



CITY OF PALO ALTO CITY COUNCIL MINUTES

Special Meeting
August 5, 2013

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

Present: Berman, Burt arrived at 5:30 P.M., Holman, Klein, Kniss arrived at 5:15 P.M., Price, Scharff, Schmid, Shepherd

Absent:

CLOSED SESSION

Palo Alto Free Press suggested the Council open the Closed Sessions to allow transparency. He recalled previous litigation involving the City and felt the settlement could have been considerably less than was negotiated in Closed Session.

1. CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Lalo Perez, David Ramberg, Joe Saccio, Kathryn Shen, Sandra Blanch, Dania Torres Wong, Val Fong, Marcie Scott, Brenna Rowe, Molly Stump) Employee Organization: Service Employees International Union, (SEIU) Local 521 Authority: Government Code Section 54957.6(a)

City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Pamela Antil, Lalo Perez, David Ramberg, Joe Saccio, Kathryn Shen, Sandra Blanch, Dania Torres Wong, Val Fong, Marcie Scott, Brenna Rowe, Molly Stump) Unrepresented Employee Group: Management, Professional and Confidential Employees Authority: Government Code Section 54957.6(a)

2. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION

Subject: Coalition for Safe and Sensible Zoning v. City of Palo Alto, et al. Santa Clara County Superior Court
Subject Authority: Government Code section 54956.9

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3. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION
Subject: California Capital Insurance Company v. City of Palo Alto,
Santa Clara County Superior Court, Case No. 112-CV-218176
Subject Authority: Government Code section 54956.9

Council returned from Closed Session at 7:15 P.M., Mayor Scharff announced there was no reportable action.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

MOTION: Mayor Scharff moved, seconded by Vice Mayor Shepherd to continue Agenda Item Number 12 "Adoption of a Resolution Allowing the Implementation of a One-Year Trial No Overnight Parking (2AM-5AM) Program on Streets within the Crescent Park Neighborhood" to a date uncertain in August 2013 per Staff recommendation.

MOTION PASSED: 9-0

CITY MANAGER COMMENTS

James Keene, City Manager, announced the National Government Finance Officers Association awarded a Certificate of Achievement for Excellence in Financial Reporting to Administrative Services Department Staff. The American Public Gas Association recognized Palo Alto Utilities with the 2013 Consumer Education Marketing Award. On August 6, 2013 at 6:00 P.M. the City would initiate free Wi-Fi in Cogswell Plaza. On August 14, 2013 the City would participate in a large-scale stadium evacuation drill with Stanford University. The Jewish Community Center signed a \$1 million Solar Power Purchase Agreement to install a rooftop system. He provided a photo update of the Mitchell Park Library construction. The City's letters to FlintCo resulted in an increased number of workers onsite and pace of construction.

ORAL COMMUNICATIONS

Bunny Good related two stories regarding police officers responding to requests for assistance, and suggested more police officers should be located in the police station.

Palo Alto Free Press stated the Human Relations Commission (HRC) was absent with regard to the Vehicle Habitation Ordinance. The HRC should be disbanded.

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Christy Junkerman urged the Mayor and Council to join the coalition of Mayors Against Illegal Guns. The issue was public safety. It was important for the City to take a stand on preventing gun violence.

Bonnie Bernstein encouraged the City Council and Mayor to join Mayors Against Illegal Guns. The culture of the nation must change to prevent gun violence.

Millie Chethik congratulated the City on the many miles of street repair and maintenance. She urged the Council to join Mayors Against Illegal Guns, a bipartisan coalition supporting background checks for all gun sales.

Lay Brother Steven Gerard spoke regarding life peace zones and four levels of overlay zones to prevent abortion, assisted suicide, animal research and sale of firearms.

Steve Eittreim believed it was the duty of mayors to keep residents safe from harm. He requested the Mayor join other mayors to protect residents from access to firearms. He had the form needed for Mayor Scharff to join Mayors Against Illegal Guns.

Mayor Scharff exercised personal privilege to join Mayors Against Illegal Guns.

Cybele inquired about topics the HRC was considering.

Norman Carroll indicated changes in affordable housing programs would increase the amount of rent; therefore, more people would be homeless.

Stephanie Munoz felt the Council's land use decisions were arbitrary. As a result, workers in Palo Alto were homeless.

Barbara Slone suggested the developer place a marker or plaque at Edgewood Shopping Center to honor Native American heritage.

Tom Linebarger stated the City Council should have community benefits programs regarding prevailing wages and low income housing.

Tony Ciampi indicated Police Chief Dennis Burns violated City Policies regarding Taser guns and hard drives.

Robert Norris believed homeless people needed a legal place to sleep.

Linda Jolley felt the State robbed her and her friends of their existence.

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Shaun Cartwright shared statistics regarding the homeless population of Santa Clara County.

Mary Fitch was pleased Mayor Scharff joined Mayors Against Illegal Guns.

APPROVAL OF MINUTES

MOTION: Council Member Kniss moved, seconded by Council Member Price to approve the minutes of May 6, May 13, May 20, and June 3, 2013.

MOTION PASSED: 9-0

CONSENT CALENDAR

Ben Davenport encouraged the Council to consider the negative impacts of implementing an overnight parking ban on Crescent Park residents. He questioned the wisdom of parking bans in that the problem simply shifted in response to the bans.

Megan McCaslin supported an overnight parking ban in Crescent Park and an eventual residential parking permit program.

R. Norse stated permit parking could be used to remove homeless people from areas. The ban should be discussed more fully before being implemented.

Andy Voight noted City Staff discussed parking options with residents of Crescent Park. The parking ban would inconvenience all residents; however, the neighborhood needed a resolution for the problem.

MOTION: Council Member Kniss moved, seconded by Council Member Price to approve Agenda Item Numbers 4-11 and 13-15.

4. Approval of Contract Amendment One to Contract S13149754 with Renne Sloan Holtzman Sakai LLP Public Law Group in the amount of \$60,000 for a total contract amount of \$90,000 and the extension of the contract until June 30, 2014.
5. Utilities Advisory Commission Recommendation that Council Approve Changes to the Performance Measures and Strategic Initiatives in the 2011 Utilities Strategic Plan.

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6. Resolution 9361 entitled "Resolution of the Council of the City of Palo Alto Establishing Fiscal Year 2013-14 Secured and Unsecured Property Tax Levy for the City of Palo Alto's General Obligation Bond Indebtedness (Measure N)."
7. Resolution 9362 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Submit a Grant Application to, and Accept on Behalf of the City of Palo Alto, a Grant of Funds Made by the County of Santa Clara for the Purpose of Emergency Management, Preparation, and Training."
8. Adoption of an Ordinance Adding Chapter 2.06 to Title 2 of the Palo Alto Municipal Code to Restrict the Use of the City Seal and Other City Logos.
9. Adoption of an Ordinance Authorizing Electronic Signatures on Documents Used and Accepted by the City of Palo Alto.
10. Submittal of Mitchell Park Library and Community Center Bi-Monthly Construction Contract Report.
11. Resolution 9363 entitled "Resolution of the Council of the City of Palo Alto Authorizing the Filing of an Application for Federal Surface Transportation Program (STP) Funding and Committing the Necessary Non-Federal Match and Stating the Assurance to Complete the Project for Street Resurfacing Project."
12. ~~Adoption of a Resolution Allowing the Implementation of a One-Year Trial No Overnight Parking (2AM-5AM) Program on Streets within the Crescent Park Neighborhood.~~
13. Resolution 9364 entitled "Resolution of the City of Palo Alto Authorizing the Filing of an Application for the Federal One Bay Area Grant (OBAG) Funding for the Adobe Creek/ Highway 101 Bridge Project and Committing the Necessary Non-Federal Match and Stating the Assurance to Complete the Project."
14. Resolution 9365 entitled "Resolution of the Council of the City of Palo Alto Authorizing the Filing of an Application for Federal Vehicle Emissions Reductions Based At Schools (VERBS) Funding for the Arastradero Road Schoolscape - Multiuse Trail and Committing the Necessary Non-Federal Match and Stating the Assurance to Complete the Project."

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15. Approval of a Contract Amendment with Baker & Taylor in the Amount of \$390,000 to Purchase Library Materials for the City Library System.

MOTION PASSED to approve Agenda Item Numbers 4-11 and 13-15:
9-0

ACTION ITEMS

16. Public Hearing: Adoption of a Resolution 9366 entitled "Resolution for 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."

Mayor Scharff reported on December 10, 2012 in accordance with Chapter 8.08 of the Palo Alto Municipal Code, the City Council declared weeds to be a nuisance and ordered that the nuisance be abated. A public hearing was held on January 14, 2013 to consider objections to the proposed destruction or removal of weeds. No objections were noted. Once the above steps had been taken, the Santa Clara County (County) Weed Abatement Division instructed its contractor to abate weeds on City and private property within Palo Alto. That work was completed, and property owners were notified the third week in December 2012 that weeds were to be abated by April 30, 2013 either by the owners or the County. If the property owners chose to have the County abate the weeds, the abatement charge would be levied against the respective properties as an assessment by the County Assessor. The County has since informed the property owners of the cost of destroying and removing the weeds. The City Clerk has published the required notice of the hearing in the Palo Alto Weekly. The cost report by the County Weed Abatement Division was posted on the City Hall Plaza bulletin board for ten days prior to the hearing.

The Public Hearing opened and closed at 8:13 P.M. with no speakers.

MOTION: Council Member Kniss moved, seconded by Council Member Price to adopt a Resolution confirming the Weed Abatement Report and ordering abatement costs to be a special assessment on the properties specified in the report.

MOTION PASSED: 9-0

17. Public Hearing: Approval of Ordinance Adding Section 9.06.010 to the Palo Alto Municipal Code to Prohibit Human Habitation of Vehicles.

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Aaron Akin, Acting Planning Director, reported the vehicle habitation issue began several years ago based on homeowner complaints. In 2011 Staff initiated a working group and held community workshops for input. A number of meetings occurred regarding vehicle habitation, and a number of approaches were explored. The 72-hour parking restriction was the only Ordinance currently available for use against vehicle habitation; however, it was difficult to enforce. Most cities in the Peninsula as well as San Mateo, Santa Clara and San Francisco Counties had similar Ordinances restricting habitation of vehicles. The Policy and Services Committee reviewed potential programs and recommended Council consideration of the draft Ordinance. Twenty or more vehicles routinely parked overnight at the Cubberley Community Center. The proposed Ordinance would regulate vehicles parked at Cubberley. On August 13, 2013 a community-wide discussion would be held at the Policy and Services Committee meeting regarding the general homelessness issue. The intent of the proposed Ordinance was to initiate engagement with enforcement being a last resort. A second reading of the proposed Ordinance would occur in August or September 2013; extensive community outreach would be held in October, November and December 2013; a 30-day warning period would begin in January 2014; and full implementation would begin in February 2014.

The Public Hearing opened at 8:18 P.M.

Bunny Good shared a story about a homeless person.

George Chippendale indicated a vehicle was an emergency house for some families.

Litsie Indergand stated her church was willing for vehicles to be parked in the parking lot overnight; however, the church could not afford to hire an attendant.

Norman Carroll inquired whether the proposed Ordinance would affect workers sleeping in their vehicles between work shifts.

Stephanie Munoz did not support adoption of the proposed Ordinance, because it was unconstitutional and inhumane.

Ruth Chippendale reported the homeless population was homeless for a variety of reasons.

Rachel Wright felt the proposed Ordinance did not solve the homeless problem and did not support its adoption.

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Gater LeBlanc inquired whether the Council would allow the homeless to live in industrial areas.

Lois Salo reported the proposed Ordinance was contrary to the Fourth Amendment to the U.S. Constitution. Tax dollars should be used to construct low income housing.

Rick Toker noted the proposed Ordinance was revised to state police would respond primarily to complaints against vehicle habitation.

Henri Schuppisser, homeless outreach specialist, hoped the Council would be empathetic to those inhabiting their vehicles and look for other means to work with the homeless population.

Gerald Gras had not witnessed any problems from homeless people at Cubberley.

Barbara Slone hoped the Council would not be so uncaring as to adopt the proposed Ordinance.

James Lee, resident of Redwood City, stated the vehicle dwellers contributed to the community and deserved humane treatment.

Barbara Goodwin shared a story about a low-income worker's attempts to gain assistance.

Lynn Hiudekoper felt housing was a human right. Other solutions to vehicle habitation were available.

Dana St. George believed local government could provide solutions for the homeless problem.

Mary Klein stated Palo Alto could provide a solution better than the proposed Ordinance.

Kate Dreher asked the Council to vote against the proposed Ordinance.

Wayne Douglass related his efforts to find shelter for an unhoused person.

Robert Norris felt the Council would adopt the proposed Ordinance; however, the community should organize against it.

Diane Jones shared her story of living in her vehicle with her son.

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Darlene Gonzalez shared her experience as a homeless person. The homeless people at Cubberley created their own community.

Greg Rodgers indicated vehicle dwellers were employed, seeking employment or disabled. The majority of vehicle dwellers at Cubberley were not causing problems in the community.

Matthew Dimick opposed the proposed Ordinance and urged the Council to vote against it. Waiting lists for affordable housing were years long.

Abby Mohaupt urged the City to reach out to faith communities to solve the homeless problem.

Dr. Marilyn Winkleby encouraged the Council to collect data to validate assumptions prior to punishing vehicle dwellers. It was very difficult to link the homeless with social services.

Katie Fantin stated the proposed Ordinance would not solve the vehicle habitation issue but would marginalize those already struggling.

Michael Fischetti, M.D. indicated social services were not sufficient to locate housing for all homeless people in Santa Clara County.

Tomas Moran believed the community's generosity could provide solutions to vehicle habitation.

Joseph Rosas was not surprised that the Council was considering a ban on vehicle habitation.

Laura Chiu referenced the Palo Alto Municipal Code regarding discrimination, and asked the Council to uphold its policy not to discriminate against poor people.

Fred Smith related his story of loss and asked the Council not to adopt the proposed Ordinance.

Norma Grench asked the Council not to adopt the proposed Ordinance and to search for alternative solutions.

Lay Brother Steven Gerard suggested the Council learn about Father Joe's housing in San Diego.

Shaun Cartwright reported San Mateo County had a ten-year action plan, Housing Our People Effectively (HOPE), to address issues of homelessness.

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Tom Linebarger felt a moral imperative to speak against the proposed Ordinance. The City should be helping homeless people.

Thomas Atwood requested the Council table the discussion to reconvene a task force that represented the appropriate constituencies.

Nick Selby felt the Council had not adequately considered a full range of alternatives to a vehicle habitation ban.

Marie Simirenko did not support the proposed Ordinance, because it was unconscionable and not the only option.

Robert Moss believed the majority of vehicle dwellers were normal, good people. The Council should be careful regarding enforcement of an Ordinance.

Sean Osteen indicated the proposed Ordinance was unconstitutional, unjust, elitist and discriminatory.

Pastor Bains stated the proposed Ordinance would not help the homeless, and asked for time to allow the faith-based and non-profit community to find an alternative.

Vickie Boone related her story as a vehicle dweller.

Karen Sundback encouraged the Council to adopt the proposed Ordinance in order to keep children safe and to discourage people from living on the street.

Aram James believed the City could not support civil rights and gay rights without supporting homeless rights.

Marc Marasco supported the proposed Ordinance. The situation at Cubberley worsened as the homeless population increased.

Cybele did not believe the proposed Ordinance was a solution to vehicle habitation. The community could find a better solution.

Heidi Voltmer urged the Council to adopt the proposed Ordinance and continue to explore other solutions.

Nancy Karp supported adoption of the proposed Ordinance, because the City did not have a tool to approach the homeless problem.

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Maureen McNally supported adoption of the proposed Ordinance after long deliberation.

Mark Dobervich believed vehicle habitation Ordinances in surrounding cities increased the number of vehicle dwellers in Palo Alto. He was disappointed the City did not have a homeless camping program. The proposed Ordinance was a necessary first step to restore balance.

Carolyn Dobervich hoped the Council intended to protect residents from a deluge of vehicle dwellers.

Penny Ellson supported the proposed Ordinance, because it would be a tool to initiate a conversation.

Zachi Baharav provided photographs of vehicle dwellers located at Cubberley.

Dennis Upton suggested citations be issued under existing Ordinances rather than adopting the proposed Ordinance.

Andy Burnham opposed the proposed Ordinance. Enforcement of existing laws was preferable to enacting new laws.

Mila Zelkha, InnVision Shelter Network, believed at times sheltering in a vehicle was safer than sheltering on the street. InnVision was concerned that the proposed Ordinance would disperse the homeless population without engagement.

Faith Brijid supported the proposed Ordinance. Most vehicle dwellers were not criminals.

Rebecca White indicated the situation at Cubberley was getting worse.

Jerry Dischler supported the proposed Ordinance as a means to help the homeless and keep residents safe.

Ganesh supported the proposed Ordinance, and requested the Council continue to assist and engage the homeless population.

Steve Wardlaw felt the purpose of the proposed Ordinance was to help vehicle dwellers obtain needed services and to protect residents.

Chris Bergquist supported the proposed Ordinance.

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Chuck Jagoda stated City Staff and the working group did not consider all alternatives.

Becky Johnson indicated the proposed Ordinance would allow police officers to remove people from public spaces even though they had not committed a crime.

Paul Mitchell suggested the Council designate areas for vehicle habitation.

Edie Keating believed the Council needed to accommodate the homeless population and determine where the homeless could live.

Yu-Shen Ng reluctantly supported the proposed Ordinance. The City needed structured support for the homeless population.

Diane Guinta urged the community to find a solution better than the proposed Ordinance.

Phyllis Cassel expressed concern that the proposed Ordinance would not solve the vehicle habitation issue. The proposed Ordinance would affect those homeless people who were not creating problems in the community.

Aparna Ananthasub Camarian recalled solutions proposed at working group meetings. Any solution should be developed or vetted by a group of people representative of those affected by the issue.

Sandy Perry noted the funding challenges for Section 8 housing. Affordable housing was the only reasonable solution.

LaDoris Cordell listed problems that would be caused if vehicle dwellers were incarcerated under the proposed Ordinance. She did not support the proposed Ordinance.

Tony Ciampi believed the problems at Cubberley could be alleviated through enforcement of existing Ordinances.

William Safford offered to represent vehicle dwellers cited for violation of the proposed Ordinance.

Elliott Wright hoped to find an alternative solution to the vehicle habitation problem.

Sandra Nakagawa opposed the proposed Ordinance.

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Owen Byrd requested the Council not adopt the proposed Ordinance, but issue a Request for Proposal for a program modeled on the Santa Barbara and Eugene programs.

Susan Fineberg supported the proposed Ordinance. The decision concerned effective management of public property and the safety, health and welfare of all Palo Alto residents.

Carrie Leroy stated it was unconstitutional to ban the conduct of sleeping. The costs of litigation would be enormous.

Eric Leroy noted the high numbers of teenagers who were homeless.

Roberta Ohlquist felt children should be exposed to diversity. A toothless rental mediation task force and the lack of rent caps contributed to the homeless problem.

Geoff Browning noted the lack of affordable housing in Palo Alto.

Public Hearing closed at 10:10 P.M.

Council took a break at 10:10 P.M. and returned at 10:23 P.M.

Council Member Kniss stated the Council was attempting to care for the neediest in the community while taking care of the safety of residents. The discussion focused on vehicle habitation at Cubberley because residents in that area told the Council they did not feel safe. The City must provide for the safety of the community. The Council needed to discuss safety of all citizens, services for homeless citizens, and enforcement tools for the Police Department. She shared information about the Santa Barbara vehicle habitation program and mentioned programs in other cities. Any vehicle habitation program would require input and assistance from citizens.

MOTION: Council Member Kniss moved, seconded by Council Member Price to approve the Policy and Services Committee recommendation to: 1) amend Chapter 9.06 (Public Peace, Morals, and Safety) of the Palo Alto Municipal Code, by adding section 9.06.010, prohibiting the human habitation of vehicles (Attachment A); and 2) approve an ordinance roll out plan that will defer full implementation of the ordinance for six months (Attachment B).

Council Member Kniss challenged the community to work together to create and implement a program for vehicle habitation. The Policy and Services

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Committee would be discussing the needs of the homeless population in the Cubberley area.

Council Member Price learned that the circumstances of homelessness for each individual were different. The Policy and Services Committee thoughtfully discussed resources for the homeless population, and requested Staff return with further information. Adoption of the proposed Ordinance was appropriate with the proviso of continued exploration of alternatives.

Council Member Klein emphasized that the Motion was the beginning of changes in City Policy. Additional steps were needed to ensure Cubberley did not become a defacto homeless center. Cubberley experienced a dramatic increase in the number of homeless people in a short time. Homelessness was a regional problem and a health and safety problem. The Council needed to care for the homeless, but not at the expense of other citizens. The proposed Ordinance was the first step in addressing the problem.

Vice Mayor Shepherd regretted that a vehicle habitation program did not result from two years of effort. The City could not solve the homeless problem alone. She inquired about enforcement of the proposed Ordinance.

Molly Stump, City Attorney, explained that there was a general penalty section at the beginning of the Municipal Code that applied to violations of Ordinances. Unless an exception was specifically stated in an operative provision, the City Attorney had the discretion to charge individuals with infractions. That type of enforcement action was intended to be a last resort. The Police Department would utilize referrals and outreach, and would issue citations if referrals and outreach were not successful.

Vice Mayor Shepherd inquired about the fine associated with a citation.

Ms. Stump reported under State law the maximum penalty for a misdemeanor was a fine of \$1,000 and/or six months of jail time. Jail time was not included for an infraction, and the fine was less.

Vice Mayor Shepherd asked if existing laws could be used to ban vehicle habitation.

Ms. Stump indicated there were no existing laws that addressed the types of conduct that prompted complaints to the Police Department. Existing laws did address certain types of conduct, and the Police Department could use those laws to engage with citizens if the conduct was also present.

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Vice Mayor Shepherd inquired about the process for a group to apply for one of the City's Human Services grants.

James Keene, City Manager, stated the complexity of the homeless problem usually required a combination of programs and grants. The City could not provide a total solution, but could respond to and assist with ideas. The next discussion at the Policy and Services Committee would focus on resources and programs for the homeless.

Vice Mayor Shepherd believed Palo Alto was innovative in providing social services.

Council Member Schmid related City action with respect to the homeless issue over the previous two years. The Santa Clara County survey showed that the number of unsheltered people in Santa Clara County increased by approximately 10 percent between 2011 and 2013. The Staff Memo in May 2013 recommended abandoning the pilot program to pursue an Ordinance with enhanced social services outreach. It was important for the City to attempt to resolve the homeless issue, and enhanced social services was a good starting point. He asked if the Council could commit to providing resources for enhanced social services.

Mr. Keene noted Staff discussed the homeless issue with social service providers over the previous six months. For the Policy and Services Committee discussion of the general homeless issue, Staff would present suggestions for new resources and increased effectiveness based on research with other communities and jurisdictions.

Council Member Schmid felt it was important for the Council to be as clear as possible that it expected to make enhanced investments. The Ordinance made vehicle habitation more prominent and more risky. To offset that, the Council should commit to providing more resources to resolve the issue.

Mr. Keene believed the impact of the proposed Ordinance was overstated. The Police Department received complaints about vehicle dwellers, but not about every vehicle dweller. The proposed Ordinance would allow police officers to engage with the homeless population.

Council Member Burt indicated the homeless population at Cubberley Community Center increased. A higher percentage of vehicle dwellers were not long-term Palo Alto residents. The Council had an obligation to address the homeless problem. The City of Palo Alto did not have sufficient resources and skills to address the issue alone.

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AMENDMENT: Council Member Burt moved, seconded by Council Member Holman to: 1) have Staff initiate a Request for Proposal for non-profits to offer a program similar to an alternative model, such as Santa Barbara, California; 2) have Staff attempt to engage one or more neighboring cities or Santa Clara County to participate in the initiative; and 3) have the Human Relations Commission play a lead role in Palo Alto's efforts as a citizen advisory body.

Council Member Kniss preferred to discuss his suggestions at the Policy and Services Committee.

Council Member Burt explained the Amendment did not obligate the Council to take action on any proposals. It was a commitment for the Council to do more than adopt an enforcement Ordinance.

Council Member Holman felt the Amendment expressed the City's continued efforts regarding the homeless issue. The Motion referred to an implementation plan lasting six months. The Ordinance did not reference Attachment B, and Attachment B did not reference a six-month implementation plan. The Ordinance stated it would be effective 31 days after its adoption.

Ms. Stump reported the Ordinance would become effective on the 31st day after adoption as set forth in State law. The Ordinance was not self-enforcing; therefore, the implementation plan would be utilized. The Police Department had the discretion to determine how to apply and enforce the Ordinance.

Council Member Holman reiterated that there was no reference to Attachment B, and Attachment B did not reference a six months implementation plan.

Mr. Keene stated Attachment B was a reference document outlining Staff's intentions for implementation. By approving the Motion, the Council would direct Staff to utilize the six-month implementation plan.

Council Member Holman indicated the Motion referred specifically to Attachment B.

Mr. Keene noted the directive to Staff would be a six-month implementation period.

Council Member Holman inquired whether inclusion of eating and resting in the definition of vehicle habitation was practical.

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Ms. Stump explained sleeping, eating and resting were included in the Ordinance as illustrative facts that could cause a police officer to conclude that a vehicle was being used as a dwelling place. The operative language was dwelling place.

Mayor Scharff reported the Policy and Services Committee would continue the discussion of homelessness on August 13, 2013. Approval of the Amendment would be a mistake, because the success of the Santa Barbara and Eugene programs were unknown. The Policy and Services Committee needed to review alternative programs to determine their effectiveness. Including the Human Relations Commission (HRC) would delay provision of services to the homeless. He would not support the Amendment.

Council Member Berman understood the situation at Cubberley was untenable. The safety concerns of neighborhood residents were serious and real. The Council had an obligation to address those concerns. Originally he believed other steps should be taken prior to implementing a ban on vehicle habitation. He wanted to see an analysis of using City parking lots for vehicle dwellers. He suggested removing from the Amendment the Eugene, Oregon, program as an alternative model.

Council Member Burt noted the Santa Barbara and Eugene programs were included in the Amendment as examples of alternative models, and agreed to remove the Eugene, Oregon, program from the Amendment.

Council Member Klein opposed the Amendment, because it directed Staff to prepare an RFP without review by the Council or the Policy and Services Committee. In addition, there were no details as to what the RFP was to accomplish.

Vice Mayor Shepherd liked the thinking on the Amendment but could not support it. The discussion should occur at the Policy and Services Committee. The HRC should have a role in the discussion.

Council Member Price would not support the Amendment. The suggestions in the Amendment would inform the Policy and Services Committee's discussion. The community was already offering recommendations and proposals. The issue was not just enhanced services, but more affordable housing.

Council Member Kniss hoped the community would provide ideas at the Policy and Services Committee meeting.

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Council Member Schmid inquired whether a meeting of the Policy and Services Committee would focus on the homeless issue at Cubberley Community Center.

Mr. Keene replied yes.

Council Member Schmid noted the proposed Ordinance would not specifically address the situation at Cubberley.

Mr. Keene explained the proposed Ordinance would apply to vehicle habitation in the parking lots at Cubberley.

AMENDMENT FAILED: 3-6 Berman, Burt, Holman yes

MOTION PASSED: 7-2 Berman, Holman no

COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Price reported that the Valley Transportation Authority's Bike Share Program will be implemented in August. She also participated in a meeting regarding the Palo Alto Transit Center sublease issues. The discussion to find a process regarding these issues was underway.

Council Member Berman spoke at a Hepatitis B event. He said everyone should get screened for Hepatitis B; screenings are often covered by health insurance. The Youth Community Service Camp was working with the community on various service projects benefitting the homeless, elderly, youth, and the environment.

Council Member Holman said the League of California Cities has a program called Let's Move and awarded Palo Alto a bronze medal for this program.

ADJOURNMENT: The meeting was adjourned at 11:40 P.M.