval;
- E. Return with a recommendation on the elevation of Urban Forester as part of the budget process;
- F. Explore #6 on the role of Parks and Recreation Commission as a forum for Urban Forestry issues and #8 on the incentives for tree planting and other issues, such as review of appeals process when there is no construction proposed, review impacts of neighboring trees, outlying structures and other concerns with further amendments if needed after April 2022; and
- G. Expand the prioritization of native and drought tolerant tree use in the Tree Technical Manual and ordinance for replacement of trees.

**AMENDMENT:** Council Member Stone moved, seconded by Council Member Kou to add onto the Motion as Part H:

- H. Direct Staff to formalize a role in the Parks and Recreation Commission on Urban Forestry issues

**AMENDMENT PASSED:** 4-3, Cormack, DuBois, Filseth no

**AMENDMENT:** Council Member Cormack moved, seconded by Council Member Tanaka to add onto the Motion as Part I:

- I. Direct Staff to conduct further public outreach with the appropriate Boards and Commissions.

**AMENDMENT PASSED:** 5-2, Kou, Stone no

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

- A. Accept the Policy and Services motion and recommendations and incorporate them into the updated ordinance;
- B. Evaluate the redlines regarding tree replacement and the removal of protected trees, which were sent in today for inclusion from the Ad-Hoc Resident group;
- C. Evaluate and return with an option to modify the definition of protected trees 8.10.020.j (3) to include any tree at least 15" in diameter;
- D. Return no later than April 2022 with an ordinance for City Council review and approval;
- E. Return with a recommendation on the elevation of Urban Forester as part of the budget process;
- F. Explore Policy and Services' recommendation #8 on the incentives for tree planting and other issues, such as review of appeals process when there is no construction proposed, review impacts of neighboring trees, outlying structures and other concerns (e.g., fire protection and tree watering during a drought) with further amendments if needed after April 2022;
- G. Expand the prioritization of native and drought tolerant tree use in the Tree Technical Manual and ordinance for replacement of trees;
- H. Direct Staff to formalize a role in the Parks and Recreation Commission on Urban Forestry issues; and
- I. Direct Staff to conduct further public outreach with the appropriate Boards and Commissions.

## **MOTION SPLIT FOR THE PURPOSE OF VOTING**

**PARTS A, B, D, F-I OF MOTION PASSED:** 7-0

**PART C OF MOTION PASSED:** 5-2, Cormack, Tanaka no

**PART E OF MOTION PASSED:** 6-1, Tanaka no

- 14. PUBLIC HEARING: Discussion of an Updated Commercial Linkage Fee Feasibility Study and Adoption of an Ordinance Amending the City's

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Fiscal Year (FY) 2022 Municipal Fee Schedule to Adjust the Affordable Housing Commercial Impact Fee; the Current Fee is \$39.50 per Square Foot (\$20.37 / Square Foot for Hotels).

Public Hearing opened at 10:33 P.M.

Public Hearing closed at 10:41 P.M.

**MOTION:** Council Member Filseth moved, seconded by Council Member Kou to adopt an ordinance amending the City's FY 2022 Adopted Municipal Fee Schedule for commercial/R&D development to \$68.50 per square foot.

**MOTION PASSED:** 5-2, Cormack, Tanaka no

Adjournment: The meeting was adjourned at 11:20 P.M.

ATTEST:

DocuSigned by:  
*Lesley Milton*  
E56491CF3DB34FA...

City Clerk

APPROVED:

DocuSigned by:  
*T. DeBrie*  
DD53585CA8CB4E9...

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.

**Certificate Of Completion**

Envelope Id: 0EEB65986F014D9784E8D7A85157DACF	Status: Completed
Subject: Please DocuSign: 20211018amCCs.pdf	
Source Envelope:	
Document Pages: 7	Signatures: 2
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Danielle Kang
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	250 Hamilton Ave
	Palo Alto , CA 94301
	Danielle.Kang@cityofpaloalto.org
	IP Address: 199.33.32.254

**Record Tracking**

Status: Original	Holder: Danielle Kang	Location: DocuSign
11/2/2021 11:39:44 AM	Danielle.Kang@cityofpaloalto.org	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: City of Palo Alto	Location: DocuSign

**Signer Events**

Tom DuBois  
tomforcouncil@gmail.com  
Security Level: Email, Account Authentication (None)

**Signature**

DocuSigned by:  
  
DD53585CA6CB4E9...  
  
Signature Adoption: Pre-selected Style  
Using IP Address: 24.5.55.204

**Timestamp**

Sent: 11/2/2021 11:40:31 AM  
Viewed: 11/2/2021 1:30:46 PM  
Signed: 11/2/2021 1:30:57 PM

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Lesley Milton  
Lesley.Milton@CityofPaloAlto.org  
City Clerk  
Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
E56491CF3DB34FA...  
  
Signature Adoption: Pre-selected Style  
Using IP Address: 199.33.32.254

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Signed: 11/2/2021 2:25:30 PM

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	11/2/2021 11:40:31 AM



<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
Certified Delivered	Security Checked	11/2/2021 2:25:21 PM
Signing Complete	Security Checked	11/2/2021 2:25:30 PM
Completed	Security Checked	11/2/2021 2:25:30 PM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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