



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

December 2, 2019

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

Approval of Action Minutes for the November 4 and 18, 2019 Council Meeting

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

ATTACHMENTS:

- Attachment A: 11-4-19 DRAFT Action Minutes (DOCX)
- Attachment B: 11-18-19 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
November 4, 2019

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

Present: Cormack; DuBois arrived at 5:06P.M., Filseth, Fine, Kniss, Kou, Tanaka

Absent:

Study Session

1. Joint Study Session With the Palo Alto Youth Council.

NO ACTION TAKEN

Council took a break from 5:50 P.M. and returned at 6:04 P.M.

Minutes Approval

2. Approval of Action Minutes for the October 21, 2019 Council Meeting.

MOTION: Mayor Filseth moved, seconded by Council Member Cormack to approve the Action Minutes for the October 21, 2019 Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Cormack moved, seconded by Mayor Filseth to approve Agenda Item Numbers 3-7.

3. Approval of Amendment Number 1 to Contract Number C17166486 With Tanner Pacific, Inc. to Increase Maximum Compensation for a Not-to-Exceed Amount of \$2,240,000 for Continued Construction Management Services for the Sludge Dewatering and Loadout Facility Project, Capital Improvement Program Project (WQ-14001).
4. Approval of Amendment Number 4 to Contract Number S17165080 With Lexington Planning to add \$114,440 for a Not-to-Exceed Amount of \$230,940 to Continue Work on Reviewing and Modifying Objective Standards for Title 18.

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5. Resolution 9864 Entitled, "Resolution of the Council of the City of Palo Alto Approving Project Agreement Number 6 With the Transmission Agency of Northern California and its Participating Members for Regulatory Engagement in Participating Transmission Owner Cases Before the Federal Energy Regulatory Commission for an Initial 3-year Term; and Granting the City Manager or his Designee the Authority to Approve Future Operational Amendments to the Agreement."
6. Approval to Execute two Change Orders With Design Space Modular Buildings, Inc. Totaling an Additional \$51,300 to Provide Additional Needed Interior Detail and External Foundation Materials, Decking, Skirting, and Related Installation Services for the Animal Shelter Modular Building, for a new Total Not-to-Exceed Amount of \$351,300; and Authorization of Additional Change Orders Not-to-Exceed \$35,130, Funded From the Animal Shelter Renovation Capital Improvement Program Project (PE-19002).
7. Appointment of Monique le Conge Ziesenhenné, PhD as Assistant City Manager.

MOTION PASSED: 7-0

Action Items

8. TEFRA HEARING: Regarding Conduit Financing for the Bowman International School Project Located at 4000 Terman Drive, and 693 Arastradero Road, Palo Alto; and Resolution 9865 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Issuance of Revenue Obligations by the California Enterprise Development Authority for the Purpose of Financing and Refinancing the Cost of the Acquisition, Development, Construction, Installation, Equipping and Furnishing of Various Educational Facilities and Other Matters Relating Thereto."

TEFRA Hearing opened and closed without public comment at 6:27 P.M.

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

- A. Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, as amended (Code); and
- B. Adopt a resolution approving the issuance of the bonds by the California Enterprise Development Authority (CEDA) (the "Authority") on behalf of

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and for the benefit of Bowman International School (aka Bowman School) (the "School").

MOTION PASSED: 7-0

- 9A. PUBLIC HEARING: Adoption of Eight Ordinances That Repeal and Adopt Various Sections of the Palo Alto Municipal Code Related to the 2019 California Building Code Update and Proposed Local Amendments; including: (1) Repeal Chapter 15.04 of Title 15 and Adopt a new Chapter 15.04 Incorporating the 2019 California Fire Code With Local Amendments Including Title 24 of the California Code of Regulations (CCR), Part 9; (2) Repeal Chapter 16.04 of Title 16 Related to Various Building Codes and Adopt a new Chapter 16.04 Incorporating the 2019 California Building Code With Local Amendments Including Title 24 of the CCR, Part 2; (3) Repeal Chapter 16.05 of Title 16 Related to the Mechanical Code and Adopt a new Chapter 16.05 Incorporating the 2019 California Mechanical Code With Local Amendments Including Title 24 of the CCR, Part 4; (4) Repeal Chapter 16.06 of Title 16 Related to the Residential Code and Adopt a new Chapter 16.06 Incorporating the 2019 California Residential Code With Local Amendments Including Title 24 of the CCR, Part 2.5; (5) Repeal Chapter 16.08 of Title 16 Related to the Plumbing Code and Adopt a new Chapter 16.08 Incorporating the 2019 California Plumbing Code With Local Amendments Including Title 24 of the CCR, Part 5; (6) Repeal Chapter 16.14 of Title 16 Related to the Green Building Standards and Adopt a new Chapter 16.14 Incorporating the 2019 California Green Building Standards With Local Amendments Including Title 24 of the CCR, Part 11, and Amend Section 16.12.035; (7) Repeal Chapter 16.16 of Title 16 Related to the Electrical Code and Adopt a new Chapter 16.16 Incorporating the 2019 California Electrical Code With Local Amendments Including Title 24 of the CCR, Part 3; (8) Repeal Chapter 16.18 of Title 16 Related to the Swimming and Spa Codes and Adopt a new Chapter 16.18 Incorporating the 2018 International Swimming Pool and Spa Code With Local Amendments. This Project is Exempt Under California Environmental Quality Act (CEQA) Guidelines Sections 15061(b) and 15308.
- 9B. PUBLIC HEARING: Adoption of an Ordinance Repealing Chapter 16.17 of Title 16 (Building Regulations) Related to the California Energy Code and Adopting a new Chapter 16.17 Incorporating the 2019 California Energy Code With Local Amendments and Amendments to Title 24, Chapter 6 of the California Code of Regulations, the Subject Ordinance is Exempt From the California Environmental Quality Act (CEQA) in Accordance With Guidelines Sections 15061 (b) and 15308.

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Public Hearing for Agenda Item 9A opened and closed without public comment at 6:40 P.M.

MOTION FOR 9A: Mayor Filseth moved, seconded by Council Member Kniss to:

- A. Adopt eight Ordinances that repeal and adopt various chapters of Title 15 and 16 of the Palo Alto Municipal Code related to the 2019 California Building Code update with local amendments and findings; and
- B. Find that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15308 and 15061(b)(3).

MOTION PASSED: 7-0

AT THIS TIME COUNCIL HEARD AGENDA ITEM NUMBER 9B

Public Hearing for Agenda Item 9B opened at 7:43 P.M.

Public Hearing for Agenda Item 9B closed at 8:22 P.M.

MOTION FOR 9B: Vice Mayor Fine moved, seconded by Council Member DuBois to:

- A. Adopt an Ordinance repealing and restating Palo Alto Municipal Code Chapter 16.17 and amending the 2019 California Energy Code, Title 24, Part 6, of the California Code of Regulations to include local amendments;
- B. Adopt a Resolution declaring the City's intent to mandate all-electric service for new construction effective July 2020;
- C. Find that the proposed action is exempt from the provisions of the California Environmental Quality Act in accordance with Sections 15308 and 15061(b)(3); and
- D. Direct Staff to return to Council with a plan for electrification of accessory dwelling units.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Motion Part B to, "direct Staff to return to Council with Ordinances to mandate all-electric service for new construction in effective 2020".

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion new Part E, the language, "direct Staff to explore a rebate for a retrofit heat pump water heater hooked up to an air conditioner".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Motion Part E to, "refer to the Utilities Advisory Commission to explore scalable, cost-effective rebates for retrofitting existing homes, such as heat pump water heaters hooked up to air conditioners".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to Motion Part A, "and to require all-electric residential new construction in April 2020".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the language in Motion Part A to, "...include local amendments except to require...".

MOTION AS AMENDED RESTATED FOR 9B: Vice Mayor Fine moved, seconded by Council Member DuBois to:

- A. Adopt an Ordinance repealing and restating Palo Alto Municipal Code Chapter 16.17 and amending the 2019 California Energy Code, Title 24, Part 6, of the California Code of Regulations to include local amendments except to require all-electric residential new construction in April 2020;
- B. Direct Staff to return to Council with Ordinances to mandate all-electric service for new construction effective 2020;
- C. Find that the proposed action is exempt from the provisions of the California Environmental Quality Act in accordance with Sections 15308 and 15061(b)(3);
- D. Direct Staff to return to Council with a plan for electrification of accessory dwelling units; and
- E. Refer back to Utilities Advisory Commission to explore scalable, cost-effective rebates for retrofitting existing homes, such as retrofit heat pump water heaters hooked up to air conditioners.

MOTION AS AMENDED PASSED: 7-0

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10. Consideration of a Revenue Generating Ballot Measure Including Review and Approval of Stakeholder Outreach and Initial Polling Framework; Approval of an Exemption From Competitive Solicitation Requirements for Selection of Polling Consultant Fairbank, Maslin, Maullin, Metz & Associates; Approval of an Exemption From Competitive Solicitation Requirements for Contract Number C20177157 With Terris Barnes Walters Boigon Heath Inc., d/b/a TBWB Strategies, for Stakeholder Outreach and Authorization for the City Manager or his Designee to Enter Into This Contract With TBWB Strategies; and Approval of a Budget Amendment in the General Fund.

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

- A. Consider a Revenue Generating Ballot Measure Including Review and approval of the stakeholder outreach and initial polling framework as outlined in the Finance Committee report (CMR 10743) and direct Staff to begin stakeholder outreach and conduct initial polling for a potential ballot measure;
- B. Approve by Council action, per PAMC 2.30.330, an exemption from competitive solicitation requirements for the selected consultant, Fairbank, Maslin, Maullin, Metz & Associates, to conduct public opinion research on the potential ballot measure, described below from the competitive solicitation requirements of the Palo Alto Municipal Code (PAMC);
- C. Approve by Council action, per PAMC 2.30.330, an exemption from competitive solicitation requirements, and approve and authorize the City Manager or his designee to execute professional services contract, Contract No. C20177157, in an amount not to exceed \$94,125 with Terris Barnes Walters Boigon Heath Inc., d/b/a TBWB Strategies, to provide community outreach services related to the potential revenue generating ballot City of Palo Alto Page 2 measure for a one-year term ending October 31, 2020, in the amount of \$89,125 with a \$5,000 contingency for a total not-to-exceed amount of \$94,125; and
- D. Amend the Fiscal Year 2020 Budget Appropriation Ordinance for the General Fund by:
 - i. Increasing the Administrative Services Department appropriation by \$179,125; and
 - ii. Decreasing the General Fund Budget Stabilization Reserve by \$179,125.

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MOTION PASSED: 5-2 Kniss, Tanaka no

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



CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Regular Meeting
November 18, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:02 P.M.

Present: Cormack; DuBois arrived at 6:15 P.M., Filseth, Kniss, Kou, Tanaka

Absent: Fine

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).

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

MOTION PASSED: 5-0 DuBois, Fine absent

Council went into Closed Session at 6:03 P.M.

Council returned from Closed Session at 6:40 P.M.

Mayor Filseth announced no reportable action.

Agenda Changes, Additions and Deletions

MOTION: Council Member Kniss moved, seconded by Mayor Filseth to continue Agenda Item Number 13, "Approval of a Budget Amendment in the General Fund for Amendment Number 2 to Contract Number C18171717 With Perkins + Will..." to be heard December 2, 2019.

MOTION PASSED: 6-0 Fine absent

Minutes Approval

2. Approval of Action Minutes for the October 28, 2019 Council Meeting.

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MOTION: Mayor Filseth moved, seconded by Council Member Cormack to approve the Action Minutes for the October 28, 2019 Council Meeting.

MOTION PASSED: 6-0 Fine absent

Consent Calendar

Council Member Kou registered a no vote on Agenda Item Number 11.

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to approve Agenda Item Numbers 3-16.

3. Approval of Contract Number C20176139 With Precision Engineering, Inc. in the Amount of \$2,040,841 for Wastewater Collection System Rehabilitation/Augmentation Project 29 (WC-16001) in the Charleston Meadows Neighborhood; and Authorization for the City Manager to Negotiate and Execute Related Change Orders Not-to-Exceed \$204,084, for a Total Not-to-Exceed Amount of \$2,244,925.
4. Approval of Amendment Number 4 to Contract Number S17166441 With Page and Turnbull for Historic Planning On-call Services to Extend the Contract Term to October 2021 and Increase the Contract Limit by \$50,000 for a Total Not-to-Exceed Amount of \$134,500.
5. Approval of Amendment Number 3 to Contract Number C14152163 With Townsend Public Affairs for State Legislative Advocacy to Extend the Term for two Additional Years and add \$204,000 for a Total Not-to-Exceed Amount of \$799,000.
6. Policy and Services Committee Recommends the City Council Accept Status Updates of Audit Recommendations on: 1) Electric Substructure Contract Oversight, 2) the Cross Bore Inspection Contract, and 3) Water Meter Billing Accuracy.
7. Resolution 9870 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing City Participation in the California Electric Vehicle Infrastructure Project (CALeVIP) to Obtain \$1 Million in Grant Funding for Electric Vehicle Charger Rebates and to Provide \$1 Million in Additional Matching Funds for Electric Vehicle Charger Rebates; and Authorizing the City Manager or City Manager Designee to Execute Implementing Agreements and Documents for Participation in the Project.

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8. Approval of a Blanket Purchase Order With TMT Enterprises, Inc. for Construction Material/Debris Hauling and Disposal Services in a Not-to-Exceed Amount of \$5,561,930 for a term up to Five Years.
9. Resolution 9867 Entitled, "Resolution of the Council of the City of Palo Alto to Execute Clean a Water State Revolving Fund (SRF) Financial Assistance Application and Agreement if Awarded;" and Resolution 9868 Entitled, "Resolution of the Council of the City of Palo Alto to Designate the Amount of Project Expenditures to be Reimbursed by SRF Proceeds for the Advanced Water Purification System, 1 MGD Project, at the Regional Water Quality Control Plant (WQ-19003)."
10. Resolution 9869 Entitled, "Resolution of the Council of the City of Palo Alto Declaring Weeds to be a Public Nuisance and Setting January 13, 2020 for a Public Hearing for Objections to Proposed Weed Abatement."
11. Approval of Modification to the 1050 Page Mill Road Mitigation Monitoring Program to Extend the Time for Completion of Traffic Mitigation Measures for Intersection Improvements on Page Mill Road at Hanover Street and Hansen Way to Allow Coordination With County Proposed Improvements.
12. Approval of Amendment Number 3 to Contract Number C19172281 With Municipal Resource Group (MRG) to Increase the Maximum Compensation by \$50,000 for a Total Not-to-Exceed Amount of \$250,000 for Transportation Support and Professional Development Services.
- ~~13. Approval of a Budget Amendment in the General Fund for Amendment Number 2 to Contract Number C18171717 With Perkins + Will to Provide Professional Services Related to the Preparation of the North Ventura Coordinated Area Plan (NVCAP).~~
14. Ordinance 5476 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Section 21.20.301 (Flag Lots) of Chapter 21.20 (Design) of Title 20 (Subdivisions and Other Divisions of Land) of the Palo Alto Municipal Code (FIRST READING: October 28, 2019 PASSED: 5-0 DuBois, Filseth Absent)."
15. Ordinance 5477 Entitled, "Ordinance of the Council of the City of Palo Alto to Repeal Chapter 15.04 of the Palo Alto Municipal Code and Amending Title 15 to Adopt a New Chapter 15.04, the California Fire Code (2019 Edition) With Local Amendments and Related Findings"; Ordinance 5478 Entitled, "Ordinance of the Council of the City of Palo

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Alto Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2019 Editions, and Local Amendments and Related Findings"; Ordinance 5479 Entitled, "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.05, California Mechanical Code, 2019 Edition, and Local Amendments and Related Findings"; Ordinance 5480 Entitled, "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.06 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.06, California Residential Code, 2019 Edition, and Local Amendments and Related Findings"; Ordinance 5481 Entitled, "Ordinance of the Council of the City Of Palo Alto Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2019 Edition, and Local Amendments and Related Findings"; Ordinance 5482 Entitled, "Ordinance of the Council of the City of Palo Alto Amending and Restating Chapter 16.14 of the Palo Alto Municipal Code, California Green Building Standards Code 2019 Edition, and Local Amendments and Related Findings, and Amending Section 16.12.035 of Chapter 16.12 to Make Conforming Changes"; Ordinance 5483 Entitled, "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.16 of the Palo Alto Municipal Code And Amending Title 16 to Adopt a New Chapter 16.16, California Electrical Code, 2019 Edition, and Local Amendments and Related Findings"; Ordinance 5484 Entitled, "Ordinance of the Council of the City of Palo Alto Repealing Chapter 16.18 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.18, International Swimming Pool and Spa Code, With Local Amendments."

16. Selection of Applicants to Interview for the Historic Resources Board, the Parks and Recreation Commission, and the Planning and Transportation Commission.

MOTION PASSED FOR AGENDA ITEM NUMBERS 3-10, 12, 14-16: 6-0
Fine absent

MOTION PASSED FOR AGENDA ITEM NUMBER 11: 5-1 Kou no, Fine absent

Action Items

17. Approval of the Addendum to the 2015 Environmental Impact Report for the City of Palo Alto Recycled Water Program; and Approval of an

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Agreement Between the City of Palo Alto, the City of Mountain View, and the Santa Clara Valley Water District to Advance Resilient Water Reuse Programs in Santa Clara County, Including Funding for an Advanced Water Purification Facility in Palo Alto, a Long-term Transfer of Effluent from the Regional Water Quality Control Plant to Valley Water, and Related Commitments.

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

- A. Approve the Addendum, together with the 2015 Environmental Impact Report for the City of Palo Alto Recycled Water Program, certified and adopted by the Council on September 28, 2015, as adequate and complete under the California Environmental Quality Act (CEQA) for the local salt removal plant; and
- B. Approve and authorize the City Manager to execute the Agreement between and among Palo Alto, Mountain View, and the Santa Clara Valley Water District to Advance Resilient Water Reuse Programs in Santa Clara County subject to non-substantive changes approved by the City Manager and the City Attorney.

MOTION PASSED: 6-0 Fine absent

Council took a break at 8:17 P.M. and returned at 8:30 P.M.

- 18. Approval of Construction Contract Number C20174550 With Granite Construction Company in the Amount of \$13,844,921 for the Highway 101 Pedestrian/Bicycle Overpass Project, Capital Improvement Project (PE-11011); Approval of Contract Number C20185214 With Zoon Engineering in the Amount of \$1,704,851 to Provide Construction Management Services; Approval of a Grant Agreement With the County of Santa Clara for Grant Funding; and Approval of a Budget Amendment in the Capital Improvement Fund.

MOTION: Council Member Kniss moved, seconded by Council Member Cormack to:

- A. Approve and authorize the City Manager or his designee to execute Construction Contract Number C20174550 with Granite Construction Company in an amount not-to-exceed \$13,844,921 for the Highway 101 Pedestrian/Bicycle Overpass Project (Capital Improvement Program (CIP) Project PE-11011);

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- B. Authorize the City Manager or his designee to negotiate and execute one or more change orders to the construction contract with Granite Construction Company for related additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$1,384,492;
- C. Approve and authorize the City Manager or his designee to execute Contract Number C20175214 with Zoon Engineering to provide construction management services for the Highway 101 Pedestrian/Bicycle Overpass Project (CIP Project PE-11011) in an amount not-to-exceed \$1,704,851, including \$1,549,865 for basic services and \$154,986 for additional services;
- D. Approve and authorize the City Manager or his designee to execute the Project Grant Agreement with the County of Santa Clara for the provisions of grant funding for the project in the amount of \$4 million or more; and
- E. Amend the Fiscal Year 2020 Budget Appropriation for the Capital Improvement Fund by:
 - i. Decreasing the Capital Fund Infrastructure Reserve by \$4,200,000; and
 - ii. Increasing the Highway 101 Pedestrian/Bicycle Overcrossing Project (PE11011) appropriation by \$4,200,000.

MOTION PASSED: 6-0 Fine absent

- 19. Colleagues' Memo From Council Members DuBois and Kou and Potential Adoption of an Urgency Ordinance to Provide Just Cause Eviction Protections to Tenants Until California State Assembly Bill 1482 Takes Effect on January 1, 2020.

Council Member Kniss advised she would recuse herself from this item as she owns a small rental property in Palo Alto. She left the meeting at 9:15 P.M.

MOTION: Council Member DuBois moved, seconded by Council Member Kou to continue this item to December 2, 2019.

MOTION PASSED: 5-0 Kniss recused, Fine absent

Adjournment: The meeting was adjourned at 9:31 P.M. in memory of Palo Alto Utilities employee Donatus Okhomina who lost his life on November 16, 2019 in a work-site accident.