



# CITY COUNCIL ACTION MINUTES

Special Meeting  
December 5, 2022

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

Present In Person: Burt, Cormack, Filseth, Kou, Stone, Tanaka

Present Remotely: DuBois

Absent: None

## SPECIAL ORDER OF THE DAY

AA1. Neighbors Abroad Presentation: Sister City Mayor Ando of Tsuchiura, Japan

**Action:** No action was taken.

## STUDY SESSION

AA2. Study Session to Receive an Update on the Santa Clara County's Effort to Update the Stanford Community Plan.

**Action:** No action was taken.

## Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Kiely Nose, Sandra Blanch, Nicholas Raisch, Molly Stump, and Terence Howzell) Employee Organization: Service Employees International Union, (SEIU) Local 521, Utilities Management and Professional Association of Palo Alto (UMPAPA), Palo Alto Peace Officer's Association (PAPOA), Palo Alto Police Management Association (PMA), International Association of Fire Fighters (IAFF) local 1319, Palo Alto Fire Chiefs Association (FCA), ; Authority: Government Code Section 54957.6 (a)

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

**MOTION PASSED: 7-0**

# ACTION MINUTES

Council went into Closed Session at 6:42 P.M.

Council returned from Closed Session at 9:00 P.M.

Mayor Burt announced there were no reportable items.

## Agenda Changes, Additions and Deletions

## Public Comment

## Consent Calendar

Council Member Cormack, DuBois registered a no vote on Item Number 2.

Council Member Tanaka registered a no vote on Agenda Item Number 3, 5.

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

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

**ITEMS 2 OF MOTION PASSED: 5-2, Cormack, DuBois no**

**ITEMS 3, 5 OF MOTION PASSED: 6-1 Tanaka No**

**ITEMS 4,6 OF MOTION PASSED: 7-0**

2. Adoption of **Resolution 10085** Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency
3. Approval of a Professional Services Agreement With CLEAResult, Inc., for Residential Energy Efficiency and Electrification Advising, Rebate Processing and Optional Heat Pump Water Heater Pilot Program Administration for a Total Not-to-Exceed Amount of \$2,940,400 for a 4-Year Term Through December 2026
4. Approve Contract C23185850 With Thomas Sarsfield for a Not-To- Exceed Amount of \$395,000 for a Term of Three Years to Provide a Tennis Recreation Program
5. Approval of the Acceptance of State of California Citizens Options for Public Safety (COPS) Funds of \$172,000 and a Budget Amendment in the Supplemental Law Enforcement Services Fund (2/3 vote required)
6. Approval of the Office of the City Auditor's Fiscal Year (FY) 2023 Task Orders

# ACTION MINUTES

7. Adoption of a Resolution Declaring Weeds to be a Public Nuisance and Setting February 27, 2023 for a Public Hearing for Objections to the Proposed Weed Abatement  
**Action: Continued to 12/19/22**

## City Manager Comments

## Action Items

8. Approval of a Construction Contract With Anderson Pacific Engineering Construction (APEC) in the Total Amount of \$161,846,500; Approval of Three Amendments to Existing Agreements with: 1) Stanford University, 2) East Palo Alto Sanitary District, and 3) Mountain View and Los Altos; Approval of Amendment #2 to Contract Number C19171565 with Brown & Caldwell to Add Services, to Increase Compensation by \$1,484,689 for a New Maximum Compensation Not-to-Exceed \$5,908,791, and to Extend the Contract Term through March 31, 2028; Approval of Amendment #2 to Contract Number C21176592C with Carollo Engineers to Add Construction Management Services, to Increase Compensation by \$8,237,021; approval of a resolution to increase Clean Water State Revolving Fund financing to \$193,000,000; approval of a budget appropriation increasing revenue and expenses; and approval of an exception to Debt Policy 1-65 for the Secondary Treatment Upgrades Project (WQ-19001) at the Regional Water Quality Control Plant.

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

1. Approve and authorize the City Manager or their designee to execute the construction contract with Anderson Pacific Engineering Construction, Inc., in the amount of \$161,846,500 for the Secondary Treatment Upgrades project, funded in Wastewater Treatment Enterprise Fund Capital Improvement Program project WQ-19001, at the Regional Water Quality Control Plant;
2. Authorize the City Manager or their designee to execute one or more change orders to the contract with APEC for related, additional but unforeseen work that may develop during the project, the total value of which shall not exceed \$16,184,650 or 10% of the contract amount, for a total not-to-exceed amount of \$178,031,150;
3. Approve Amendment No. 8 to the agreement between Palo Alto and Stanford University; Addendum No. 1 to the Agreement between Palo Alto and the East Palo Alto Sanitary District; and Addendum No. 11 to the agreement among Palo Alto, Mountain View, and Los Altos;
4. Approve and authorize the City Manager or their designee to execute Amendment No. 2 to Contract No. C19171565 with Brown and Caldwell to increase the contract amount by \$1,484,689 to provide design engineering services beyond the original scope of the contract for the design of the STU Project (CIP WQ-19001), and to extend the term through March 31, 2028. The revised total contract amount is not to exceed \$5,908,791 including \$5,371,628 for basic services and \$537,163 for additional services;

# ACTION MINUTES

5. Approve and authorize the City Manager or their designee to execute Amendment No. 2 to Contract No. C21176592C with Carollo Engineers to increase the contract amount by \$8,237,021 to provide construction management and inspection services during construction for the STU Project (CIP WQ-19001). The revised total contract amount is not to exceed \$8,841,268 including \$8,037,516 for basic services and \$803,752 for additional services;
6. Approve **Resolution 10086** amending Resolution 9945 to increase the reasonably expected maximum principal amount of funding to \$193,000,000 for design and construction of the Secondary Treatment Upgrades (CIP WQ-19001) and authorizing reimbursement of such funding from the Clean Water State Revolving Fund (SRF);
7. Approve an amendment to the Fiscal Year 2023 Budget Appropriation for the Wastewater Treatment Fund (requires a 2/3 majority vote) by:
  - a) Increasing revenue from Other Agencies estimate from a State Revolving Fund Loan by \$44,200,400
  - b) Increasing the Secondary Treatment Upgrades Capital Improvement Program project (WQ-19001) appropriation by \$44,200,400; and
8. Authorize an exception to City Policy and Procedures Debt Policy 1-65 Guideline V.A.6 to allow the Wastewater Treatment Enterprise Fund to use a debt limit exceeding 15 percent of annual Wastewater Treatment Enterprise Fund operating expenses.

## **MOTION PASSED: 6-1, Tanaka No**

9. PUBLIC HEARING / QUASI-JUDICIAL. 1700 Embarcadero Road [21PLN-00191]: Consideration of a Site and Design Review, Design Enhance Exception, Variance and Off-Street Loading Space Modification to Allow the Demolition of a Vacant Restaurant and the Construction of a new two-Story 31,000 Square Foot Automobile Dealership. The PTC and the ARB Recommend Approval of the Project. Environmental Assessment: Addendum to a Mitigated Negative Declaration. Zoning District: CS(D)(AD) Service Commercial (Site & Design Review / Automobile Dealership Combining Districts). (9:30 – 10:30 PM)

**MOTION:** Council Member Tanaka moved, seconded by Council Member Cormack to Adopt the Record of Land Use Action approving a new car dealership and requests for a Site and Design, Variance, and Design Enhancement Exception based on findings and subject to the conditions of approval contained in Attachment B.

## **MOTION PASSED: 7-0**

10. Staff and the Council Sustainability and Climate Action (S/CAP) Ad Hoc Committee Recommend That Council Review and Provide Feedback to Staff on the Draft 2023-2025 S/CAP Work Plan and Direction on Governance of the Work Plan

# ACTION MINUTES

**ACTION:** This item was continued to a future meeting.

## Council Member Questions, Comments and Announcements

Adjournment: The meeting was adjourned at 11:08 P.M.

ATTEST:

DocuSigned by:  
*Lesley Milton*  
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City Clerk

APPROVED:

DocuSigned by:  
*Patrick Burt*  
ED9E9CFB88E64FF...

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.

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250 Hamilton Ave

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Palo Alto , CA 94301

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Vinhloc.Nguyen@CityofPaloAlto.org

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Pool: City of Palo Alto

Location: DocuSign

**Signer Events**

Patrick Burt

pat@patburt.org

Mr

Security Level: Email, Account Authentication  
(None)**Signature**

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Lesley Milton

Lesley.Milton@CityofPaloAlto.org

City Clerk

City of Palo Alto

Security Level: Email, Account Authentication  
(None)

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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	1/4/2023 11:59:22 AM
Completed	Security Checked	1/4/2023 11:59:22 AM
Payment Events	Status	Timestamps