



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

August 9, 2021

**The Honorable City Council
Palo Alto, California**

Approval of Action Minutes for the June 14, 21 and 22, 2021 City Council Meetings

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

ATTACHMENTS:

- Attachment A: 06-14-21 CCM DRAFT Action Minutes (PDF)
- Attachment B: 06-21-21 CCM DRAFT Action Minutes (PDF)
- Attachment C: 06-22-21 CCM DRAFT Action Minutes (PDF)

Department Head: Lesley Milton, City Clerk



CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
June 14, 2021

The City Council of the City of Palo Alto met on this date in virtual teleconference at 5:02 P.M.

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

Absent:

Agenda Changes, Additions and Deletions

None

Minutes Approval

1. Approval of Action Minutes for the June 1, 2021 City Council Meeting.

MOTION: Council Member Kou moved, seconded by Vice Mayor Burt to approve the Action Minutes for the June 1, 2021 City Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Cormack moved, seconded by Council Member Filseth to approve Agenda Item Numbers 2-6.

2. Approval of: 1) Construction Contract With Azulworks, Inc., in the Amount of \$2,667,054 for the Palo Alto Fiscal Year 2021 Street Resurfacing Project (Capital Improvement Program Projects PE-86070, PE-09003, PE-21004, PO-12001, PO-89003, PL-04010, PL-05030, and OS-09001); 2) Authorization for the City Manager or his Designee to Negotiate and Execute Related Change Orders to the Contract With Azulworks, Inc. for Additional but Unforeseen Work That may Develop During the Project, Not-to-Exceed \$266,706; and 3) Budget Amendments in the Capital Improvement Fund.
3. Approval of Contract Amendments to Extend Three Public-private Partnership Agreements Between the City of Palo Alto and TheatreWorks, Palo Alto Players, and West Bay Opera for the use of the Lucie Stern Community Theatre for an Additional Year.

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4. Resolution 9966 Entitled, "Resolution of the Council of the City of Palo Alto to Enter Into a Cooperative Implementation Agreement With the California Department of Transportation for the Embarcadero Trash Capture Device Project."
5. Approval of Amendment Number 1 to Contract Number C19173445 With Charles Sowers Studios, LLC to Extend the Term of the Contract Through December 31, 2021 for the Fabrication and Installation of Artwork at the Junior Museum and Zoo.
6. Accept the Fiscal Year (FY) 2021 Third Quarter Financial Status Report and Approve the FY 2021 Budget Amendment in the General Fund.

MOTION PASSED: 7-0

Council took a break at 5:24 P.M. and returned at 5:36 P.M.

Action Items

7. Approval of Amendment Number One to Contract Number S20178065 With the OIR Group for Independent Police Auditing Services to Expand the Scope of Services and Increase the Contract Amount by \$32,500 for a Total Not-to-Exceed Amount of \$107,500.

MOTION: Mayor DuBois moved, seconded by Council Member Kou to approve and authorize the Clerk to execute Amendment Number One to the contract with the Office of Independent Review (OIR Group) for independent police auditing (IPA) services to expand the Scope of Services and increase the contract amount by \$32,500 for a total not-to-exceed amount of \$107,500; including the following changes to the Scope of Services:

- A. Add to Section 2 - Taser Deployment and Other Reviews: "The Department will promptly notify the CONSULTANT of all administrative use of force reports where a baton, chemical agent, TASER, less-lethal projectile, canine, or firearm is used. In addition, The Department will promptly notify the CONSULTANT of all other cases where a subject's injuries require treatment beyond minor medical care in the field;"
- B. Add "point a gun," in addition to using a gun, to an action that is reported to the Auditor; and
- C. Add to Section 3 that published reports will note items that are pulled from the report for further work and provide a short description of the item(s).

MOTION PASSED: 7-0

DRAFT ACTION MINUTES

8. Request for City Council Interpretation Pursuant to Palo Alto Municipal Code Section 18.01.025 Related to Nonconforming Uses at the 340 Portage/3200 Park Site. Environmental Analysis: City Council Direction Regarding Interpretation of the Existing Code is not a Project, as Defined in Public Resources Code 21065.

MOTION: Vice Mayor Burt moved, seconded by Council Member Kou to extend by 1 year from now the period of non-occupancy of retail without a violation of the terms of the balance of the commercial use agreement for the greater Fry's site area.

Council took a break at 7:58 P.M. and returned at 8:19 P.M.

MOTION WITHDRAWN BY THE MAKER

MOTION: Vice Mayor Burt moved, seconded by Council Member Cormack to end this Public Hearing, take no action, and direct Staff to bring back a new item in August.

MOTION PASSED: 6-1 Kou no

9. PUBLIC HEARING: Recommendation on the Preferred Plan Alternative for the North Ventura Coordinated Area Plan (NVCAP). The Planning and Transportation Commission and Staff Recommend the City Council Review the NVCAP Alternatives and Select Alternative Number 3B as the Preferred Alternative.

Public Hearing opened at 8:56 P.M.

Public Hearing closed at 9:45 P.M.

MOTION: Mayor DuBois moved, seconded by Vice Mayor Burt to end this Agenda Item, take no action, and direct Staff to bring back a new item in early Fall based on the input and discussion with Council this evening.

MOTION PASSED: 7-0

Adjournment: The meeting was adjourned at 11:27 P.M. in honor of Penny Nelson.

DRAFT ACTION MINUTES

ATTEST:

APPROVED:

City Clerk

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.



CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
June 21, 2021

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:

Special Orders of the Day

1. Presentation by the Palo Alto Art Foundation.

NO ACTION TAKEN

2. Resolution 9967 Entitled, "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Beth Minor Upon her Retirement."

Mayor DuBois read the resolution into the record.

MOTION: Mayor DuBois moved, seconded by Vice Mayor Burt to adopt a Resolution Expressing Appreciation to Beth Minor Upon her Retirement.

MOTION PASSED: 7-0

Agenda Changes, Additions and Deletions

None.

Minutes Approval

3. Approval of Action Minutes for the June 7, 2021 City Council Meeting.

MOTION: Council Member Cormack moved, seconded Mayor DuBois to approve the Action Minutes for the June 7, 2021 City Council Meeting.

MOTION PASSED: 7-0

Council took a break at 5:48 P.M. and returned at 6:00 P.M.

AT THIS TIME THE COUNCIL WILL CONVENE TO A REGULAR MEETING

DRAFT ACTION MINUTES

Consent Calendar

Council Member Cormack registered a no vote on Agenda Item Number 18.

Council Member Kou registered a no vote on Agenda Item Number 19.

Council Member Tanaka registered a no vote on Agenda Item Number 16.

MOTION: Mayor DuBois moved, seconded by Council Member Stone to approve Agenda Item Numbers 4-21.

4. Adoption of the Fiscal Year 2022 Investment Policy.
5. Approval to Utilize California Department of Technology CALNET Cellular Voice and Data Services Contract (C4-CVD-19-001-03) With Cellco Partnership D/B/A Verizon Wireless Through May 22, 2023 and Including Possible Extension Through May 22, 2027, With an Anticipated Cost of \$350,000 Annually; CALNET Data Networks and Communications Services Contract (C4-DNCS-19-001-40) With AT&T Corporation Through June 30, 2025 and Including Possible Extension Through June 30, 2028; CALNET Legacy Telecommunications Voice and Data Services Contract (C4-LEG-12-10-TS-01) With AT&T Corporation Through January 2, 2026 and Including Possible Extension Through January 2, 2029; and CALNET Cellular Voice and Data Services Contract (C4-CVD-19-001-04) With AT&T Mobility Through June 30, 2023 and Including Possible Extension Through June 30, 2027, With an Anticipated Cost of \$300,000 Annually.
6. Approval of Contract Amendment Number 3 to Contract Number C15159248 With Geodesy, to Extend the Term for Three-years Ending June 30, 2024, and add \$535,000 for a new Not-to-Exceed Amount of \$1,930,000, for Geographic Information Systems (GIS) Maintenance, Support, Consulting and Department-specific GIS Data Support Services.
7. Approval of Contract Amendment Number 1 to Contract Number C19174715 With Swatt Miers Architects, Inc in the Amount of \$89,000 for the Animal Shelter Renovation, Capital Improvement Program Project, PE-19002.
8. Approve and Authorize the City Manager or Designee to Execute Amendment Number 9 With McCandless Limited LLC for a Three-year Lease Renewal at 1005 and 1007 Elwell Court Ending August 2024.

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9. Approval of Amendment Number 1 to Contract Number C19173980 With Rincon Consultants, Inc. in the Amount of \$27,045 for a Total Not-to-Exceed Amount of \$170,497 and Extend the Term to January 31, 2022, for Preparation of an Initial Study of the Mitigated Negative Declaration for the Cubberley Concept Plan.
10. Approval of two Blanket Purchase Orders With Bound Tree Medical, LLC and Life-Assist for the Purchase of Medical Supplies and Services Not-to-Exceed \$132,000 per Year, for a Total Not-to-Exceed Amount of \$660,000 for up to Five years.
11. Resolution 9968 Entitled, "Resolution of the Council of the City of Palo Alto Making Required Findings to Continue Palo Alto's Participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) Program for a Fourth 10-year Term and Continue Collection of a \$1 Fee to Fund the Authority."
12. Approval of Amendment Number 2 to Contract Number C20176363 With Magellan Advisors, LLC, for: 1) a Detailed Engineering Design of the new Fiber Backbone Expansion and Fiber-to-the-Home; 2) to Increase Compensation for a Total Not-to-Exceed Amount of \$2,914,331; and 3) Approval of a Budget Amendment in Fiscal Year 2021 for the Fiber Optics Fund.
13. Approval of Contract Number C21181223A With Integrated Design 360, LLC and Approval of Contract Number C21181223B With Integral Group Holdings, LLC for a Shared Not-to-Exceed Amount of \$750,000, to Provide Sustainability Services for Green Building, Energy Reach Code, and the Sustainability Climate Action Plan for a Term of Three-years Through June 2024.
14. Approval of Construction Contract Number C21181691 With Best Contracting Services, Inc in the Amount of \$1,710,000; and Authorization for the City Manager to Negotiate and Execute Change Orders up to a Not-to-Exceed Amount of \$171,000 for the Municipal Service Center A, B, & C Roof Replacement Project, Capital Improvement Program Project PF-17000.
15. Approval of a Lease Amendment Between 285 Hamilton LLC and the City of Palo Alto for the Premises Located at 285 Hamilton Avenue for a 48-month Term at a Starting Base Rent of \$43,890 per Month and Increasing 3 Percent Annually.
16. Approval of Contract Amendment Number 1 to Contract Number C18169712 With OB Sports Golf Management (Baylands) LLC for a

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Period of Three-years for a Not-to-Exceed Increase Amount of \$8,878,721 for the Management of Golf Course Operations at the Baylands Golf Links; and Approval of Contract Amendment Number 1 to Contract Number C18171872 With OB Sports Golf Management (Baylands), LLC for a Period of Three-years for Restaurant Licensing to Provide Food and Beverage Services.

17. Staff Recommends the City Council Approve the Board and Commission 2021-2022 Work Plans.
18. Adoption of an Ordinance Establishing Board and Commission Term Limits, Consolidating Appointments to March of Each Year, and Codifying the Human Relations Commission's Existing Role of Recommending Grant Funding; and Resolution 9969 Entitled, "Resolution of the Council of the City of Palo Alto Establishing Term Limits for the Storm Water Management Oversight Committee."
19. Interim Ordinance 5526 Entitled, "Ordinance of the Council of the City of Palo Alto Temporarily Continuing the Expansion of Outdoor Dining, Retail and Other Activities on Public and Private Property and Relaxing Regulations Regarding Onsite Parking, On-site Sale of Alcohol, Design/Architectural Review, Permit Fees, and Alcohol Consumption in Public Places, All to Facilitate Such Outdoor use (FIRST READING: June 7, 2021 PASSED: 5-2 DuBois, Kou no)."
20. Resolution 9970 Entitled, "Resolution of the Council of the City of Palo Alto Determining the City's Proposition 4 Appropriations Limit (GANN Limit) for Fiscal Year 2022."
21. Approval of Five 5.5 Year Contracts, Number C21179265A-E for Regional Water Quality Control Plant (RWQCP) On-call Construction Management and Inspection Services With: 1) MNS Engineers, Inc.; 2) CDM Smith; 3) Carollo Engineers; 4) Tanner Pacific, Inc.; and 5) MCK Americas Inc. for a Total Not-to-Exceed Amount of \$1 per Contract; Approval and Authorization of the City Manager or Their Designees to Select one Consultant for Construction Management Services for the Primary Sedimentation Tanks Rehabilitation and Equipment Room Electrical Upgrade Project (WQ-14003) at the Regional Water Quality Control Plant.

MOTION PASSED FOR AGENDA ITEMS 4-15, 17, AND 20-21: 7-0

MOTION PASSED FOR AGENDA ITEM 16: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM 18: 6-1 Cormack no

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MOTION PASSED FOR AGENDA ITEM 19: 6-1 Kou no

Action Items

21A. Approval of an Employment Agreement and Appointment of Lesley Milton to the Position of City Clerk at an Annual Salary of \$175,000.

MOTION: Vice Mayor Burt moved, seconded by Council Member Kou to approve the Employment Agreement and Appointment of Lesley Milton to the Position of City Clerk at an Annual Salary of \$175,000.

MOTION PASSED: 7-0

Mayor DuBois announced Agenda Items 22 and 23 will be heard together.

22. PUBLIC HEARING: Ordinance 5528 Entitled, "Ordinance of the Council of the City of Palo Alto for Fiscal Year 2022, Including Operating and Capital Budgets and Municipal Fee Schedule;" and Adoption of a Revised Compensation Plan for Management and Professional Employees.

23. Adoption of six Resolutions: 1) Resolution 9971 Entitled, "Resolution of the Council of the City of Palo Alto Approving the Fiscal Year (FY) 2022 Electric Utility Financial Plan, Including Proposed Reserve Transfers, and Amending Utility Rate Schedules E-EEC-1, E-NSE-1, E-2-G, E-4-G and E-7-G;" 2) Resolution 9972 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule E-HRA;" 3) Resolution 9973 Entitled, "Resolution of the Council of the City of Palo Alto Approving the FY 2022 Gas Utility Financial Plan, Including Proposed Transfers, Amending the Gas Utility Reserve Management Practices, and Adopting a Gas Rate Increase by Amending Utility Rate Schedules G-1, G-2, G-3 and G-10;" 4) Resolution 9974 Entitled, "Resolution of the Council of the City of Palo Alto Approving the FY 2022 Water Utility Financial Plan and Reserve Transfer;" 5) Resolution 9975 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule D-1 Increasing the Storm Water Management Fee by 2.0 Percent per Month per Equivalent Residential Unit for FY 2022;" and 6) Resolution 9976 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedules EDF-1 and EDF-2 to Increase Dark Fiber Rates 2.0 Percent."

Public Hearing opened at 6:46 P.M.

Public Hearing closed at 6:53 P.M.

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MOTION: Vice Mayor Burt moved, seconded by Mayor DuBois to:

- A. Adopt the Fiscal Year (FY) 2022 Budget Ordinance, which includes:
 - a. City Manager’s FY 2022 Proposed Operating and Capital Budgets, previously released on April 30, 2021 and presented at the May 3rd City Council Meeting;
 - b. Amendments to the City Manager’s FY 2022 Proposed Operating Budget;
 - c. Amendments to the City Manager’s FY 2022 Proposed Capital Budget;
 - d. Allocated Charge Amendments to the City Manager’s FY 2022 Proposed Operating and Capital;
 - e. FY 2022 City Table of Organization;
 - f. FY 2022 Municipal Fee Changes;
 - g. In the General Fund budget, amend as follows:
 - i. Increase the appropriation for the Community Services Department expenses by \$25,000 for the Know Your Neighbors Grant Program;
 - ii. Decrease the appropriation for the Non-Departmental section expenses City Council Recovery Reserve by \$25,000; and
- B. Accept the FY 2022 – 2026 Capital Improvement Plan; and
- C. Adopt the attached cover letter altering the Management and Professional Personnel and Council Appointees Compensation Plan for one Fiscal Year (FY 2022) and extending it to June 30, 2022; and
- D. Approve the tentative funding plan for the ROTH building rehabilitation project and direct Staff to return to Council with refined level of impact fee fund eligibility based on actual construction cost & facility usage in consultation with the Palo Alto Museum; and
- E. Approve and adopt the following Utility Financial Plans and Rate Resolutions:

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- a. Approving the FY 2022 Electric Utility Financial Plan, including reserve transfers, and amending Utility Rate Schedules E-EEC-1, E-NSE-1, E-2-G, E-4-G and E-7-G;
 - b. Amending Utility Rate Schedule E-HRA;
 - c. Approving the FY 2022 Gas Utility Financial Plan, including reserve transfers, amending the Gas Utility Reserve Management Practices, and adopting a Gas Rate Increase by Amending Utility Rate Schedules G-1, G-2, G-3 and G-10;
 - d. Approving the FY 2022 Water Utility Financial Plan, and reserve transfer;
 - e. Amending Utility Rate Schedules EDF-1 and EDF-2 to increase Dark Fiber Rates 2.0 percent;
 - f. Amending Utility Rate Schedule D-1 increasing the Storm Water Management Fee by 2.0 percent per month per Equivalent Residential Unit for FY 2022; and
- F. Direct Staff to return after the summer recess with:
- a. A systematic communication plan to provide customers with rate histories, trends, and competitive standing compared to other jurisdictions and forward to the Utilities Advisory Commission for review and recommendation;
 - b. The evaluation of the Electric Bill Utility reliability history and comparative performance to other jurisdictions to the extent that is available and forward to the Utilities Advisory Commission for review and recommendation; and
- G. Direct Staff to evaluate debt financing for Fire Station 4 and moving forward the construction date.

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

24. Approve and Authorize the City Manager or Their Designee to Execute a Seven-year License Agreement With two Five-year Renewal Options and Monthly Rent Payments of \$2,100 Between the City and Tesla, Inc. for a 19-stall Tesla Supercharging Station in the Bryant/Lytton Garage at 445 Bryant Street; Review and Provide Direction on a Draft Administrative Policy on Unsolicited Proposals.

MOTION: Vice Mayor Burt moved, seconded by Council Member Stone to:

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- A. Approve and authorize the City Manager, or their designee, to sign a license agreement, with Tesla, Inc. to install and operate a 19-stall Tesla Supercharging Station within a portion of the city-owned Bryant/Lytton Garage located at 445 Bryant Street for an initial term of seven years, with two options to extend for five years each, and a monthly rent of \$2,100;
- B. Delegate authority to the City Manager, or their designee, to execute on behalf of the City, any documents necessary to administer the agreement; and
- C. Review the attached framework regarding Unsolicited Proposals for Use of City Property and provide direction to Staff:
 - a. Direct Staff to add to Procedure 5 in the Unsolicited Proposals Attachment, "...or if the proposal raises a policy issue".

MOTION PASSED: 7-0

Council took a break at 8:39 P.M and returned at 8:50 P.M.

- 25. Colleagues Memo Regarding the Palo Alto Museum (Roth Building) From Council Members Kou and Stone, and Vice Mayor Burt.

MOTION: Council Member Kou moved, seconded by Vice Mayor Burt to:

- A. Direct Staff to issue a lease between the City and the Palo Alto Museum (PAM) which would allow for donor and restricted funds for the rehabilitation pursuant to the Secretary of the Interior's Standards and County grants to be released for construction of Phase 1 (Phase 1 is the rehabilitation and build out of the facility to make it suitable for occupancy also known as a "warm shell" estimated at \$10.5 million);
- B. Release the amended Lease Agreement to the PAM for timely review and finalization; and
- C. Commit to a partnership with the PAM for the rehabilitation of the Roth Building and for mutual long-term success of the project.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Motion, Part A, "Direct Staff to negotiate a lease" and "for the Roth Building".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion, Part A, "...pursuant to the Secretary of the Interior's Standards and County grants to be released

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for construction of Phase 1 (Phase 1 is the rehabilitation and build out of the facility to make it suitable for occupancy also known as a “warm shell” estimated at \$10.5 million)”).

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to Motion, Part A, “...long-term lease”.

MOTION AS AMENDED: Council Member Kou moved, seconded by Vice Mayor Burt to:

- A. Direct Staff to negotiate a long-term lease between the City and the Palo Alto Museum (PAM) for the Roth Building, which would allow for donor and restricted funds for the rehabilitation;
- B. Release the amended Lease Agreement to the PAM for timely review and finalization; and
- C. Commit to a partnership with the PAM for the rehabilitation of the Roth Building and for mutual long-term success of the project.

MOTION AS AMENDED SPLIT FOR THE PURPOSE OF VOTING

MOTION AS AMENDED FOR PARTS A AND B PASSED: 6-1 Tanaka no

MOTION AS AMENDED FOR PART C PASSED: 4-3 Cormack, Filseth, Tanaka no

- 26. Colleagues Memo on Affordable Housing Commercial Impact Fees From Council Members Filseth and Kou.

MOTION: Council Member Filseth moved, seconded by Council Member Kou to direct Staff to conduct a feasibility study and target returning to Council in early October.

MOTION PASSED: 6-1 Tanaka no

Adjournment: The meeting was adjourned at 10:19 P.M.

ATTEST:

APPROVED:

City Clerk

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

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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.



CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
June 22, 2021

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

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

Absent:

Agenda Changes, Additions and Deletions

None

Consent Calendar

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

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

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

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

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

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

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

City Manager Comments

None

Action Items

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

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

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

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

MOTION FAILED DUE TO THE LACK OF A SECOND

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

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

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

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

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

AMENDMENT PASSED: 5-2 DuBois, Kou no

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MOTION AS AMENDED PASSED: 6-0 DuBois absent

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

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

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

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

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

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

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

MOTION AS AMENDED PASSED: 7-0

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

Public Hearing opened at 9:13 P.M.

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Public Hearing closed at 9:53 P.M.

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

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

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

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

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

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

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

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

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

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

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ATTEST:

APPROVED:

City Clerk

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.