



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

June 4, 2018

**The Honorable City Council
Attention: Finance Committee
Palo Alto, California**

Approval of Action Minutes for the May 21, 2018 Council Meeting

Staff is requesting Council review and approve the attached Action Minutes.

ATTACHMENTS:

- Attachment A: 05-21-18 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
May 21, 2018

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:04 P.M.

Present: DuBois, Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

Special Orders of the Day

1. Appointment of one Candidate to an Unexpired Term on the Historic Resources Board Ending December 15, 2019, one Candidate to an Unexpired Term on the Human Relations Commission (HRC) Ending May 31, 2020, and Three Candidates to HRC for Three-year Terms Ending May 31, 2021.

First Round of voting for one position on the Historic Resources Board with a term ending December 15, 2019.

Voting For: Gogo Heinrich DuBois, Filseth, Holman, Kou

Voting For: Deborah Shepherd Fine, Kniss, Scharff, Tanaka, Wolbach

Beth Minor, City Clerk announced that Deborah Shepherd with 5 votes was appointed to the Historic Resources Board.

First Round of voting for three positions on the Human Relations Commission with terms ending May 31, 2021.

Voting For: Rebecca Eisenberg Tanaka

Voting For: Kathy Johnson

Voting For: Gabriel Kralik DuBois, Filseth, Holman, Scharff

Voting For: William Morrison Kou

Voting For: Kaloma Smith DuBois, Fine, Holman, Kniss, Kou, Wolbach

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Voting For: Valerie Stinger DuBois, Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Voting For: Mark Weiss

Voting For: Qifeng Xue Filseth, Fine, Kniss, Scharff, Tanaka, Wolbach

Ms. Minor announced that Valerie Stinger with 9 votes, Kaloma Smith with 6 votes, and Qifeng Xue with 6 votes were appointed to the Human Relations Commission.

First Round of voting for one position on the Human Relations Commission with a term ending May 31, 2020.

Voting For: Rebecca Eisenberg Tanaka

Voting For: Kathy Johnson

Voting For: Gabriel Kralik DuBois, Filseth, Fine, Holman, Kniss, Scharff, Wolbach

Voting For: William Morrison Kou

Voting For: Mark Weiss

Ms. Minor announced that Gabriel Kralik with 7 votes was appointed to the Human Relations Commission.

Agenda Changes, Additions and Deletions

None.

Minutes Approval

2. Approval of Action Minutes for the May 7, 2018 Council Meeting.

MOTION: Vice Mayor Filseth moved, seconded by Council Member DuBois to approve the Action Minutes for the May 7, 2018 Council Meeting.

MOTION PASSED: 9-0

Consent Calendar

Council Members Fine, Tanaka, and Mayor Kniss registered no votes on Agenda Item Number 5- SECOND READING: Adoption of an Ordinance Amending Palo Alto Municipal Code (PAMC) Chapter 18.40...

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MOTION: Council Member Wolbach moved, seconded by Council Member Fine to approve Agenda Item Numbers 3-5.

3. Approval of a Construction Contract With Los Loza Landscaping in an Amount Not-to-Exceed \$429,195 to Repair and Replace Brick Pathways and Install Replacement Pathway Lighting at the Lucie Stern Community Center and Approve a Budget Amendments in the General Fund and the Capital Improvement Fund.
4. Resolution 9757 Entitled, "Resolution of the Council of the City of Palo Alto Adopting a Mitigated Negative Declaration and Related Mitigation Monitoring and Reporting Program; and Approval of a Design for the Construction of a new Outfall Pipeline to Convey Treated Effluent From the RWQCP Through the Palo Alto Airport to Discharge Into an Unnamed Slough in the Baylands."
5. Ordinance 5439 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code (PAMC) Chapter 18.40 (General Standards and Exceptions) of Title 18 (Zoning) to add a new Section Imposing an Annual Office Limit and Setting Forth Related Regulations, and to Repeal the Respective Regulations From Chapter 18.85 (Interim Zoning Ordinances). This Ordinance is Within the Scope of the Comprehensive Plan Environmental Impact Report (EIR) Certified and Adopted on November 13, 2017 by Council Resolution No. 9720 (FIRST READING: April 30, 2018 PASSED: 5-4 DuBois, Fine, Holman, Kou no)."

MOTION FOR AGENDA ITEM NUMBERS 3 AND 4 PASSED: 9-0

MOTION FOR AGENDA ITEM NUMBER 5 PASSED: 6-3 Fine, Kniss, Tanaka no

Action Items

6. PUBLIC HEARING / QUASI-JUDICIAL: The City Council Will Consider Appeals of the Planning and Community Environment Director's Decision to Approve Eleven (11) Tier 3 Wireless Communication Facility Permits to Establish Small Cell Wireless Communication Antennas and Equipment on Utility Poles in the Public Right of Way Near the Following Addresses: Node #129: CPAU Pole# 3121 (Near 2490 Louis Road, APN 127-30-062), Node #130: CPAU Pole #2461 (Near 2802 Louis Road, APN 127-28-046), Node #131: CPAU Pole #3315 (Near 891 Elbridge Way, APN 127-26-067), Node #133E: CPAU Pole #2856 (Near 949 Loma Verde, APN 127-24-020), Node #134: CPAU Pole #2964 (Near 3409 Kenneth Dr., APN 127-09-028),

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Node #135: CPAU Pole # 3610 (Near 795 Stone Ln., APN 127-47-001), Node #137: CPAU Pole #3351 (Near 3090 Ross Rd., APN 127-52-031), Node #138: CPAU Pole #2479 (Near 836 Colorado Ave., APN 127-27-063), Node #143: CPAU Pole #3867 (Near 419 El Verano Ave., APN 132-15-017), Node #144: CPAU Pole #1506 (Near 201 Loma Verde Ave., APN 132-48-015), Node #145: CPAU Pole #3288 (Near 737 Loma Verde Ave., APN 127-64-039) Environmental Assessment: Exempt Pursuant to California Environmental Quality Act (CEQA) Class 3, Guidelines Section 15303.

Public Hearing opened at 6:53 P.M.

Public Hearing closed at 8:52 P.M.

MOTION: Council Member Scharff moved, seconded by Council Member Fine to deny the appeals and uphold the Director of Planning and Community Environment's decision to approve eleven (11) Tier 3 Wireless Communication Facility Permits consistent with a recommendation by the Architectural Review Board and based upon the findings and conditions of approval described in the Record of Land Use Action.

Council took a break from 9:05 P.M. to 9:17 P.M.

SUBSTITUTE MOTION: Council Member Kou moved, seconded by Council Member Holman to:

- A. Grant the appeals overturning the Director's Approval and approve the Tier 3 Wireless Communication Facility Permits and requiring radio equipment for all nodes to be placed in underground vaults subject to updated conditions of approval (as included in the Staff Report as Attachment B); and
- B. Direct Staff to update project-related findings and conditions as appropriate.

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Wolbach moved, seconded by Council Member XX to add to the Motion, "unless an extension to the Shot Clock is reached in agreement with the Applicant."

AMENDMENT TO THE SUBSTITUTE MOTION WITHDRAWN BY THE MAKER

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Tanaka moved, seconded by Council Member XX to add to the Motion, "to give the Applicant the option of using a telephone pole or a light pole."

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AMENDMENT TO THE SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

SUBSTITUTE MOTION FAILED: 4-5 DuBois, Holman, Kou, Tanaka yes

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to explore updating the WCF (Wireless Communication Facility) requirements to minimize height impacts." (New Part B)

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to monitor vaulting technologies and activities in other cities and report back to Council when appropriate." (New Part C)

MOTION AS AMENDED RESTATED: Council Member Scharff moved, seconded by Council Member Fine to:

- A. Deny the appeals and uphold the Director of Planning and Community Environment's decision to approve eleven (11) Tier 3 Wireless Communication Facility Permits consistent with a recommendation by the Architectural Review Board and based upon the findings and conditions of approval described in the Record of Land Use Action;
- B. Direct Staff to explore updating the WCF (Wireless Communication Facility) requirements to minimize height impacts; and
- C. Direct Staff to monitor vaulting technologies and activities in other cities and report back to Council when appropriate.

MOTION AS AMENDED PASSED: 6-3 Holman, Kou, Tanaka no

7. Approval of: (1) a Construction Contract With O'Grady Paving, Inc. in the Amount of \$4,336,298 for the Charleston-Arastradero Corridor Project - Phase 1, Capital Improvement Project PE-13011; (2) Construction Contract With O'Grady Paving, Inc. Contractor in the Amount of \$4,434,347 for the Charleston-Arastradero Corridor Project Phase 2, Capital Improvement Project PE-13011; (3) Contract Amendment Number 2 to Contract C14150694 With Mark Thomas & Company in the Amount of \$145,419; (4) General Services Contract With TrafficWare Group, LLC. in the Amount of \$181,287 for Purchase of SynchoGreen Adaptive Traffic Control System for Charleston-Arastradero Corridor Project, Capital Improvement Project PE-13011; and (5) Budget Amendments in the Capital Improvement Fund,

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Charleston/Arastradero Transportation Impact Fee Fund, and Storm Drain Fund.

MOTION: Mayor Kniss moved, seconded by Council Member Wolbach to:

- A. Approve and authorize the City Manager or his designee to execute a contract with O’Grady Paving, Inc. in an amount not to exceed \$4,336,298 for the Charleston-Arastradero Corridor Project – Phase 1 (Capital Improvement Program (CIP) Project PE-13011);
- B. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with O’Grady Paving, Inc. for related additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$433,630;
- C. Approve and authorize the City Manager or his designee to execute a contract with O’Grady Paving Inc. in an amount not to exceed \$4,434,347 for the Charleston-Arastradero Corridor Project – Phase 2 (CIP Project PE-13011);
- D. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with O’Grady Paving, Inc. for related additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$443,435;
- E. Approve and authorize the City Manager or his designee to execute Amendment No. 2 to Contract C14150694 with Mark Thomas & Company for construction administration services for Charleston-Arastradero Corridor Project (CIP PE-13011) in the amount \$145,419 for the base contract associated with the scope of work covered in the contract. This amendment results in a revised total contract amount of \$1,934,307;
- F. Approve and authorize the City Manager or his designee to a execute contract with TrafficWare Group, LLC to purchase licensing and install SynchroGreen adaptive traffic control system and related hardware along the Charleston-Arastradero Corridor (CIP PE-13011) in the amount not to exceed \$181,287;
- G. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with TrafficWare Group, LLC for related additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$18,129;
- H. Amend the Fiscal Year 2018 Budget Appropriation for:

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- i. The Capital Improvement Fund by:
 - a. Increasing the revenue estimate for grants by \$250,604;
 - b. Increasing Transfers from the Charleston-Arastradero Development Impact Fee Fund by \$12,000;
 - c. Increasing Transfers from the Storm Drainage Fund by \$330,000;
 - d. Decreasing the Sidewalk Repair Project CIP (PO-89003) by \$575,000;
 - e. Decreasing the Capital Fund Infrastructure Reserve by \$4,658,211;
 - f. Increasing the Charleston/Arastradero Corridor Project CIP (PE-13011) appropriation by \$5,825,815;
- ii. The Charleston/Arastradero Development Impact Fee Fund by:
 - a. Decreasing the Ending Fund Balance by \$12,000;
 - b. Increasing the transfer to the Capital Improvement Fund by \$12,000;
- iii. The Storm Drain Fund by:
 - a. Decreasing the Ending Fund Balance by \$330,000; and
 - b. Increasing the transfer to the Capital Improvement Fund by \$330,000.

AMENDMENT: Council Member DuBois moved, seconded by Council Member XX to add to the Motion, "direct Staff to make best efforts to mark planned work at least four weeks prior to commencement of work in each area to ensure the public is aware of coming changes."

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to make best efforts to mark planned work at least four weeks prior to commencement of work where appropriate and would not cause delay or increases in cost, to ensure the public is aware of coming changes." (New Part I)

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MOTION AS AMENDED RESTATED: Mayor Kniss moved, seconded by Council Member Wolbach to:

- A. Approve and authorize the City Manager or his designee to execute a contract with O’Grady Paving, Inc. in an amount not to exceed \$4,336,298 for the Charleston-Arastradero Corridor Project – Phase 1 (Capital Improvement Program (CIP) Project PE-13011);
- B. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with O’Grady Paving, Inc. for related additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$433,630;
- C. Approve and authorize the City Manager or his designee to execute a contract with O’Grady Paving Inc. in an amount not to exceed \$4,434,347 for the Charleston-Arastradero Corridor Project – Phase 2 (CIP Project PE-13011);
- D. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with O’Grady Paving, Inc. for related additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$443,435;
- E. Approve and authorize the City Manager or his designee to execute Amendment No. 2 to Contract C14150694 with Mark Thomas & Company for construction administration services for Charleston-Arastradero Corridor Project (CIP PE-13011) in the amount \$145,419 for the base contract associated with the scope of work covered in the contract. This amendment results in a revised total contract amount of \$1,934,307;
- F. Approve and authorize the City Manager or his designee to a execute contract with TrafficWare Group, LLC to purchase licensing and install SynchroGreen adaptive traffic control system and related hardware along the Charleston-Arastradero Corridor (CIP PE-13011) in the amount not to exceed \$181,287;
- G. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the contract with TrafficWare Group, LLC for related additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$18,129;
- H. Amend the Fiscal Year 2018 Budget Appropriation for:
 - iv. The Capital Improvement Fund by:

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- a. Increasing the revenue estimate for grants by \$250,604;
- b. Increasing Transfers from the Charleston-Arastradero Development Impact Fee Fund by \$12,000;
- c. Increasing Transfers from the Storm Drainage Fund by \$330,000;
- d. Decreasing the Sidewalk Repair Project CIP (PO-89003) by \$575,000;
- e. Decreasing the Capital Fund Infrastructure Reserve by \$4,658,211;
- f. Increasing the Charleston/Arastradero Corridor Project CIP (PE-13011) appropriation by \$5,825,815;
- v. The Charleston/Arastradero Development Impact Fee Fund by:
 - a. Decreasing the Ending Fund Balance by \$12,000;
 - b. Increasing the transfer to the Capital Improvement Fund by \$12,000;
- vi. The Storm Drain Fund by:
 - a. Decreasing the Ending Fund Balance by \$330,000;
 - b. Increasing the transfer to the Capital Improvement Fund by \$330,000; and
- I. Direct Staff to make best efforts to mark planned work at least four weeks prior to commencement of work where appropriate and would not cause delay or increases in cost, to ensure the public is aware of coming changes.

MOTION AS AMENDED PASSED: 8-1 Kou no

State/Federal Legislation Update/Action

None.

Adjournment: The meeting was adjourned at 12:04 A.M. in honor of Hank Nagao.