



## **CITY OF PALO ALTO OFFICE OF THE CITY CLERK**

**August 5, 2019**

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

### **Approval of Action Minutes for the June 17 and 24, 2019 Council Meeting**

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

**ATTACHMENTS:**

- 06-17-19 DRAFT Action Minutes (PDF)
- 06-24-19 DRAFT Action Minutes (PDF)

Department Head: Beth Minor, City Clerk





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
June 17, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:00 P.M.

Present: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Absent:

## Closed Session

1. CONFERENCE WITH CITY ATTORNEY- EXISTING LITIGATION  
Subject: Gustavo Alvarez v. City of Palo Alto, et al.  
United States District Court, Northern District of California,  
Case No. 5:19-cv-02328-NC  
Authority: Government Code Section 54956.9(d)(1).
2. CONFERENCE WITH LABOR NEGOTIATORS  
City Representatives: City Manager and his Designees  
Pursuant to Merit System Rules and Regulations (Ed Shikada,  
Molly Stump, Kiely Nose, Rumi Portillo)  
Unrepresented Employee Group: Management, Professional and  
Confidential Employees  
Authority: Government Code Section 54957.6.

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Fine to go into Closed Session.

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:02 P.M.

Council returned from Closed Session at 6:52 P.M.

Mayor Filseth announced no reportable action.

## Agenda Changes, Additions and Deletions

None.

# DRAFT ACTION MINUTES

## Minutes Approval

3. Approval of Action Minutes for the May 20, 2019 Council Meeting.

**MOTION:** Mayor Filseth moved, seconded by Council Member Kniss to approve the Action Minutes for the May 20, 2019 Council Meeting.

**MOTION PASSED:** 7-0

## Consent Calendar

**MOTION:** Vice Mayor Fine moved, seconded by Council Member Kniss to approve Agenda Item Numbers 4-9.

4. Approval of Contract Number C19174797 With Palo Alto Housing Corporation for the Provision of Below Market Rate (BMR) Administration Services for \$290,000 Over a Two-year Period.
5. Approval of a Side Letter With the Palo Alto Peace Officers' Association (PAPOA) Regarding Trainee pay Rates-administrative Cleanup.
6. Approval of an Exemption From Competitive Solicitation and Approval of Contract Number C19175498 With Integrated Design 360 for Development and Support of: 1) Sustainability Implementation Plan, 2) Green Building Program, 3) Deconstruction and Source Separation Program, 4) Dewatering Monitoring Program, and 5) Utilities On-call Services Through June 30, 2020 for a Total Not-to-Exceed Amount of \$576,000.
7. Request for Authorization to Increase the Existing Legal Services Agreement With the Law Firm of Jarvis, Fay & Gibson for Litigation Defense Services by an Additional \$200,000 for a Total Not-to-Exceed Amount of \$695,000, and to Extend the Term of the Agreement to June 30, 2021.
8. Ordinance 5469 Entitled "Ordinance of the Council of the City of Palo Alto for Pickleball Courts at Mitchell Park (FIRST READING: June 3, 2019, PASSED: 7-0)."
9. Ordinance 5470 Entitled "Ordinance of the Council of the City of Palo Alto Amending the Zoning Map of the City of Palo Alto for 2321 Wellesley Street to Change the Zoning From R-1 (Single Family Residential) to RMD (NP) (Two Unit Multiple-family Residential District With Neighborhood Preservation Overlay) Zoning District (FIRST READING: June 3, 2019, PASSED 7-0)."

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**MOTION PASSED:** 7-0

## Action Items

10. Ordinance 5471 Entitled "Ordinance of the Council of the City of Palo Alto for Fiscal Year 2020, Including Adoption of the Operating and Capital Budgets and the Municipal Fee Schedule."

**MOTION:** Council Member DuBois moved, seconded by Council Member Kniss to:

- A. Adopt the Fiscal Year 2020 Budget Ordinance, which includes:
- i. City Manager's Fiscal Year 2020 Proposed Operating and Capital Budgets, previously distributed at the April 22nd City Council meeting;
  - ii. Amendments to the City Manager's Fiscal Year 2020 Proposed Operating Budget;
  - iii. Amendments to the City Manager's Fiscal Year 2020 Proposed Capital Budget;
  - iv. Fiscal Year 2020 City Table of Organization;
  - v. Fiscal Year 2020 Municipal Fee Changes;
- B. Amend the Municipal Fee Cost Recovery Policy 1-57/ASD to include language clarifying that certain types of fees are not subject to state laws limiting fees to cost recovery; and
- C. Accept the 2020-2024 Capital Improvement Plan including: the addition of the Automated Parking Guidance System to the 2014 Council approved Infrastructure Plan, allocation of new hotel Transient Occupancy Tax (TOT) revenues, and the November 2018 voter approved increase in TOT revenues towards ensuring sufficient funding for this plan; and
- D. Return to the Finance committee to strategize the use of uncommitted fund from the Stanford University Medical Center (SUMC) Development Agreement.

Public Hearing opened at 8:08 P.M.

Public Hearing closed at 8:13 P.M.

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to continue with \$660,000 budgeted for the TMA but increase the funding by \$90,000 for a total amount of \$750,000 for a period of one year.

**AMENDMENT:** Council Member Kou moved, seconded by Council Member XX to allocate \$50,000 from the Council Contingency Fund to engage someone who can assist the City with development of programs for persons with disabilities.

## **AMENDMENT WITHDRAWN BY THE MAKER**

**AMENDMENT:** Council Member Tanaka moved, seconded by Council Member XX to allocate \$50,000 from the Council Contingency Fund toward surveying residents.

## **AMENDMENT FAILED DUE TO THE LACK OF A SECOND**

**AMENDMENT:** Council Member Tanaka moved, seconded by Council Member XX to reduce budget expenditures by \$18.4 million.

## **AMENDMENT FAILED DUE TO THE LACK OF A SECOND**

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to allocate \$72,000 from the Council Contingency Fund toward business development and engagement.

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

- A. Adopt the Fiscal Year 2020 Budget Ordinance, which includes:
  - i. City Manager's Fiscal Year 2020 Proposed Operating and Capital Budgets, previously distributed at the April 22nd City Council meeting;
  - ii. Amendments to the City Manager's Fiscal Year 2020 Proposed Operating Budget;
  - iii. Amendments to the City Manager's Fiscal Year 2020 Proposed Capital Budget;
  - iv. Fiscal Year 2020 City Table of Organization;
  - v. Fiscal Year 2020 Municipal Fee Changes;

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- B. Amend the Municipal Fee Cost Recovery Policy 1-57/ASD to include language clarifying that certain types of fees are not subject to state laws limiting fees to cost recovery;
- C. Accept the 2020-2024 Capital Improvement Plan including: the addition of the Automated Parking Guidance System to the 2014 Council approved Infrastructure Plan, allocation of new hotel Transient Occupancy Tax (TOT) revenues, and the November 2018 voter approved increase in TOT revenues towards ensuring sufficient funding for this plan;
- D. Return to the Finance Committee to strategize the use of uncommitted funds from the Stanford University Medical Center (SUMC) development agreement;
- E. Continue with \$660,000 budgeted for the TMA, but increase the funding by \$90,000 from the University Avenue Parking Permit Fund for a total amount of \$750,000 for a period of one year; and
- F. Allocate \$72,000 from the Council Contingency toward business development and engagement services.

**MOTION AS AMENDED PASSED:** 6-1 Tanaka no

Council took a break at 9:35 P.M. and returned at 9:46 P.M.

11. PUBLIC HEARING & PROPOSITION 218 HEARING: Staff Recommendation That the City Council Adopt the Following Resolutions: Resolution 9837 Entitled "Resolution of the Council of the City of Palo Alto Approving the Fiscal Year (FY) 2020 Electric Utility Financial Plan;" Resolution 9838 Entitled "Resolution of the Council of the City of Palo Alto Adopting an Electric Rate Increase and Amending Utility Rate Schedules E-1, E-2, E-2-G, E-4, E-4-G, E-4 TOU, E-7, E-7-G, E-7 TOU, E-14, E-EEC and E-NSE;" Resolution 9839 Entitled "Resolution of the Council of the City of Palo Alto Approving the FY 2020 Gas Utility Financial Plan;" Resolution 9840 Entitled "Resolution of the Council of the City of Palo Alto Adopting a Gas Rate Increase and Amending Utility Rate Schedules G-1, G-2, G-3 and G-10;" Resolution 9841 Entitled "Resolution of the Council of the City of Palo Alto Approving the FY 2020 Wastewater Collection Utility Financial Plan;" Resolution 9842 Entitled "Resolution of the Council of the City of Palo Alto Adopting a Wastewater Collection Rate Increase and Amending Utility Rate Schedules S-1, S-2, S-6 and S-7;" Resolution 9843 Entitled "Resolution of the Council of the City of Palo alto Approving the FY 2020 Water Utility Financial Plan;" Resolution 9844 Entitled "Resolution of the Council of the City of Palo

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Alto Adopting a Water Rate Increase and Amending Utility Rate Schedules W-1, W-2, W-3, W-4 and W-7;" Resolution 9845 Entitled "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule D-1 to Increase Storm Drain Rates 4.5 Percent per Month per Equivalent Residential Unit for FY 2020;" Resolution 9846 Entitled "Resolution of the Council of the City of Palo Alto Adopting a Dark Fiber Rate Increase of 4.5 Percent;" and Amending Utility Rate Schedules EDF-1 and EDF-2.

Public Hearing opened and closed without public comment at 9:51P.M.

**MOTION:** Mayor Filseth moved, seconded by Council Member DuBois to approve and adopt the following Resolutions:

- A. Approving the Fiscal Year 2020 Electric Financial Plan and proposed transfers;
- B. Adopting an Electric Rate Increase and Amending Utility Rate Schedules E-1, E-2, E-2-G, E-4, E-4-G, E-4 TOU, E-7, E-7-G, E-7 TOU, E-14, E-EEC and E-NSE;
- C. Approving the Fiscal Year 2020 Gas Utility Financial Plan and proposed transfers;
- D. Adopting a Gas Rate Increase and Amending Utility Rate Schedules G-1, G-2, G-3 and G-10;
- E. Approving the Fiscal Year 2020 Wastewater Collection Utility Financial Plan and proposed transfers;
- F. Adopting a Wastewater Collection Rate Increase and Amending Utility Rate Schedules S-1, S-2, S-6 and S-7;
- G. Approving the Fiscal Year 2020 Water Utility Financial Plan and proposed transfers;
- H. Adopting a Water Rate Increase and Amending Utility Rate Schedules W-1, W-2, W-3, W-4 and W-7;
- I. Amending Utility Rate Schedule D-1 to Increase Storm Water Management Fee Rates by 4.5 Percent per Month per Equivalent Residential Unit for Fiscal Year 2020; and
- J. Adopting a Dark Fiber Rate Increase of 4.5 Percent and Amending Utility Rate Schedules EDF-1 and EDF-2.



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## MOTION SPLIT FOR THE PURPOSE OF VOTING

**MOTION:** Mayor Filseth moved, seconded by Council Member DuBois to approve and adopt the following Resolutions:

- E. Approving the Fiscal Year 2020 Wastewater Collection Utility Financial Plan and proposed transfers; and
- F. Adopting a Wastewater Collection Rate Increase and Amending Utility Rate Schedules S-1, S-2, S-6 and S-7.

**MOTION PASSED:** 7-0

**MOTION RESTATED:** Mayor Filseth moved, seconded by Council Member DuBois to approve and adopt the following Resolutions:

- A. Approving the Fiscal Year 2020 Electric Financial Plan and proposed transfers;
- B. Adopting an Electric Rate Increase and Amending Utility Rate Schedules E-1, E-2, E-2-G, E-4, E-4-G, E-4 TOU, E-7, E-7-G, E-7 TOU, E-14, E-EEC and E-NSE;
- C. Approving the Fiscal Year 2020 Gas Utility Financial Plan and proposed transfers;
- D. Adopting a Gas Rate Increase and Amending Utility Rate Schedules G-1, G-2, G-3 and G-10;
- G. Approving the Fiscal Year 2020 Water Utility Financial Plan and proposed transfers;
- H. Adopting a Water Rate Increase and Amending Utility Rate Schedules W-1, W-2, W-3, W-4 and W-7;
- I. Amending Utility Rate Schedule D-1 to Increase Storm Water Management Fee Rates by 4.5 Percent per Month per Equivalent Residential Unit for Fiscal Year 2020; and
- J. Adopting a Dark Fiber Rate Increase of 4.5 Percent and Amending Utility Rate Schedules EDF-1 and EDF-2.

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

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12. Resolution 9847 Entitled "Resolution of the Council of the City of Palo Alto Amending Objective Standards for Wireless Communications Facilities in the Public Rights of Way (Continued From June 3, 2019) to Delete Inadvertently Added Language, Clarify Existing Standards, and Adopt an Interim Setback from Schools."

**MOTION:** Council Member Kou moved, seconded by Council Member XX to adopt the Resolution with the following changes:

- A. Take no Action on Standard 22;
- B. WCF nodes shall not be placed 1000 feet from any parcel containing a Grade K-12 school; and
- C. WCF shall not be placed within 300 feet of a residence.

## **MOTION FAILED DUE TO THE LACK OF A SECOND**

**MOTION:** Council Member DuBois moved, seconded by Council Member Cormack to adopt a Resolution amending the recently adopted objective standards for Wireless Communications Facilities (WCFs) attached to wood utility poles in the public rights of way to delete a standard inadvertently included through an administrative error.

**MOTION PASSED:** 6-1 Kou no

Adjournment: The meeting was adjourned at 10:50 P.M.



# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
June 24, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:06 P.M.

Present: Cormack, DuBois, Filseth, Mayor Fine, Kniss, Kou, Tanaka

Absent:

## Minutes Approval

1. Approval of Action Minutes for the June 3 and June 10, 2019 Council Meetings.

**MOTION:** Council Member Cormack moved, seconded by Vice Mayor Fine to approve the Action Minutes for the June 3 and June 10, 2019 Council Meetings.

**MOTION PASSED:** 7-0

## Consent Calendar

Council Member Kou registered a no vote on Agenda Item Number 30.

Council Member Tanaka registered a no vote on Agenda Item Numbers 5, 18, 30.

Council Member Cormack registered a no vote on Agenda Item Numbers 28 and 30.

**MOTION:** Council Member Tanaka moved, seconded by Council Member Kou, third by Council Member XXXX to pull Agenda Item Number 30.

## **MOTION FAILED DUE TO THE LACK OF A THIRD**

**MOTION:** Mayor Filseth moved, seconded by Vice Mayor Fine to approve Agenda Item Numbers 2-30A.

2. Policy and Services Committee Recommends the City Council Accept the Status Update of the Parking Funds Audit and Approve Consolidation of Residential Preferential Parking (RPP) Program Funds; and Approve Fiscal Year 2019 Budget Amendments in the Residential Parking Fund and the General Fund.

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3. Approval of Construction Contract Number C19174628 With AIMS Companies in the Amount of \$1,732,250 for Phase 2 of the Cross Bore Verification, Inspection, and Assessment Program; and Authorization to Execute and Negotiate Related Change Orders in the Amount of \$173,225, for a Total Not-to-Exceed Amount of \$1,905,475.
4. Approval of Contract Number C19173720A With ARB, Inc. in the Amount of \$1,886,682 for Gas Service Replacement Project Fiscal Year 2019, Capital Improvement Program Project GS-18000, and Authorization for the City Manager to Negotiate and Execute Related Change Orders Not-to-Exceed \$94,334, for a Total Not-to-Exceed Amount of \$1,981,016; and Approval of a Gas Capital Improvement Fund Budget Amendment.
5. Approval of Contract Number C19171363 With Professional Account Management, LLC dba Duncan Solutions, in an Amount Not-to-Exceed \$627,000 Over a Five-year Term to Develop, Implement, Support and Maintain a Parking Permit and Citation Management System.
6. Approval of Professional Services Contract Number C19174525 With BKF Engineers in the Amount of \$158,560 for Land Surveying Services, Including \$14,400 for Additional Services, for a Total Not-to-Exceed Amount of \$172,960.
7. Approval of a new Memorandum of Agreement Between the City of Palo Alto and Utilities Management Professional Association of Palo Alto (UMPAPA).
8. Approval of Amendment Number 1 to Contract Number C17162020 With West Coast Arborists Inc. for Tree Pruning and Removal Services, to Extend the Term by two Years (Through June 30, 2021) and add \$2,657,084, for a new Total Not-to-Exceed Amount of \$7,359,534; and Approval of a Fiscal Year 2020 Budget Amendment in the General Fund.
9. Approval of Amendment Number 2 to Contract Number C16162262 With Biggs Cardosa Associates, Inc., in the Amount of \$466,569 to Provide Bidding and Construction Support Services for the Highway 101 Pedestrian/Bicycle Overpass Project (PE-11011), for a Total Not-to-Exceed Amount of \$2,417,759; and Adoption of a Resolution 9848 Entitled "Resolution of the Council of the City of Palo Alto to Approve Modification of the Freeway Agreement Between the State of California and the City of Palo Alto."
10. Approval of Contract Number C20175131 With O'Grady Paving, Inc. in the Amount of \$1,836,214 to Provide Synthetic Turf Replacement and

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Track Installation Services for the Cubberley Track and Field Replacement Project, Capital Improvement Program Project CB-19000.

11. Adoption of the Fiscal Year 2020 Investment Policy.
12. Approval of Contract Number C19173981 With MIG, Inc. in the Amount of \$89,860 for six Months for Environmental Analysis of the Baylands Comprehensive Conservation Plan.
13. Approval of Amendment Number 3 to Contract Number C14150694 With Mark Thomas & Company in the Amount of \$100,058 for the Charleston-Arastradero Corridor Project, Capital Improvement Program Project (CIP) PE-13011.
14. Approval of an Agreement With Santa Clara Valley Water District in the Not-to-Exceed Amount of \$258,450 for Concrete Channel Lining Repair Along Barron Creek.
15. Approval of Contract Number C19175329 With American Asphalt Repair and Resurfacing, Inc., in the Amount of \$362,724, Plus a Five Percent Contingency for Unforeseen Expenses for Tennis Court Improvements at Rinconada Park to be Completed by August 9, 2019 (CIP PG-06001).
16. Approval of Amendment Number 2 to Contract Number C17166591 With Artist Susan Zoccola, LLC to Extend the Term to November 30, 2021 for the Design Development, Fabrication, and Installation of Artwork Associated With the Charleston-Arastradero Corridor Project.
17. Approval of two Revenue Contracts With the City of Los Altos and the Town of Los Altos Hills for the City of Palo Alto to Provide Animal Control and Shelter Services for an Additional Five-year Term.
18. Approval of a Contract With Peter Wegner in the Amount of \$716,000 for a 3-year Term for Fabrication and Installation of Public Art at the new Public Safety Building.
19. Resolution 9849 Entitled "Resolution of the Council of the City of Palo Alto Setting the Appropriations Limit (GANN Limit) for Fiscal Year 2020."
20. Approval of Contract Number C20175327 With Saviano Company, Inc. in the Amount of \$471,768, Plus a 10 Percent Contingency for Unforeseen Expenses for Pickleball Court Additions and Tennis Court Improvements at Mitchell Park (Capital Improvement Project PG-06001).

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21. Approval of a Cost Sharing Agreement With 2747-85 Park Boulevard, LLC, in the Amount of \$610,026 to Provide Reimbursement for Traffic Signal Design and Construction Costs.
22. Policy and Services Committee Recommends the City Council Accept the Enterprise Resource Planning (ERP): Data Standardization Audit.
23. Policy and Services Committee Recommends the City Council Accept the Enterprise Resource Planning (ERP): Separation of Duties Audit.
24. Ordinance 5472 Entitled "Ordinance of the Council of the City of Palo Alto Amending Title 5 of the Palo Alto Municipal Code to Repeal Chapter 5.24 (Construction and Demolition Debris Diversion Facilities), and add a new Chapter 5.24, Entitled Deconstruction and Construction Materials Management, to Establish Regulations Related to the Management of Deconstruction and Construction Debris and Materials (FIRST READING: June 10, 2019 PASSED: 6-0 DuBois absent)."
25. Ordinance 5473 Entitled "Ordinance of the Council of the City of Palo Alto Amending Title 5 of the Palo Alto Municipal Code to Establish Regulations Related to Disposable Foodware Items and Other Disposable Products at Food Service Establishments (Chapter 5.30), and to Require the use of Compostable Produce Bags at Retail Service Establishments and Farmers Markets (Chapter 5.35) (FIRST READING: June 10, 2019 PASSED: 6-0 DuBois Absent)."
26. Approval of Amendment Number 1 to Contract Number C19172119 With Daryl D. Jones, Inc. dba Telecommunications Engineering Associates (TEA) for \$60,000 to Provide Services to the Public Safety Building Architect and Additional Maintenance Costs for Fiscal Year 2019.
27. Approval of Amendment Number 3 to Contract Number C12142180 Between the City of Palo Alto (on Behalf of the Joint Powers Board) and Midpen Media Center for Public, Education and Government (PEG) Access Channel Support Services to Extend the Term to December 31, 2019.
28. Approval of Contract Number C19174653 With Interline Technologies LLC for Software Development Services, and Creation of the Commuter Wallet in Accordance With the Fair Value Commuting Project in Cooperation With the Federal Transit Administration for a Not-to-Exceed Amount of \$184,040.
29. Approval of Amendment Number 2 to Contract Number C14152828 With MV Transportation to Extend the Term for six Months for \$216,185 to

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Operate the Palo Alto Free Shuttle Service on the Existing Crosstown Shuttle Route Until December 2019.

30. Approval of Amendment Number 1 to Contract Number C18171057 With AECOM for Continued and Expanded Services for the Connecting Palo Alto Rail Grade Separation Effort and to Increase Compensation by \$1,206,126 for a Total Not-to-Exceed Amount of \$2,484,786.
- 30A. Adoption of a Revised Compensation Plan for Management and Professional Employees From July 1, 2019 Through June 30, 2020.

**MOTION PASSED FOR AGENDA ITEM NUMBERS 2-4, 6-17, 19-27, 29 30A:** 7-0

**MOTION PASSED FOR AGENDA ITEM NUMBER 5:** 6-1 Tanaka no

**MOTION PASSED FOR AGENDA ITEM NUMBER 18:** 6-1 Tanaka no

**MOTION PASSED FOR AGENDA ITEM NUMBER 28:** 6-1 Cormack no

**MOTION PASSED FOR AGENDA ITEM NUMBER 30:** 4-3 Cormack, Kou, Tanaka no

## Action Items

31. Resolution 9850 Entitled "Resolution of the Council of the City of Palo Alto Confirming Weed Abatement Report and Ordering Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein."

Public Hearing opened and closed without public comment at 5:41 P.M.

**MOTION:** Mayor Filseth moved, seconded by Council Member DuBois to adopt a Resolution confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

**MOTION PASSED:** 7-0

32. PUBLIC HEARING: to Hear Objections to the Levy of Proposed Assessments on the Palo Alto Downtown Business Improvement District (BID); Adoption of a Resolution 9851 Entitled "Resolution for the Council of the City of Palo Alto Confirming the Report of the Advisory Board and Levying Assessments for Fiscal Year 2020 on the Downtown Palo Alto Business Improvement District; and Adoption of a Budget Amendment in the Business Improvement District Fund."

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Public Hearing opened and closed without public comment at 5:50 P.M.

**MOTION:** Vice Mayor Fine moved, seconded by Council Member Kniss to:

- A. Approve the Resolution confirming the report of the Advisory Board and levying an assessment for Fiscal Year 2020 on the Downtown Palo Alto Business Improvement District; and
- B. Amend the Fiscal Year 2020 Budget Appropriation Ordinance for the Business Improvement District (BID) Fund by:
  - i. Decreasing the revenue estimate by \$52,500;
  - ii. Decreasing the expense appropriation by \$60,500; and
  - iii. Increase the ending fund balance by \$8,000.

**MOTION PASSED:** 7-0

- 33. Ordinance Amending Chapter 5.20 (Refuse Collection) of Title 5 of the Palo Alto Municipal Code Related to the Storage, Sorting, Collection and Removal of Refuse, Including Restrictions on the Type and Color of Refuse Collection Bags and Other Modifications to Make Waste Sorting More Effective and Facilitate Monitoring; and Finding the Ordinance to be Exempt Under California Environmental Quality Act (CEQA).

**MOTION:** Council Member Kniss moved, seconded by Council Member DuBois to:

- A. Find the Refuse Collection Ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15307 and 15308; and
- B. Adopt the Refuse Collection Ordinance amending Chapter 5.20 of Title 5 of the Palo Alto Municipal Code (PAMC), related to the storage, sorting, collection and removal of refuse, including restrictions on the type and color of refuse collection bags and other modifications to make waste sorting more effective and facilitate monitoring.

**AMENDMENT:** Council Member Tanaka moved, seconded by Council Member XXX to exempt businesses with fewer than 100 employees.

**MOTION FAILED DUE TO THE LACK OF A SECOND**

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



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34. PUBLIC HEARING: Adoption of a Resolution 9852 Entitled "Resolution of the Council of the City of Palo Alto Amending Utilities Rate Schedules E-15 (Electric Service Connections), W-5 (Water Service Connections), G-5 (Gas Service Connections), S-5 (Sewer Service Connections), and C-1 (Utility Miscellaneous Charges)."

Public Hearing opened and closed without public comment at 6:15 P.M.

**MOTION:** Mayor Filseth moved, seconded by Council Member Kniss to adopt the Resolution amending five Utilities rate schedules which set forth charges for utility connection and capacity charges and service calls: rate schedule E-15 (Electric Service Connection Charges), W-5 (Water Service Connection Charges), G-5 (Gas Service Connection Charges), S-5 (Wastewater Service Connection Charges), and C-1 (Utility Miscellaneous Charges), effective September 1, 2019.

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

**MOTION:** Council Member DuBois moved, seconded by Council Member Kniss to discuss Agenda Item Number 36 before Agenda Item Number 35.

**MOTION PASSED:** 4-3 Filseth, Kou, Tanaka, no

Council took a break at 6:36 P.M. and returned at 6:52 P.M.

36. Approval of: (1) the Re-issuance of the Fiber-to-the-Node (FTTN) Request for Proposals to Begin a Multi-phase Fiber Network Expansion to Support Advanced Metering Infrastructure (AMI), Supervisory Control and Data Acquisition (SCADA) Systems, and Wireless Communication Technologies for City Staff; and (2) the Sunsetting of the Fiber and Wireless Citizen Advisory Committee (CAC) and Assignment of the Utilities Advisory Commission (UAC) to Assume the Sole Advisory Role as the Public Input Forum for Fiber and Wireless Expansion for Proposed Phases 1 and 2.

**MOTION:** Council Member DuBois moved, seconded by Council Member Kniss to:

- A. Approve the reissuance of a Fiber-to-the-Node (FTTN) Request for Proposals (RFP) to begin a multiphase fiber network expansion to support Advanced Metering Infrastructure (AMI), Supervisory Control and Data Acquisition (SCADA) systems, and wireless communication technologies for City operations. Additional tasks in the reissued RFP (to address AMI, SCADA, and FTTN) will include detailed engineering

# DRAFT ACTION MINUTES

designs, construction cost estimates and construction bid support services, and:

- i. Direct Staff to return to Council with cost sharing plan; and
- B. Approve the assignment of the Utilities Advisory Commission (UAC) to assume the sole advisory role and serve as the public input forum for fiber and wireless expansion initiatives, and the sunseting of the Fiber and Wireless Citizen Advisory Committee (CAC).

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

35. PUBLIC HEARING / QUASI-JUDICIAL. 1700 & 1730 Embarcadero Road [18PLN-00186]: Request for a Zoning Map Amendment, Site and Design Review and Design Enhancement Exception to Allow the Demolition of an Existing 18,000 Square Foot Vacant Restaurant Building and a 15,700 Square Foot Audi Service Building, and Construction of two new Automobile Dealerships Totaling 84,900 Square Feet. The Zoning Map Amendment Would Change the Zoning Designation From CS(D) and PC to CS(D)(AD) for Both Parcels. Environmental Assessment: Adoption of a Mitigated Negative Declaration, Including a Mitigation Monitoring and Reporting Program. The Planning and Transportation Commission Reviewed and Made a Recommendation for Approval on March 27, 2019.

Public Hearing opened at 8:51 P.M.

Public Hearing closed at 9:30 P.M.

**MOTION:** Council Member Kou moved, seconded by Council Member XX to deny the project.

**MOTION FAILED DUE TO THE LACK OF A SECOND**

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

- A. Direct Staff that the Council intention is to rezone the property to ROLM(E)(D) (AD) overlay to accommodate the Mercedes/Audi dealerships;
- B. Direct Staff and the ARB to better incorporate the Baylands Master Plan guidance for this sensitive location in the Baylands and as a gateway to the Baylands: low, horizontal development, muted colors, parklike qualities of Embarcadero Road, signage, lighting, etc.;

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- C. Direct Staff and ARB to retain the existing trees along East Bayshore and also provide the bike/ped path (not specifying the location);
- D. Direct Staff and ARB to reduce the height and perceived height of the building by reducing floor heights and stepping in the parapet from the edge of the building;
- E. Direct the applicant to provide the context drawings as required;
- F. Direct Staff and ARB to specify what security levels of lighting means and which lighting locations/fixtures would be utilizing this feature including bollard style fixtures and the impact on the Baylands;
- G. Direct Staff to confirm all lighting specs are provided to the ARB;
- H. Direct the ARB to address the list identified in the staff report as ARB concerns and any other considerations resulting from the changes directed by this Motion;
- I. Address FAR discrepancies that have been identified between and among various documents describing the project including the MND, staff report to Council, various;
- J. Direct Staff to provide responses from the airport land use committee; and
- K. Direct Staff to include a TDM program for the project as was requested of the prior auto dealership.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to delete from the Motion Parts A and D.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion new Part B, the language "work with the applicant on specifying the use of larger trees in key locations."

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

- A. Direct Staff and the ARB to better incorporate the Baylands Master Plan guidance for this sensitive location in the Baylands and as a gateway to the Baylands: low, horizontal development, muted colors, parklike qualities of Embarcadero Road, signage, lighting, etc.;
- B. Direct Staff and ARB to work with the applicant on specifying the use of larger trees in key locations;

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- C. Direct the applicant to provide the context drawings as required;
- D. Direct Staff and ARB to specify what security levels of lighting means and which lighting locations/fixtures would be utilizing this feature including bollard style fixtures and the impact on the Baylands;
- E. Direct Staff to confirm all lighting specs are provided to the ARB;
- F. Direct the ARB to address the list identified in the staff report as ARB concerns and any other considerations resulting from the changes directed by this Motion;
- G. Address FAR discrepancies that have been identified between and among various documents describing the project including the MND, staff report to Council, various;
- H. Direct Staff to provide responses from the Airport Land Use Committee; and
- I. Direct Staff to include a TDM program for the project as was requested of the prior auto dealership.

**SUBSTITUTE MOTION:** Council Member Kniss moved, seconded by Vice Mayor Fine to:

- A. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;
- B. Adopt the Ordinance changing the zoning district on the subject properties to CS(D)(AD); and
- C. Adopt the Record of Land Use Action approving the request for Site and Design and a Design Enhancement Exception based on findings and subject to the conditions of approval.
- D. Direct Staff and the ARB to better incorporate the Baylands Master Plan guidance for this sensitive location in the Baylands and as a gateway to the Baylands: low, horizontal development, muted colors, parklike qualities of Embarcadero Road, signage, lighting, etc.;
- E. Direct Staff and ARB to work with the applicant on specifying the use of larger trees in key locations;
- F. Direct the applicant to provide the context drawings as required;

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- G. Direct Staff and ARB to specify what security levels of lighting means and which lighting locations/fixtures would be utilizing this feature including bollard style fixtures and the impact on the Baylands;
- H. Direct Staff to confirm all lighting specs are provided to the ARB;
- I. Direct the ARB to address the list identified in the staff report as ARB concerns and any other considerations resulting from the changes directed by this Motion;
- J. Address FAR discrepancies that have been identified between and among various documents describing the project including the MND, staff report to Council, various'
- K. Direct Staff to provide responses from the Airport Land Use Committee; and
- L. Direct Staff to include a TDM program for the project as was requested of the prior auto dealership.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion Part D the words "...low, horizontal development..."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion Part C, "along with the correction as recommended by the Architectural Review Board."

**SUBSTITUTE MOTION AS AMENDED RESTATED:** Council Member Kniss moved, seconded by Vice Mayor Fine to:

- A. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;
- B. Adopt the Ordinance changing the zoning district on the subject properties to CS(D)(AD);
- C. Adopt the Record of Land Use Action approving the request for Site and Design and a Design Enhancement Exception based on findings and subject to the conditions of approval, along with the correction as recommended by the Architectural Review Board;
- D. Direct Staff and the ARB to better incorporate the Baylands Master Plan guidance for this sensitive location in the Baylands and as a gateway to the Baylands: muted colors, parklike qualities of Embarcadero Road, signage, lighting, etc.;

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- E. Direct Staff and ARB to work with the applicant on specifying larger trees in key locations;
- F. Direct the applicant to provide the context drawings as required;
- G. Direct Staff and ARB to specify what security levels of lighting means and which lighting locations/fixtures would be utilizing this feature including bollard style fixtures and the impact on the Baylands;
- H. Direct Staff to confirm all lighting specs are provided to the ARB;
- I. Direct the ARB to address the list identified in the staff report as ARB concerns and any other considerations resulting from the changes directed by this Motion;
- J. Address FAR discrepancies that have been identified between and among various documents describing the project including the MND, staff report to Council, various;
- K. Direct Staff to provide responses from the Airport Land Use Committee; and
- L. Direct Staff to include a TDM program for the project as was requested of the prior auto dealership.

**SUBSTITUTE MOTION AS AMENDED PASSED:** 6-1 Kou no

State/Federal Legislation Update/Action

None

Adjournment: The meeting was adjourned at 11:46 P.M.