

From: [herb](#)
To: [Council, City](#); [Clerk, City](#)
Subject: November 27, 2023 Council Meeting, Item #9: License Agreement With Equinix, LLC
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NOVEMBER 27, 2023 CITY COUNCIL MEETING, AGENDA ITEM #9

LICENSE AGREEMENT WITH EQUINIX, LLC

I urge you to remove this item from your agenda because the proposed action is a segment of a project subject to the California Environmental Quality Act (CEQA), CEQA requires you to evaluate the whole project including this segment as a single project, and segmenting the project's environmental analysis is a violation of CEQA and a prejudicial abuse of discretion.

Agenda item #2 at the November 7, 2023 Finance Committee meeting "Discussion and Update of the Palo Alto Fiber Expansion Plan and Construction Alignment with Electric Grid Modernization" under the heading "Pre-construction" estimated that CEQA Approval of the whole project would occur in April 2024; and under the heading "Fiber Hut Sites" said "City Hall is anticipated to have vacated space after the Police Department moves to the new Public Safety Building. City Hall would be an ideal location for a secondary hut. Due to the centralized location and potential square footage, this site may also be considered for a future data center, further securing the future of the City's data infrastructure."

The November 27, 2023 staff report to the City Council and the November 7, 2023 staff report to the Council's Finance Committee were approved by two different department heads, but the Palo Alto Charter provides that it is the City Manager, Assistant City Manager, or City Manager Pro Tem appointed by the Council who reports to the Council, while the department heads report to the City Manager, and that "an office to which the manager makes the appointment shall not be combined with one to which the appointment is made by the council." (See Palo Alto Charter, Article III, Section 20, and Article IV, Section 9.)

If the City Manager had approved the two reports with the advice of the City Attorney, I believe he would not have placed this item on your agenda due to it being a segment of a larger CEQA project and violation of CEQA.

Herb Borock