



CITY OF PALO ALTO CITY COUNCIL MINUTES

Regular Meeting
September 15, 2014

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

Present: Berman, Burt, Holman, Klein, Kniss, Price, Scharff, Schmid, Shepherd

Absent:

CLOSED SESSION

1. CONFERENCE WITH CITY ATTORNEY/LEGAL COUNSEL
Significant Exposure to Litigation: 1 Potential Case Potential Litigation
Relating to the Mitchell Park Library and Community Center Construction
Potential Initiation of Litigation: 1 Potential Case
Authority: Government Code Section 54956.9

The City Council reconvened from the Closed Session at 7:24 P.M.

Mayor Shepherd announced that the Council met in Closed Session to discuss anticipated litigation related to the Mitchell Park Library and Community Center. The Council voted to direct Staff to initiate the Contract Dispute procedure under Paragraph 14.4 of the Contract by serving Flintco Pacific with a Notice of Contract Dispute in anticipation of proceeding to formal direct negotiations, mediation, and arbitration.

STUDY SESSION

3. Public Safety Update & Threat Hazard Identification and Risk Assessment (THIRA).

Kenneth Dueker, Director of Emergency Services, reported the 2011 Office of Emergency Services (OES) Restructuring Report recommended the City develop a Threat Hazard Identification and Risk Assessment (THIRA). Palo Alto was only the second jurisdiction in the Bay Area to complete a THIRA. THIRA provided an empirical basis for allocation of limited resources in Public Safety, Public Works, Utilities, and Libraries Departments. Much of the data was based on projections and sometimes conjecture. Input was obtained

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from stakeholders ranging from community emergency services volunteers to Stanford University and Stanford Health Care. Staff compiled all feedback into the THIRA report. According to Comprehensive Preparedness Guide (CPG) 201, all communities should comply with the national preparedness goal of all members of a community forming a team to develop 31 core capabilities. Risk was viewed on a continuum of natural, technological, and human-caused disasters. The THIRA Report would be revised completely every two years. Based on the plan, Staff sought to organize and train people, obtain equipment, and conduct exercises. Stakeholders and the consultant identified threats of earthquake, severe weather/flooding, airplane accident, hazardous waste/material spill, urban fire, wild land fire, major crime, cyber-attack, hostage/assassin, sabotage, and workplace violence. Staff had to be aware of all risks in the greater area because of mutual aid agreements. Soft story and unreinforced masonry buildings were known to be problematic in a seismic event. The THIRA Report made extensive recommendations; however, the primary recommendation was to update the Emergency Operations Plan (EOP) to align with current Federal guidelines. The City recently received a \$100,000 emergency planning grant to update the EOP in concert with Los Altos, Mountain View, and Sunnyvale. OES supported more than 100 events in 2014 and 400 volunteers throughout the community.

Dennis Burns, Police Chief, advised that the computer-aided dispatch system with Los Altos, Mountain View, and Stanford University was completed in March 2014. The second phase was underway. Residential burglaries had decreased in 2014. A second School Resource Office was placed in service in January 2014. New police cars were due to arrive shortly. A new in-car camera system was operational in all patrol cars. The Police and Public Works Departments continued to search for a site for the new Public Safety Building.

Eric Nickel, Fire Chief, indicated the risk of wild land fire continued to be high. Staff opened the Foothills Fire Station early because of the increased risk for fire. The Department was implementing some aspects of the Community Driven Strategic Plan. In 2015 the Department would celebrate the 40th Anniversary of the Palo Alto Fire Paramedics. As of early 2015, every Palo Alto Fire apparatus would have a minimum of one paramedic. The Department was working with alarm companies and the industry to respond appropriately to fire alarms; the vast majority of fire alarms resulted from equipment malfunctions rather than fires. Computer-aided dispatch had been a great benefit to the Fire Department. The Department planned to hire a public educator to work with senior and youth populations to reduce risk of injury and fire.

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Council Member Klein inquired about a timeline for presenting information to the Council regarding soft-story and unreinforced masonry buildings.

Hillary Gitelman, Planning and Community Environment Director, would present Ordinances from other jurisdictions to a Council Committee, most likely the Policy and Services Committee, for discussion.

Peter Pirnejad, Development Services Director, would be prepared for a discussion of revisions to the Building Code.

Council Member Klein requested Staff comment on a possible timeline.

Ms. Gitelman could compile model Ordinances and a brief summary for Committee discussion in 30-60 days.

Council Member Schmid inquired about portions of the THIRA Report that were not made public.

Mr. Dueker disclosed as much of the THIRA Report as was responsible. Items concerning critical infrastructure, tactics, and scenarios were not made public.

Council Member Burt requested Mr. Dueker explain the measures he had implemented and planned to implement in the fall regarding flood preparedness.

Mr. Dueker reported Staff implemented a three-pronged approach to flood preparedness. First, all City Staff were engaged as resources to respond to flooding. Second, Staff worked with adjoining jurisdictions to improve communications and training. Third, Staff improved operational coordination with relevant jurisdictions.

Council Member Burt understood the upcoming preparedness event would be a mock flood.

Mr. Dueker advised that on September 20, 2014 the annual community exercise would be a storm/major flood scenario.

Council Member Burt was interested in aggressive programs to address soft-story and unreinforced masonry buildings and in a review of existing programs.

Council Member Price asked if the THIRA Report recommended actions in the event of an active shooter on school campuses.

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Mr. Dueker advised that the THIRA Report contained a comprehensive approach for both public and private schools. Schools were not obligated to prepare a THIRA Report. Updating school maps and linking them to the new computer-aided dispatch system would be operational in 2015.

Mr. Burns explained that Code Red was an exercise coordinated by School Resource Officers twice a year at each school and concerned an active shooter.

Council Member Price requested Staff summarize recommendations from the OES Restructuring Report.

Mr. Dueker reported that the 2011 OES Report recommended hiring two Emergency Services Coordinators to report to the Director. One position had been filled. Fire, Police, Public Works, and Utilities personnel filled the second position.

Council Member Price felt the City should fill the second position so that plans could be implemented.

Council Member Holman inquired about the use of audible alarms.

Mr. Dueker supported deployment of audible alarms; however, there was no funding for that.

Council Member Holman asked if grants or cooperative initiatives could be used.

Mr. Dueker was not sure of potential costs but could investigate that.

Council Member Holman requested an update regarding backup of energy and communications resources.

Lalo Perez, Acting City Manager, recalled the program was decommissioned, because it was not large enough. He would determine additional details and provide those to the Council.

Council Member Holman inquired about responses to hazardous materials.

Mr. Nickel worked with neighborhoods and users of hazardous materials regarding appropriate handling of hazardous materials. The Fire Department maintained a robust inspection schedule of users of hazardous materials and maintained a detailed database of materials, uses, and transportation. Additional personnel had been trained to handle hazardous materials. The City had a regionalized response with Mountain View and Sunnyvale.

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Council Member Holman asked how often regular inspections occurred.

Mr. Nickel indicated the Department performed two inspections per year, which exceeded requirements. If neighborhood residents lodged a complaint, the Fire Department responded within 24 hours for a follow-up inspection.

Council Member Holman believed the community could need more frequent inspections in order to feel safe.

Mr. Nickel had the capacity to inspect more often with the increased number of inspectors. The Department responded quickly to neighborhood requests.

Council Member Holman suggested the Department respond immediately to neighborhood concerns regarding odors.

Mr. Nickel remarked that notices of odors often occurred in the middle of the night when only a security guard at the plant was available to assist inspectors. In that case, inspectors responded the following day for a thorough inspection.

Council Member Holman wanted to know the number of residential and commercial soft-story buildings. She inquired about support for East Palo Alto's efforts to reduce crime.

Mr. Dueker had integrated East Palo Alto into the natural hazards and mutual aid planning environment.

Mr. Burns advised that the City supported East Palo Alto on a regular basis. He had regular communications with Menlo Park and East Palo Alto Police Chiefs regarding joint efforts.

Vice Mayor Kniss asked Staff to describe the computer-aided dispatch system.

Mr. Burns noted the system required six years to implement, because Staff had to design the program and work with five agencies. With the new system, dispatchers could see the locations of all police and fire vehicles on a map of Palo Alto, Stanford University, Los Altos, and Mountain View. Regional agencies could dispatch calls for other agencies as needed.

Vice Mayor Kniss felt the new system was incredibly important.

Mayor Shepherd was interested in resiliency in the Utilities grid.

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Sea (Seelam) Reddy stated that Boeing recommended key emergency preparedness personnel carry a hard copy of emergency plans and contact information. Incident managers should be rotated so that they all gained experience.

Arthur Liberman noted recommendations focused on the consequences of events rather than preventing events. He suggested planners be trained to include a hazard context in their reports. There was a reduction in the Fire Department's ability to manage hazardous materials. He inquired about OES actions to implement the Emergency Planning and Community Right to Know Act.

Mr. Dueker stated he was working with neighborhoods and businesses.

Mr. Nickel reported all businesses inspected by the Fire Department complied with all fire, hazardous materials, and community notification codes.

SPECIAL ORDERS OF THE DAY

4. Proclamation for Jasmina Bojic Recipient of United Nations Educational Scientific and Cultural Organization's Fellini Medal.

Mayor Shepherd provided background of the Fellini Medal.

Council Member Burt read the Proclamation into the record.

Jasmina Bojic, United Nations Association Film Festival Executive Director, thanked the Council for the honor. She fulfilled her dreams when she established the film festival in 1998. The film festival was her gift to the community, and she hoped to continue it for many years.

Council Member Burt was appreciative of the internationally recognized film festival which focused on human rights. Ms. Bojic's vision was to expand the festival from Stanford University to surrounding communities in order to build bridges among the communities.

5. United Nations Association Film Festival (UNAFF) Proclamation.

Council Member Burt read the Proclamation into the record.

Jasmina Bojic, United Nations Association Film Festival Executive Director, invited the Council and community to attend the film festival. The festival would screen approximately 70 documentaries from 50 countries. She previewed a trailer for the festival.

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AGENDA CHANGES, ADDITIONS AND DELETIONS

MOTION: Council Member Holman moved, seconded by Council Member Burt to bring Agenda Item Number 11 forward to be heard before Agenda Item Numbers 9 and 10.

MOTION PASSED: 9-0

CITY MANAGER COMMENTS

Lalo Perez, Acting City Manager, announced the Palo Alto Office of Emergency Services and Stanford University Department of Public Safety were offering a public education session on September 23, 2014. On September 27, 2014, the City would host the Come Together event at the Mitchell Park Library and Community Center.

ORAL COMMUNICATIONS

Jessica Roth was circulating a petition for the City to zone California Avenue for local businesses rather than chain stores. Other cities had zoned streets to limit the number of chain stores.

Council Member Holman requested Ms. Roth provide the City Clerk with a link to the online petition, and the City Clerk to provide the link to the Council.

Jessica Roth requested assistance with language for the petition.

Victor Ojakian had not heard any substantive or compelling arguments to reduce the size of the City Council. The number of Council Members in relation to population was average in comparison to other cities in the area. The City of Palo Alto offered services not offered by other cities.

Mark Weiss announced Earthwise Productions was hosting a free concert at Lytton Plaza on September 20, 2014. He encouraged the public to bike to the concert as one of the musical acts was biking to each performance location.

Stephanie Muñoz felt the City's zoning a parcel of land R-15 was dishonest. The City should not discard "starter" populations.

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MOTION: Council Member Price moved, seconded by Council Member Berman to approve the Minutes of August 11, 2014.

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MOTION PASSED: 9-0

CONSENT CALENDAR

MOTION: Council Member Klein moved, seconded by Council Member Berman to approve Agenda Item Numbers 6-8.

6. Finance Committee Recommendation that the City Council Adopt a Resolution 9451 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City's Participation in a Natural Gas Purchase from Municipal Gas Acquisition and Supply Corporation for the City's Entire Retail Load, an Amount Estimated to be Approximately \$150 Million over Ten Years, Waiving the City's Choice of Law and Venue Requirements, and Authorizing the City Manager to Execute all Associated Agreements Required to Effect the Natural Gas Purchase."
7. Resolution 9458 entitled "Resolution of the Council of the City of Palo Alto to Adopt a New Rate Schedule for Net Energy Metering Aggregation Customers, Revise Rules and Regulations 2 and 29, and Approve a Revised Interconnection Agreement for Net Energy Metering Aggregation Customers."
8. Resolution 9459 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Linda Clerkson Upon her Retirement.

MOTION PASSED: 9-0

ACTION ITEMS

11. Refer Real Property Procedures and Related Matters to Policy & Services; Approve Response to Santa Clara County Civil Grand Jury Report "Reduced Transparency and Inhibited Public Input and Scrutiny on Important Land Use Issues" (Continued from September 8, 2014).

Mayor Shepherd reviewed prior Council actions.

Molly Stump, City Attorney, suggested members of the Council's Ad Hoc Committee comment.

Council Member Schmid felt the Council, as the representative of the City, should assume responsibility for responses to the Grand Jury Report. He reviewed actions to be taken by the Council as stated in the response to the Grand Jury Report.

Robert Moss indicated the Council spent \$250,000 on a development project where no application had been submitted. Neither the Grand Jury Report

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nor the response mentioned whether the Council violated the Brown Act by holding private conversations with Mr. Arrillaga with respect to the 27 University Avenue Project.

Wayne Douglass was outraged by the Council's actions. Some Council Members had expressed regret for their actions.

Stephanie Muñoz recalled that the community objected to the 27 University Avenue Project as early as January 2014. The Council should hold more Open Sessions when the Brown Act did not require Closed Sessions.

MOTION: Council Member Schmid moved, seconded by Council Member Price to:

1. Refer the following policy matters to the Policy and Services Committee for further discussion and recommendations to the full Council:
 - a. Receive and review an inventory of lands donated to the City;
 - b. Consider potential revisions to Policy and Procedure 1-48 (Procedure for Sale/Transfer of Surplus City-Owned Real Property), including to add additional guidance and clarity regarding unsolicited offers to lease or purchase City land and the timing of real property closed sessions;
 - c. Public prescreening with Council of projects requiring zone changes; and
 - d. Receive a report on software solutions supporting responses to requests for documents under the Public Records Act, to be provided to City.

Council Member Schmid advised that the items in the Motion were suggested by more than one Council Member during the Council meeting. The response attempted to address the issues in the Grand Jury Report.

Council Member Price concurred with prior comments. The Policy and Services Committee was looking forward to addressing the items. She hoped actions would be implemented in 2014.

Council Member Burt indicated Council Member Schmid and he attempted to capture the intent and suggestions of the Council at the September 8, 2014 meeting. The redline version contained their recommended changes to the response.

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Mayor Shepherd clarified that the Council was discussing the items being referred to the Policy and Services Committee.

Council Member Burt requested the Council review the response carefully to ensure it could support the referrals and language modifications.

Council Member Holman inquired whether Item b included a review of the process for identifying surplus property.

Ms. Stump understood the Ad Hoc Committee intended that referral to encompass all items the Policy and Services Committee felt were appropriate to discuss in terms of updating Policy and Procedure 1-48.

Council Member Burt added that the referral included but was not limited to the delineated items.

Council Member Holman noted the Motion did not contain a referral of the procedures under which the City Manager could lease City-owned land.

Ms. Stump reported the Council could add that as a referral to the Policy and Services Committee. Policy and Procedure 1-11 was mentioned by the Grand Jury.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add that Policy and Services Committee also review Policy and Procedure 1-11/ASD- Leased Use of City Land/Facilities.

Council Member Holman inquired whether the Policy and Services Committee would determine the method for presenting an inventory of lands donated to the City to the Council.

Council Member Schmid answered yes.

Council Member Scharff felt the Council should make a conscious decision to move into a Closed Session. He suggested the Policy and Services Committee discuss whether the Council should take a vote to move into a Closed Session prior to doing so.

Council Member Schmid asked if Council Member Scharff's intent was for the Council to vote prior to going into Closed Session regarding real property discussions.

Council Member Scharff wanted the Council to vote prior to going into any Closed Session, regardless of the topic for discussion. A Closed Session was not always necessary.

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Council Member Holman inquired whether the proposed referral fell within the agendized topic.

Ms. Stump explained the topic was in the nature of making a referral and setting an agenda for future discussion. The Council was not making a decision to change its procedures.

Council Member Price inquired whether the intent was for the Policy and Services Committee to discuss the Council voting to move into a Closed Session each time a Closed Session was proposed.

Council Member Scharff indicated the Policy and Services Committee could discuss a vote or other action the Council should take prior to adjourning into a Closed Session.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to refer to Policy and Services Committee the discussion on whether to have Council take a vote to go into Closed Session prior to going into Closed Session.

Council Member Price interpreted the language as the Council would vote to move into a Closed Session without prior notice. She inquired whether the intent was for the Council to determine that it was appropriate for the Council to agendize an item for a Closed Session.

Council Member Scharff replied no. Staff would continue to agendize items for Closed Session. However, the Council would vote whether a Closed Session was necessary and whether to adjourn into a Closed Session.

Mayor Shepherd appreciated the inclusion of a vote prior to moving into Closed Session. She asked if the Ad Hoc Committee considered referring the City's gift policy to the Policy and Services Committee for review.

Council Member Burt advised that the Ad Hoc Committee only considered those items discussed by the Council at the September 8, 2014 meeting.

Mayor Shepherd was not aware of a structure for the Council to discuss significant gifts to the City. The City needed some process for presenting gift opportunities to the Council for discussion.

Council Member Schmid inquired whether the response to Recommendation 3 should be referred to the Policy and Services Committee for review.

Ms. Stump and the City Manager felt the instruction was sufficiently clear that Staff could implement it without further review. If no street address

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was available for a piece of property, then other tools could identify the property.

MOTION AS AMENDED PASSED: 9-0

Council Member Klein felt the recommended changes were appropriate and added clarity. He recused himself from any discussion of Recommendation 5.

MOTION: Council Member Klein moved, seconded by Council Member Burt to approve the response to the 2013-2014 Santa Clara County Civil Grand Jury Report, "The City of Palo Alto's Actions Reduced Transparency and Inhibited Public Input and Scrutiny on Important Land Uses." Additionally, to authorize the Mayor to send a letter to the Grand Jury with the City's response, by the deadline of September 18, 2014.

Council Member Burt revised the City's response in an attempt to provide clarity and responsibility for Council and City actions. He requested Staff respond to Mr. Moss' concern that informational reports to Council Members violated the Brown Act.

Ms. Stump explained that the Brown Act applied to the Council; not to Staff, private citizens, or community organizations. Council Members' meetings with private citizens or community organizations were not a violation of the Brown Act. Staff could provide informational briefings to individual Council Members or small groups of Council Members. Third parties could not carry messages between Council Members. The Grand Jury did not state there was a Brown Act violation.

Council Member Burt felt the procedure under which the City Manager was authorized to lease City-owned property was sufficient; however, the procedure was not followed. A review of those procedures would be beneficial. The 27 University Avenue Project offered a potential public benefit rather than a gift. A review of procedures for gifting property to the City could be appropriate.

Council Member Berman concurred with Council Member Klein's comments.

Vice Mayor Kniss indicated the guidelines were generally very good and would apply to the Council in the future.

Council Member Holman referred to the response to Finding 3, and asked if the estate was sold to Mr. Arrillaga.

Ms. Stump replied yes.

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Council Member Holman inquired whether Mr. Arrillaga held ownership of the property.

Ms. Stump clarified that the City had fee ownership of the property, but no right to access or to control the property. The Lee Family retained the rights to access and control until they sold the rights to Mr. Arrillaga.

Council Member Burt added that Mr. Arrillaga acquired the property adjacent to the 7.7 acres and also acquired the access and control rights to the 7.7 acres.

Ms. Stump explained that when the Lee Family deeded fee ownership to the City, they retained an Estate in the property which meant they retained the rights of access and control.

Council Member Holman questioned whether Staff ordered an appraisal of the property under the City Manager's authority.

Ms. Stump noted the Council delegated authority to the City Manager to enter into small contracts for services. The cost of the appraisal would have been within that authority.

Council Member Holman asked if it was typical for Staff to obtain real property appraisals without Council direction.

Lalo Perez, Acting City Manager, reported that could happen from time to time.

Ms. Stump remarked that Staff could obtain an appraisal for a variety of reasons.

Mr. Perez added that Staff utilized appraisals to determine rents for real property.

Council Member Holman interpreted the language "significant and substantive" in the response to Recommendation 5 to mean plans had been vetted and refined prior to public review.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER: to replace in the response to Recommendation 5 "significant and substantive" with "informed."

Council Member Holman mentioned at the prior Council meeting that the response to Recommendation 5 should include Comprehensive Plan amendments.

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Council Member Burt did not have that in his notes from the meeting; however, he would agree to that change. He inquired whether Comprehensive Plan changes could be minor as well as major.

Ms. Stump advised that amendments could be relatively minor.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change in Recommendation 5 "major zone changes" to "major Comprehensive Plan changes".

Council Member Holman suggested including "nevertheless the need for public meetings should have been followed" in the response to Recommendation 5a.

Council Member Burt offered "public meetings earlier in the process were warranted."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER in response to Finding 5a add "nevertheless, public meetings should have occurred earlier in the process".

Council Member Klein urged Council Member Holman to refrain from further word-smithing.

Council Member Schmid recommended Staff address issues stated in Mr. Borock's letter at the Brown Act training to be held the following Thursday.

Ms. Stump commented that Staff spent quite a bit of time on serial meetings during the annual training session.

Council Member Schmid noted Mr. Borock indicated final approval of the 7.7 acres as dedicated parkland occurred on September 8, 2014.

Ms. Stump commented that Staff's response was a general statement that was sufficient for the informational purposes of the response.

Mayor Shepherd inquired about actions that would occur once the City submitted its responses.

Ms. Stump reported that the City was required to consider and respond to each finding and recommendation in the Grand Jury Report. The City's response was then filed with the court. At that point, the process was finished.

Mayor Shepherd did not recall deliberating at the informational meeting, which was the delineation between proper and improper acts.

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MOTION AS AMENDED PASSED: 9-0

9. Resolution 9460 entitled "Resolution of the Council of the City of Palo Alto Establishing the Enforcement Process for Violations of the Three Outdoor Water Use Restrictions Adopted by Council on August 4, 2014 (Resolution 9449)."

Nicolas Procos, Senior Resources Planner, reviewed mandatory and voluntary water reductions instituted since January 2014. By the end of June, significant water use reductions were occurring. Staff increased communications and educational programs for water conservation, increased rebate programs, and instituted new water efficiency programs. Residents of Palo Alto exceeded the 10 percent goal through July 2014. City operations reduced water use by 25 percent. Through July 2014, overall Palo Alto water consumption decreased by 13.1 percent. On August 4, 2014, the Council adopted two water use restrictions from the State Water Resources Control Board (Water Board) and initiated the irrigation restriction. Staff was tracking violations and was aware of approximately 50 violations. Staff was in the process of hiring a water waste coordinator. For first and second violations, Staff contacted the customer. For the third violation, Staff sent a certified letter from the Utilities Director. With the fourth violation, fines were imposed. Staff did not anticipate needing to impose fines; however, they needed authority to impose fines. The Municipal Code contained mechanisms for imposing fines for violation of water use restrictions. Staff recommended the Council make the additional Water Board violations and the outdoor water use restriction subject to a \$100 per day fine. Staff would continue customer outreach, conservation incentives, education, and monthly reporting while completing the recycled water EIR (Environmental Impact Report).

Rita Vrhel was outraged that people continued to disregard efforts to conserve water. She proposed Staff implement a hotline to report water users, cease watering turf in the parkway, and institute a fine of \$500.

MOTION: Vice Mayor Kniss moved, seconded by Council Member Scharff to adopt the Resolution establishing the enforcement process for violations of the outdoor water use restrictions adopted by Council on August 4, 2014 (Resolution 9449).

Vice Mayor Kniss agreed a phone number to report water waste would be helpful.

Mayor Shepherd asked if there was such a phone line.

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Valerie Fong, Utilities Director, answered yes. The fine was \$100 per day per infraction. Staff was working on an application to notify the City of water waste.

Council Member Scharff believed the measure was timely. Staff was prepared with both the phone number and new application.

Council Member Holman seemed to recall reading that Palo Alto had reduced water usage by 17 percent; however, Staff stated the amount was 13 percent.

Mr. Procos recalled in August 2014 Staff indicated Palo Alto achieved a 17 percent decrease in water usage for July 2014. The percentage would likely increase to 14-16 percent once metering issues were resolved.

Council Member Holman felt it was premature to hire an enforcement officer at the current time, because restrictions had been effective for slightly more than a month. Residents could track water usage through their home reports. The mention of hiring personnel for water enforcement was buried in the Staff Report.

Ms. Fong explained that Staff was requesting an additional part-time hourly resource to help maintain the program. The program was new, and Staff was working to implement it.

Council Member Holman stated there was a difference between someone to maintain the program and someone to enforce violations.

Ms. Fong clarified that Staff sought a coordinator for the program, rather than an enforcement officer.

Council Member Price would support resources for a coordinator position. Continuing on a complaint basis was not as effective as enforcing violations.

Council Member Berman inquired about possible reasons for increased water usage in March-April 2014.

Mr. Procos had no analysis of that. One possible explanation was the beginning of the irrigation season.

Council Member Berman noted efforts for residents to move from grass to drought-tolerant landscape. He requested information regarding the landscape rebate program.

Catherine Elvert, Utilities Communications Manager, worked with the Santa Clara Valley Water District regarding water conservation programs. The

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landscape rebate offered incentives for residents and businesses to replace irrigated lawn with low-water-use landscape. Currently the City was matching the Water District's \$2 per square foot rebate, for a total of \$4 per square foot rebate. The City also offered incentives for upgrading irrigation hardware.

Council Member Burt commented that these reductions were in addition to substantial reductions in water usage over the previous 15-20 years. He asked if Staff had figures for conservation efforts over the past 15-20 years.

Mr. Procos did not have exact numbers. The City had a water supply guarantee of 17.07 million gallons per day, but used only 11.5-12 million gallons per day. Twenty years ago, the City used more than 17 million gallons of water per day.

Council Member Burt calculated over the last 20 years the City reduced its total water consumption by more than one-third while the City's population increased by 15 percent. A secondary benefit to water conservation was the replacement of lawns with native plantings that formed habitat. Staff needed to increase awareness of rebate programs.

Council Member Klein stated the City's reduction in water usage was due in large part to changes in local businesses. Palo Alto was not conserving water as well as most other cities. Most water conservation occurred when residents ceased watering their lawns and landscape. He asked about the number of people who had participated in the landscape rebate program.

Ms. Elvert advised that Palo Alto had the highest participation rate in rebate programs of all water retailers in Santa Clara County. Staff worked with community groups to ensure lawns were replaced while protecting the health of the urban canopy.

Council Member Klein felt the City could greatly increase the number of participants in the landscape rebate program.

MOTION PASSED: 9-0

Council Member Scharff inquired whether either or both of the Closed Sessions could be continued.

Molly Stump, City Attorney, indicated the Golin litigation matter was time sensitive. The remaining Closed Session could be continued to another time.

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MOTION: Council Member Scharff moved, seconded by Council Member Burt to continue Agenda Item Number 12- CONFERENCE WITH LABOR NEGOTIATORS to September 22, 2014.

MOTION PASSED: 9-0

10. PUBLIC HEARING: 405 Curtner Condominium Map. Approval of a Tentative Map to Subdivide One Parcel Totaling 12,375 Square Feet Into Six Condominium Units Within the RM-30 Zone District located at 405 Curtner Avenue. The six-unit development on this site was approved on October 29, 2013 and the Planning and Transportation Commission unanimously recommend map approval allowing the approved units to be sold rather than rented. Environmental Assessment: Categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15303 and 15061(b)(3).

Hillary Gitelman, Planning and Community Environment Director, reported the matter was a tentative map that, if approved, would allow a six-unit building to be sold as condominiums. Finding 5 referred to a mitigation measure related to nesting birds. It should refer to conditions of approval regarding preservation of oak trees. Staff requested the Council consider approval of the map pursuant to the Subdivision Map Act and related sections of the Palo Alto Municipal Code. The Planning and Transportation Commission (PTC) unanimously recommended approval based on findings in Attachment A.

Mayor Shepherd inquired whether the Applicant was entitled to 3 minutes or 10 minutes for comment.

Molly Stump, City Attorney, did not believe the Applicant would need 10 minutes.

Public Hearing opened at 10:44 P.M.

Salvatore Caruso, Applicant, requested the Council approve the item. The Project complied with standards. The Project would be appropriate for young families.

Public Hearing closed at 10:45 P.M.

Council Member Holman requested clarification of the correction to Finding 5.

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Ms. Gitelman advised that the explanatory text below Finding 5, on packet page 271, regarding protection of "nesting common birds" should state "conditions to protect onsite trees."

Council Member Holman inquired whether she could ask about a topic other than the subdivision.

Ms. Stump reported the subdivision was the topic agendized. Incidental, closely related, and brief inquiries were acceptable.

Council Member Holman asked if all exterior building and landscape improvements, as stated on packet page 274, would be retained or kept in good repair.

Ms. Gitelman indicated the intent was for improvements to be maintained in good order for the life of the project.

MOTION: Council Member Holman moved, seconded by Vice Mayor Kniss to accept the Planning and Transportation Commission recommendation and approve the tentative map based on the Record of Land Use Action and allowing the six approved units to be sold as condominiums rather than rented.

Council Member Schmid noted the item had been included in the Housing Elements for 2007-2014 and 2015-2023. He inquired whether Council approval of the item would result in the loss of six units from the 2015-2023 Housing Element.

Ms. Gitelman reported the units would remain in the new Housing Element, because they would be approved in the 2014 calendar year.

Council Member Schmid asked how Staff calculated the 0.9 unit for the in-lieu housing fee mentioned on packet page 273.

Russ Reich, Senior Planner, explained that 0.9 was 15 percent of the six dwelling units. Because it did not equal one dwelling unit, the applicant would pay the fractional amount.

MOTION PASSED: 9-0

INTER-GOVERNMENTAL LEGISLATIVE AFFAIRS

None

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COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Burt was interested in referring soft-story and unreinforced masonry buildings to the Policy and Services Committee. He asked if the Council could make that referral at the current time.

Molly Stump, City Attorney, advised that the City Manager could refer the matter to the Policy and Services Committee.

Lalo Perez, Acting City Manager, agreed to refer the matter to the Policy and Services Committee.

Council Member Burt requested the referral include an update to the inventory of soft-story and unreinforced masonry buildings; methods for prioritizing buildings by risk; best practices utilized in other cities to enforce upgrades; a summary of existing retrofit programs and incentives; and recommendations for State legislation to support initiatives.

Council Member Scharff concurred with the referral.

Council Member Klein requested the referral also include financing options for owners to perform necessary upgrades and rehabilitation and whether a mandatory program would be sensible.

Council Member Holman felt it would be more appropriate to refer the item to the Architectural Review Board (ARB) prior to the Policy and Services Committee.

Vice Mayor Kniss attended the Midtown Association Ice Cream Social the prior Sunday. Staff from virtually all City Departments were present. It was a pleasant event for the entire family.

The City Council adjourned into the Closed Session at 10:56 P.M.

CLOSED SESSION

2. CONFERENCE WITH CITY ATTORNEY - EXISTING LITIGATION

Subject: Golin v. Allenby, San Mateo County Superior Court,
Case No. CIV507159

Subject Authority: Government Code section 54956.9

~~12. CONFERENCE WITH LABOR NEGOTIATORS~~

~~City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Lalo Perez, Joe Saccio, Molly Stump, Walter Rossman, Nancy Nagel, Dennis Burns, Mark Gregerson, Kathryn Shen, Dania Torres Wong)~~

MINUTES

~~Employee Organization: Palo Alto Police Officers Association (PAPOA)~~
~~Authority: Government Code Section 54957.6~~

ADJOURNMENT: The meeting was adjourned at 11:20 P.M.