



# CITY OF PALO ALTO CITY COUNCIL TRANSCRIPT

Regular Meeting  
November 9, 2015

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:25 P.M.

Present: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Absent:

## Special Orders of the Day

### 1. United States Military Veterans Proclamation.

Mayor Holman: Those of you who were here just a little while ago, you were here for what appears to be Palo Alto's first event that honors our veterans. In light of that, we have a Proclamation to read. Mayor Holman read the Proclamation into the record. I would like to, if I could, present this. We have a few copies of the Proclamation. I would like to present the framed copy of this, if I could, to Cliff Vrooman, who you heard speak earlier today, our 91-year-old veteran who came to speak with us earlier. If Gary Higgins, Todd Seeley and John Preston could join us down here to receive the Proclamations. For those who couldn't perhaps hear Mr. Vrooman, he said he accepted that on behalf of the 14 million veterans. Thank you so much for honoring us with your presence.

### 2. Presentation of Award of Accreditation by the American Public Works Association (APWA).

Mayor Holman: With that then, we go with the presentation of award of accreditation by the American Public Works Association. I believe Mike Sartor has some comments.

Mike Sartor, Director of Public Works: Good evening, Mayor Holman and Members of City Council. I'd like to introduce to you, standing to my right, Dwayne Kalynchuk, a former past president of the American Public Works Association. Flew down today to do the presentation from Victoria, British Columbia. Thank you, Dwayne, for your time to come down.

# TRANSCRIPT

Dwayne Kalynchuk: Thank you. Good evening, Mayor Holman and City Council. Accreditation is the mark of a professionalism that indicates the public works agency has made the commitment to continuous improvement in the delivery of public works operations and services in the community it serves. Accreditation recognizes that an agency's policies, procedures and practices have been evaluated against nationally recognized management practices which are determined to be appropriate for your specific agency. The accreditation program begun in 1995, and the first agency to receive the designation was the City of Greeley, Colorado, in 1997. The Palo Alto Public Works Department began its journey towards accreditation in February 2014, using the seventh edition of our Public Works Management Practices Manual, and the APWA Accreditation Council awarded full accreditation on October 10th of this year. The site visit was conducted using the seventh edition of the Manual on September 14-16 of last month, with evaluators from Missouri, Kansas and Oklahoma. A total of 367 practices were reviewed, meeting full compliance. Nine were in substantial compliance, and 217 practices were not applicable to your agency. This is an outstanding record. Mike Sartor, the Public Works Director, Larry Perlin, Accreditation Manager, and the entire Staff of the Public Works Department should be commended for their efforts. In addition, eight of the practices are model practices and will be shared with others who work through the program. On behalf of the American Public Works Association, it is my pleasure to award the formal accreditation plaques to the City of Palo Alto Administration and the Public Works Department. Palo Alto becomes the 103rd agency in North America to be accredited by APWA. You are the 14th agency in California, joining Berkeley, Contra Costa County, Orange County, Alameda County, Thousand Oaks, Palmdale, Oakland, Vallejo, Oakland-Fresno and the City/County of San Francisco, San Luis Obispo County and Ventura, and are leading the way for many others who will follow the example and benefit from your leadership. Accreditation is a program of continuous improvement, and accreditation is awarded for a four-year period. We anticipate visiting you again in 2019 for reaccreditation. The main thing is accreditation really is valuable because what it does is a couple of key things that I've seen. I've accredited many agencies in the 20 years I've been involved. It builds a real good team spirit within the department. I think some of the other things is it documents a lot of the procedures and policies. You have a top-notch department that look at how they do things within the public sector. You, as a Council, should be pleased and proud of your Public Works Department for reaching this level. Also, the citizens of Palo Alto should know that their tax money is being well spent within the department. Congratulations and a job well done. We have two plaques. We have one plaque that's going to go into the Public Works Department. Mike, I'd like to present this to you. I hope you hang it proudly in your department, and all your employees can share in the ability that you have taken to receive this.

# TRANSCRIPT

Mayor Holman, we also have another plaque that can go in the City Manager/Mayor's office to remind you and the citizens of Palo Alto of the excellent job that your department has done. We do have decals that can be placed on your Public Works vehicles that show that it's an accredited department. I do encourage you to consider that, because it shows to the citizens that the Public Works Department is doing a good job. It's a pleasure to be here from Victoria. I flew down this morning. I always enjoy California, and Palo Alto's a great place. I always do some shopping, so I've already invested in your economy. Thank you very much in having me here.

Mayor Holman: Thank you for coming the distance to make the presentation. On some occasions, we might apologize for the rain, but we need it so badly we just won't. Thank you again for coming.

## Agenda Changes, Additions and Deletions

Mayor Holman: With that, we go to Agenda Changes, Additions and Deletions. We have none to our knowledge.

## City Manager Comments

Mayor Holman: We then go to City Manager Comments. Giving Jim a minute to finish up the work of a City Manager. Jim, welcome. You'll entertain us with City Manager Comments. Thank you.

James Keene, City Manager: Just a follow-up to Mike Sartor and the team in Public Works. I think we shared that before, but this is a very rigorous process. It's a two-year process with significant peer review. He talked about the process improvements and documentation and that sort of thing. I really do want to commend Mike Sartor and the Public Works team for taking that on. It's not for the faint of heart. Obviously, there's always a lot to be doing in Palo Alto. It's not like people have spare time on their hands. Congratulations to our Public Works Department. There is good news on the traffic signal front in our Downtown area. Over the past week, we've been able to begin to introduce new, more pedestrian-friendly traffic signal timing at intersections in the Downtown that extend the total amount of walk time by extending the flashing "don't walk" phase all the way to the beginning of the yellow phase. Previously, only the minimum amount of total walk time was provided, leaving many pedestrians who cross after the "don't walk" phase had ended. Plus, there's been inconsistencies in the length of time at different intersections historically in the Downtown. Our Transportation Staff advises me that once the system is fully operational over the next week or so, we'll be able to introduce better overall signal coordination Downtown, where there really currently is none. We'll be taking a much deeper look at signal timing plans as we move forward in order to balance the needs of all

# TRANSCRIPT

types of travelers, pedestrians, cars and bike users. Thanks to Hillary and Josh and the transportation team there. Secondly, we are going to have a Study Session for the Council related to the Infrastructure Plan and actually an item related to the Public Safety Building in your December 14th Council meeting. I think, as you know, Staff started working over the summer on site assessments for placing the new Public Safety Building and parking garages on Lot C6 and C7 between California and Sherman Avenues. This site and the upcoming assessment were discussed at a Study Session you had back in May of 2015. We have scheduled a community meeting on Wednesday, November 18th, from 7:00 to 9:00 p.m. at the Escondido Elementary School to brief the public and hear input about the site assessment. Our Staff will also be working closely with the Cal. Avenue Merchants Association in advance of coming to the Council on December 14. There is a dedicated webpage for the project at the [cityofpaloalto.org](http://cityofpaloalto.org) website. That would be [/publicsafetybuilding](http://cityofpaloalto.org/publicsafetybuilding) where you and the public could get some more information. PG&E tree removal update. All of the Council has certainly seen or heard reports and you've heard from residents who are concerned about PG&E's proposal to remove potentially hundreds of trees as part of its Community Pipeline Safety Initiative related to its main gas transmission lines throughout the state. Late last week we heard from citizens who'd been asked to sign a PG&E tree removal contract. We posted on our social media channels and via Nextdoor City recommendations for residents not to enter into any agreements or sign any type of action documents or plans with PG&E at this time. Our Staff did have a meeting with PG&E this afternoon to talk about next steps and where we stand. We are planning for a community meeting with PG&E that we requested. We will have that meeting sometime in early December, and I will advise the Council and you can inform the community more specifically about the date and location on that when we have it. The first neighborhood Town Hall, as a response to the Council's initiative to strengthen City engagement with neighborhoods, will be held this Thursday, November 12th, from 7:00 to 9:00 p.m. at Duveneck Elementary School. It involves the Crescent Park, Duveneck, Saint Francis and Triple L neighborhoods, Leland Manor included in there. The idea from your directive is that we will have a number of Town Hall meetings over the next year in different neighborhoods. Council Members will rotate in terms of attendance. For this first meeting on Thursday, November 12th, Mayor Holman, Council Member Eric Filseth and Council Member Pat Burt will be in attendance at that meeting. We look forward to a good conversation on issues of importance to our neighborhoods. The second meeting in south Palo Alto—I'll give a more specific update at a future meeting—is scheduled for December 3rd. We're still trying to nail down the location for that meeting. This morning's rain is a reminder that we definitely may have some winter storms this year. We're continuing our efforts to prepare for a heavy rainfall this winter. There are a

# TRANSCRIPT

couple of community public events that are scheduled in the next week. First of all, on Sunday, November 15th, the City is hosting a sandbag day from 9:00 a.m. to 2:00 p.m. at the Municipal Service Center for residents to pick up filled sandbags. More importantly really, on Thursday, November 19th, the San Francisquito Creek JPA and the member cities of Palo Alto, East Palo Alto and Menlo Park will be holding a community meeting in the Lucie Stern ballroom. This will be an opportunity to get a more in-depth briefing on the early warning website for the creek, responses and what people can do if the website indicates that there is a likelihood of flooding. The City of Palo Alto is putting together a demonstration video showing the best way to place sandbags around a residence to protect low-lying areas from flooding in such places as garages and basements. The meeting will be held from 7:00 to 9:00 p.m., as I indicated, in the Lucie Stern ballroom. Information will be posted on the City's website, but you can also find it at the JPA's website which is [sfcjpa.org](http://sfcjpa.org). In the ongoing award department, I did want to share that Palo Alto has been named what is called a Star Library. We are one of eleven California libraries on the Library Journal's Star Libraries list that is based on a series of measures such as per capita output measures including circulation, library visits, program attendance and public internet use. Seeing as how there are almost 500 cities in California, 58 counties, we're one of eleven and there are only 261 Star Libraries across the country. Two other items. First of all, there will be a Reading Partners ice cream social November 12th from 12:00 to 3:00 p.m. It's actually at Cream, located at 440 University Avenue. Folks are invited to come and meet the Silicon Valley Reading Partners team at Cream and find out why making a difference in your community never felt so sweet. Finally, just because a couple of questions came up based on a story in the *Daily Post* today that we were postponing the agenda item on tomorrow night's Policy and Services Committee meeting related to the smoking ordinance and extension. That's not an accurate story or report. I don't understand the basis for it, I just again checked with our Staff. You guys have all received the information in your packet. That will be on the Policy and Services agenda tomorrow night. That's all I have to report.

Mayor Holman: Thank you so very much.

## Oral Communications

Mayor Holman: With that, we go to Oral Communications. To this moment, we have four speakers. Cameron Bradford to be followed by John Kelley. You'll have three minutes a piece please.

Cameron Bradford: Good evening, Council, Staff and members of Palo Alto. My name is Cameron Bradford, and I represent Ygrene Energy Fund. We're

# TRANSCRIPT

a leading PACE finance company, and I'm the regional account manager. Ygrene is the word "energy" spelled backwards. PACE stands for property-assessed clean energy, which is becoming a game-changing tool in California for making water conservation, energy efficiency, solar, seismic retrofitting and other measures acceptable for all. A little bit about Ygrene. We are the multi-state PACE administrator currently operating in California, Florida and Georgia. Ygrene is the number one commercial and number one multifamily residential PACE provider in California and in Florida. Ygrene is also the number one residential in Florida and number two residential PACE provider in California. Over the next five years, Ygrene will fund over \$3 billion worth of energy and water upgrades which will create more than 45,000 jobs on over 100,000 buildings and eliminate over 500,000 metric tons of carbon dioxide. Right now, as of September 2015, Ygrene has approved and under construction over \$500 million worth of projects. We have created over 8,000 jobs and has an economic impact of \$1.3 billion estimated. Currently we are in 98 cities, 23 counties, about a population of 14 million people. We are approved and on the agenda in 63 cities and nine more counties and another population of about 5.3 million. Some of the benefits of Ygrene PACE financing include the longest repayment terms in the industry, up to 30 years. All property types are eligible, residential, multifamily, commercial, industrial, agricultural, nonprofit and religious institutions. We have the lowest annual payments, and some of the payments may be tax deductible. There's no bulk assessment placed on property, only the maximum annual tax lien. Why activate Ygrene? Number one, it will enable your constituents to access the lowest cost energy and water upgrade and financing available. Number two, to provide more choice for your constituents. Even if you have some PACE providers, adding Ygrene will ease the competition. Competition drives sales, which will increase services. Golden State Financing Authority is our joint powers authority, and they were formed in 1993. GSFA is the public entity overseeing the entire program. Ygrene is the financing and administration partner. The structure requires no Staff time from cities and counties. There is no cost and no risk of liability. Ygrene backs up GSFA with full identification related to property activities. Ygrene has some of the strongest consumer protections in the industry. Recommend multiple bids ... Last one I'll list. How to activate Ygrene? Review and approve two-page resolutions, review and approve the JPA agreement, finalize the Staff Report, place on an agenda at an upcoming Council or Board meeting. Once voted upon, Ygrene will be able to send out our local team and work in your community. Thank you.

Mayor Holman: Thank you so very much. John Kelley to be followed by Rita Vrhel.

# TRANSCRIPT

John Kelley: Mayor Holman, Vice Mayor Schmid, Council Members. As I'm sure you all know, there was a really tragic accident that occurred last week. I'd just like to read to you part of what was reported on *Palo Alto Online*. A 52-year-old man on a bicycle who was fatally struck and killed by a car just outside of Palo Alto Tuesday morning has been identified as Jeffrey Donnelly of Palo Alto, the Santa Clara County Coroner's Office confirmed on Tuesday night. Now's not the time to consider the issues associated with this accident, even if it did occur outside of Palo Alto. Now's not the time to start thinking about what we need to do to improve bicycle safety in our community. I hope that you would all join us in remembering the families of those involved in this tragic accident, and especially I hope you'd all join in extending condolences to Mr. Donnelly's family. Thank you.

Mayor Holman: And to you. Rita Vrhel to be followed by Keith Bennett.

Rita Vrhel: I wrote on my card that I wanted to give my time to Keith Bennett. Is that possible?

Mayor Holman: Each person gets three minutes.

Ms. Vrhel: Can I give my time to him?

Mayor Holman: No, we don't do that. I'm sorry.

Ms. Vrhel: That's fine. I'm here again to speak about dewatering. As I was taking my tea water and my vegetable water and my dish water and my shower water out to the garden plants today, I thought, "Why am I doing this?" Fifteen individuals in Palo Alto have pumped an estimated 175 million gallons of groundwater. I realize that the water I get from the shower and the sink and the faucet is not the same as groundwater, but water is water. Water has been defined as the essence of all life, the thing that all living creatures on Earth need. I'm sure there is something somewhere that doesn't need water, but we're not among them. I thought, "I'm taking this water out because we have a drought and we're under restrictions." I see signs around that go [save20gallons.org](http://save20gallons.org). [save20gallons.org](http://save20gallons.org) is a Santa Clara Valley Water District push and website that has all kinds of things, like rebates for landscaping up to \$5,000 per person, green water system rebates, high efficiency clothes washer rebates, high efficiency toilet rebates. It tells you how to save water. The website also has TV and radio ads. You can also report your neighbors for not watering on the correct days or the correct times. Yet, this all seems kind of, I don't want to say ridiculous, but off kilter when dewatering permits are issued and basements up to 3,400 square feet can be constructed. It was interesting because in the paper today apparently a small house over in Barron Park sold. I guess it's been in the news all the way over to London. It sold for \$1.8 million or something.

# TRANSCRIPT

One of the tag lines on it is that because they're outside of the floodplain, they can build a basement. Thank you.

Mayor Holman: Thank you. Next is Keith Bennett, to be followed by Stephanie Munoz.

Keith Bennett: Hello. Palo Alto as a City has a history of developing policies to protect natural resources and to encourage sustainability. I think we all agree that water is recognized as a valuable resource. A study was performed by Carollo Engineers for the City of Palo Alto in 2003. It was a feasibility study for the use of groundwater for City water supplies. This study includes a quantitative analysis and measurements of the effects of groundwater pumping in Palo Alto. First of all, pumping 1,000 acre feet in a year is expected to lower the surface aquifer water table—that's the shallow water aquifer table—by 15 feet across the Palo Alto basin. The Palo Alto basin is an area that they define to be of about 15 square miles. In other words, across the entire City. The pumping of the deeper aquifer, which is how they did the measurements for this report in 1988, lowered the level of the surface aquifer, the shallow surface aquifer. It is clear that the shallow surface aquifer is closely connected to the deeper aquifer and the water in the shallow surface aquifer would be available to put into Palo Alto's wells for potable drinking water. Pumping from the deep wells lowers the surface aquifer water table far from the pumping site as shown by the lowering of the water levels measured at the Fernando, Middlefield and Matadero wells even though water was not pumped from those wells. The report recommends that Palo Alto limit pumping of groundwater for City supplies to 500 acre feet per year. To put this in perspective, using the City estimates for the amount of water pumped for basements in 2015 is about 400 acre feet. It is 80 percent of the maximum allowable amount for City water supplies. The groundwater supply also notes that the groundwater level is located proportionally to the amount of water pumped. Therefore, the water pumped this year would be expected to lower the groundwater table by 6 feet across the entire City. I'll end here.

Mayor Holman: Thank you for your comments. If you can present them to the Clerk for distribution—you just have one copy?

Mr. Bennett: I'll email it.

Mayor Holman: Stephanie Munoz to be followed by Mark Weiss.

Stephanie Munoz: Good evening, Mayor Holman and Council Members. I was reading in the *New York Times* about the efforts that Germany's making to accommodate refugees. They've come to the point where they're taking every empty building, gymnasiums and office buildings. I thought, "We



# TRANSCRIPT

have a lot of people that are refugees from homelessness. We have empty buildings too, and they could go into them." Perhaps it might be the time to have a moratorium on tear-downs until we can accommodate these people. When people want to build and add on to, say, a 60,000 square foot building and make it a 90,000 square foot building, maybe we could say, "If you want to add, you may add housing. It'll still give you a profit, although not as much of a profit, and it will help with the housing need." At any rate, while I was thinking of this, as you may know the Birge Clark architect did Palo Alto gymnasium has been torn down. My point of view with it in talking to you and the School Board was it's public property. The taxpayers paid for it. It could serve a need of housing the homeless women. It wouldn't bother anybody. Maybe that's not the way. Maybe I should have from the beginning explained why we need a shelter, why you cannot have women around and about and not sheltered at night. I thought, "They all know that. I don't have to say that." Then, a couple of weeks ago, Mayor Holman in the most adroit, clever, beautiful, with finesse mentioned that there's a problem when there are big athletic events, and we were taking care of this problem by checking with the motels. I thought, "She has explained, without once using the word prostitute, what she expects and what we're doing about this problem." Why can't I do that? Why am I so squeamish? Why can't I just say—but I can't say it. I'm going to. The reason you can't have women around—these are women, mind you, who have blameless sex lives. They got married. Their husband had a mistress. The mistress got pregnant. They were dumped. They're homeless. We've got to do something about that. Is that okay? Thank you.

Mayor Holman: Our next speaker is Mark Weiss, to be followed by our final speaker this evening under Oral Communications, Elaine Meyer.

Mark Weiss: I thought that was an excellent event earlier this evening, produced by the City Manager's Office and Janice Svendsen, his assistant, and Mayor Holman. As an addendum to that, I've brought my father's honorary discharge papers. I found this in his closet. This is a government document, and it was given to him in 1944. It's a wallet-size version, and it has his military record. I just wanted to read that into the record. My father was Paul Edward Weiss. He was born October 6, 1924, and he passed away August 25. He lived in Palo Alto for the last ten years of his life. I just want to read this. He told me a little bit about his war record. He didn't like to talk about it. He was 18 years old, and he served for two years on a landing craft, infantry flag flotilla ship, as a radar man and then went to college on the G.I. Bill and became a businessman. I don't know what they were thinking when the government gave him this document. I guess they knew that 70 years later someone would invent these cell phones with cameras so I could take a picture of the document and blow it up. Basically, the five

# TRANSCRIPT

lines of his distinction—all of these, I believe, were just given to people of his service. They weren't for individual valor, but I'm going to read them. Point System 1, 2 Victory Medal, 3 American Area Campaign Medal, 4 Asiatic Pacific Area Campaign Metal (one star)—which in his obituary I called a Bronze Service Star not to be confused with the Bronze Star—and the Philippine Liberation Ribbon. It leaves me with the task of learning more about this. Someone said with the discharge papers I can get a more elaborate document from the VA and learn a little bit more and research. Basically, I appreciate the event today. I'm just going to stand here silently during my sum-up to symbolically "for whom the bell tolls." Thank you.

Mayor Holman: Thank you for coming to the event earlier and also for inviting others. Our final speaker this evening under Oral Communications is Elaine Meyer.

Elaine Meyer: Good evening, Mayor Holman and Members of the City Council. Thank you for the attention you paid last week to the added housing, that list that I presented. I've removed the Fry's site that was pointed out by Council Member Berman last week. I thank him for the feedback. That parcel was all over the news—there's some inadvertent humor going on. That parcel was all over the news. While the owner was known to want to build housing there and it looked as though it was going to happen, but it didn't. The total for the housing added since the last Comp Plan is now 3,629 units. This is not a trivial number. Since development details change so frequently, this collection of data is inevitably a work in progress. The best way to see the latest information—I'm not going to distribute any more paper copies—is on the web at the URL that I showed you last week or that I will give you if you ask. I'd like to also acknowledge the Staff that keeps track of this monumental amount of data of development materials. They do a very good job. If there are any other corrections to be made, I'll appreciate hearing them. The document is still lots of detail, and I hope it'll be useful in your analysis and in your decision-making. Thank you.

Mayor Holman: Thank you. That concludes Oral Communications this evening.

## Minutes Approval

3. Approval of Action Minutes for the August 31, September 9, 15, 21, and 28, 2015 Council Meetings.

Mayor Holman: That takes us to the Minutes Approval, which is for the Action Minutes of August 31, September 9, 15, 21 and 28. Could I have a motion please?

# TRANSCRIPT

Council Member Scharff: So moved.

Vice Mayor Schmid: Second.

Mayor Holman: Motion by Council Member Scharff, second by Vice Mayor Schmid, to approve those Minutes called out.

**MOTION:** Council Member Scharff moved, seconded by Vice Mayor Schmid to approve the Action Minutes for the August 31, September 9, 15, 21, and 28, 2015 Council Meetings.

Mayor Holman: Vote on the board please. That passes unanimously.

**MOTION PASSED:** 9-0

## Consent Calendar

Mayor Holman: We now go to the Consent Calendar. We have two items on Consent Calendar this evening. We have no speakers on either one of those items. We need a motion then for the Consent Calendar please.

Vice Mayor Schmid: So moved.

Council Member Scharff: Second.

Mayor Holman: Motion by Vice Mayor Schmid, second by Council Member Scharff, to approve the Consent Calendar Items 4 and 5.

**MOTION:** Vice Mayor Schmid moved, seconded by Council Member Scharff to approve Agenda Item Numbers 4-5.

4. Approval of the Renewal of a Public-Private Partnership Agreement Between the City of Palo Alto and TheatreWorks, Palo Alto Players and West Bay Opera for the Use of the Lucie Stern Community Theatre.
5. Finance Committee Recommendation to Approve the Release of a Request for Proposal to Explore Options for the Delivery of the Aquatics Programs and Services for the City of Palo Alto.

Mayor Holman: Vote on the board please. That also passes unanimously.

**MOTION PASSED:** 9-0

## Action Items

6. PUBLIC HEARING: Adoption of an Ordinance Establishing a Single Story Overlay District for 83 Homes Within the Los Arboles Tract by

# TRANSCRIPT

Amending the Zoning Map to Rezone the Area From R-1 Single Family Residential and R-1 (7,000) to R-1(S) and R-1(7,000)(S) Single Family Residential With Single Story Overlay. Environmental Assessment: Exempt From the California Environmental Quality Act per Section 15305.

Mayor Holman: We now move to the Action Items. Our first item is Item Number 6, adoption of an ordinance establishing a single-story overlay district for 83 homes within the Los Arboles Tract by amending the Zoning Map to rezone the area from R-1 single-family residential and R-1 (7,000) to R-1(S) and R-1 (7,000)(S) single-family residential with single-story overlay. Does Staff have a presentation please?

Amy French, Chief Planning Official: Only a brief one. The Los Arboles homeowners request a single-story overlay rezoning of 83 homes, an Eichler homes tract. On the screen is the proposed boundary for the single-story overlay within the original 85-home boundary of the Los Arboles Tract. The Planning Commission and Staff support this request which meets the eligibility criteria to initiate a standard single-story overlay zone. Those are that the signatures of support come from 70 percent of the included properties which has been met; and the 80 percent of the homes in the boundary are one-story homes. The applicant is present and would like to illustrate this neighborhood with a few photos. That concludes my report.

Mayor Holman: That does conclude the Staff presentation, brief albeit. We have but one speaker card, which is Rebecca Thompson, the applicant. You have comments to make. A question quickly for the City Attorney. It's a speaker to this item but also is the applicant. Does a three-minute rule apply or an applicant rule apply?

Molly Stump, City Attorney: Mayor Holman, these are a little bit different. I think we ended up deciding that these were for fee payment purposes initiated perhaps by citizens, but to be considered a City item. There's not an appeal. I would recommend that everybody receive three minutes. It should be sufficient to address the item.

Public Hearing opened at 7:07 P.M.

Mayor Holman: Thank you very much. Rebecca Thompson (crosstalk) three minutes.

Rebecca Thompson, Applicant: I've prepared something that's four minutes, so I'll try and speak quickly. My name is Rebecca Thompson, and I'm here tonight representing the Los Arboles neighborhood of community. Quite a few people are here representing our neighborhood. We're here to ask that

# TRANSCRIPT

you approve the single-story overlay ordinance of our 83 homes in our neighborhood. This has been a long but worthwhile journey involving well over 100 hours of my time and that of over a dozen volunteers in our neighborhood and also cooperation with people in other neighborhoods who came together earlier this year to ask you to waive the zone change application fee. As was documented in Amy's report, in our hearing with the PTC and in our application we have well surpassed by a healthy margin all the criteria required to make this change. We've been united in our effort, house-by-house, street-by-street, young and old, longtime residents and new residents alike. With floor to ceiling windows in our main living areas—that's my backyard—we are united in our desire to hold onto the privacy, sunlight and views of nature enjoyed from within these homes. As individual property owners, we wish to protect these elements of Eichler living that have been enjoyed for over 55 years. As a neighborhood, we're also united in celebrating the sense of community that is nurtured by residents who care about each other and about their neighborhood environment. To give you an example, our annual block party features a multigenerational potluck dinner, a bouncy house, lively conversation, games, bubbles, the firemen were here with the fire truck this year, and is attended by more than 100 people. This year a couple of car buffs pulled together a vintage car show highlighting the passions of several of our residents. It was really enjoyed by all. While talk about Eichler homes and Eichler neighborhoods does tend to focus on the vintage, retro and preserving the past, you are all community leaders here and I know you're concerned about the future. You're thinking more towards the future. One of the questions I want to address, which was asked by one of the PTC Commissioners and is often brought up by random, anonymous commenters on *Palo Alto Online*, is whether a single-story overlay could make our homes less attractive to future buyers. There are real estate agents who might want to make this case. Several others have told me privately that they believe in what we're doing, and they're very supportive of our work, and they think this will make houses in our neighborhood more attractive to a younger generation of buyers who get and want a taste of that indoor/outdoor living. To confirm the continued attraction of these houses after a single-story overlay, I asked some of our most recent buyers. Tiffany Chang and her husband, Howard, were very excited when a Los Arboles house came on the market. They are working parents, so they couldn't be here tonight. They did send me a statement. They have young children also. She sent me a statement she wanted me to share. About the house she said, "The main reason we purchased was that we love the Eichler look and we were only interested in houses that had not been remodeled beyond recognition. The fact that our home is also in a single-story neighborhood filled with other well-maintained Eichlers made the decision easy. We viewed the home and went into

# TRANSCRIPT

contract in three days." I was told that I had like five or ten minutes when I prepared this. I have one more page.

Mayor Holman: I think, with the discretion of the Council, continue.

Ms. Thompson: I may continue?

Mayor Holman: Yes.

Ms. Thompson: Thank you. As for the neighborhood Tiffany said, "A neighborhood of Eichler custodians is rare and important in preserving a piece of history and also because the Eichlers, like the Golden State Warriors, have strength in numbers." That's Tiffany's words. "I strongly feel that our home retains more value because of its location within a cluster of untouched Eichlers in a neighborhood of stewards." Today I received a similar statement from the other new buyer in our neighborhood, who also has young children. I'm not going to read that one though. Every buyer in the past five years in our neighborhood or more has been a family with young children, seeking a neighborhood where people care for each other and for their community. By now I hope it's clear that honoring the request of the vast majority of homeowners and the work of the stewards of Eichler neighborhoods such as ours and the others that are in the pipeline is not only helping to protect an important aspect of Palo Alto history, but it is also protecting a vibrant neighborhood sought after by a new generation of buyers wanting and willing to pay a premium for these houses in these communities where they can raise the next generation of Palo Altans. Thank you.

Mayor Holman: Thank you. We have no other cards on this item.

Public Hearing closed at 7:13 P.M.

Mayor Holman: If we could please, let's go three minutes, questions and comments, and then we'll—you know what? On this one, let's just go three minutes, questions, comments or motions. The first light I had was from Council Member DuBois.

Council Member DuBois: Just a couple of quick questions. There was some discussion about—I'm not sure how to pronounce it—Torreya Court which is adjacent to this one. Assuming this passes tonight, what are the options for Torreya Court?

Ms. French: Torreya Court exceeds the number of two-story homes for initiating a single-story overlay. They have not proceeded.

# TRANSCRIPT

Council Member DuBois: Could they be annexed onto this SSO?

Ms. French: Not tonight, but at some point in the future, if they were to explore that and go through the process.

Council Member DuBois: If they went that annexation route, there'd be no fee for them as well?

Ms. French: We are not charging any fees for any single-story overlay that comes forward. We've had quite a number since July.

Council Member DuBois: As a Warrior fan, I'm going to move the Staff recommendation.

Council Member Kniss: Second.

Mayor Holman: Motion by Council Member DuBois, second by Council Member Kniss.

**MOTION:** Council Member DuBois moved, seconded by Council Member Kniss to adopt the Ordinance Establishing a Single Story Overlay District for 83 Homes Within the Los Arboles Tract.

Mayor Holman: Would you care to speak to your Motion, Council Member DuBois?

Council Member DuBois: Yeah, just briefly. I think this meets all the requirements for our Ordinance. I'd like to see the other SSOs to come. Hopefully they do the same. 80 percent of the owners say they want this; that's an extremely high threshold. I do hope that this adjacent tract could come back, hopefully, as an annex. Hopefully, our PTC will accommodate that request from the neighborhood and keep it as a contiguous tract. I hadn't seen anybody speak against this. I think, even if we had vocal opposition from the 20 or 30 percent that didn't agree, we need to keep in perspective that the threshold is 70 percent or 60 percent in cases where it's deed restricted to single-story overlays. That's a very high threshold. Even just that idea that you need 60 percent when the properties are already deed restricted is a pretty high bar. I think tonight's action is about privacy. It doesn't mandate design in any way. These are single-story buildings. They could be replaced with non-Eichlers. I think for some of our historic neighborhoods we may want to pass some ability to actually have a compatible design overlay, but that's not what we're here for tonight. I'm glad we were able to waive the fees and that these guys were able to come forward. I wholeheartedly support it.

# TRANSCRIPT

Mayor Holman: Council Member Kniss, speak to your second please.

Council Member Kniss: I think we realized in the spring that the fees had never been charged, which was rather interesting. This has now been a pattern since the late '80s or early '90s. I don't know how many homes are now included, but I'm pretty sure it's well over 1,000. I think in this particular instance where there's such a strong support from the neighborhood—thank you for that very good presentation tonight. That was like a Staff presentation, very good. I think this is clearly the will of those who live in that particular neighborhood. Coming to us with an 80 percent vote seems, as we might say, like a no brainer. You've asked for it, and I think we'll be delighted—I'm guessing—to vote for it tonight.

Mayor Holman: Thank you. Council Member Filseth.

Council Member Filseth: Pass.

Mayor Holman: Council Member Scharff.

Council Member Scharff: Just briefly, mostly everything was said. I thought the presentation was excellent. With an 80 percent threshold, clearly you have strong neighborhood support. I'd be happy to vote for this.

Mayor Holman: Vice Mayor Schmid.

Vice Mayor Schmid: Happy to support the request of a neighborhood of modest, single-story family homes oriented to California living with some architectural cache. This is important not just for Palo Alto, but for Silicon Valley. Who lives in these houses? Families and workers, scientists, engineers, lawyers, medical professional, economists. Palo Alto has just about the highest percent of residents of any community in the country with Bachelor's degrees or post-graduate degrees. Note that workers in Palo Alto changed jobs twice as often as the national average. This is the perfect ingredient for a community of an every-renewing Silicon Valley. A workforce that's extremely talented, very mobile and wants to live here. I take my hat off to the Council in 1992 who set up a way to allow these talented people to keep what they want. As Planning Commissioner Alcheck said, "This is exactly the sort of action that local government should take."

Mayor Holman: Thank you. Council Member Wolbach.

Council Member Wolbach: First I want to offer my thanks and my congratulations to the leaders in the neighborhood, in the community and also their friends and counterparts from other parts of the City who have been working together to figure out what they can do to really advance a



# TRANSCRIPT

vision that they think is appropriate for their neighborhood. I think that's really the key to this, that every neighborhood of Palo Alto is a little bit different. Obviously, there are neighborhoods where most of the homes are two stories, and this would never fly. In this neighborhood, it certainly makes sense. As somebody who grew up in a south Palo Alto Eichler with one-story neighbors and had the pleasure of returning there just a few years ago, I know the value of this from firsthand experience. I think City Hall has heard you. The Staff, the PTC and the Council, looks like we're moving in the direction of recognizing this. You've done a great job bringing people together, showing really overwhelming support. Kudos. I also think it shouldn't be missed that, when it's appropriate and through a thoughtful process, we do make occasional changes to our zoning in Palo Alto. Today what I think we're going to be doing is voting to essentially down-zone, because that is what is right for this neighborhood. I'll be enthusiastically supporting this motion.

Mayor Holman: Council Member Burt.

Council Member Burt: Council Member DuBois asked a question about the adjacent neighborhood that has an Eichler design but a number of homes that are now two story. At a prior Council meeting, we had had discussion about an interest in exploring design overlays. Can Staff briefly let us know whether that is going to be taken up as part of the Comp Plan discussion or whether the Council would need to initiate action on that? Is there any occurring along those lines or even being considered?

Jonathon Lait, Planning and Community Environment Assistant Director: Are you referring to the IR program that we have now?

Council Member Burt: No.

Mr. Lait: I'm sorry. Can you clarify then?

Council Member Burt: The design overlay. Where we have neighborhoods that, either because they've already lost preservation of the single story or for their own preference reasons, they would be interested in an overlay that would be a design style that would apply or be available for neighborhoods where they don't comply with the single-story requirements.

Mayor Holman: Council Member Burt, if I might ask. Are you referring to a conservation overlay or a preservation overlay such as, in this case, an Eichler district overlay?

Council Member Burt: Yes, it could be described as a design or a conservation, either one.

# TRANSCRIPT

Mayor Holman: Hillary.

Hillary Gitelman, Planning and Community Environment Director: Thank you, Mayor Holman, Council Member Burt. Hillary Gitelman, the Planning Director. I do recall when we had the discussion about the fee for single-story overlays, there was a discussion of conservation districts and other approaches to regulating the design or the scale in single-family neighborhoods. I don't believe there was any specific direction that came out of that discussion to take any additional steps. We could certainly do that and look at that as a separate planning effort or in the context of the Comp Plan Update; although, that Comp Plan Update is getting loaded down with a lot of zoning changes and initiatives right now. I don't know that crafting new text for a new form of overlay district—I'm not sure that that would be the most efficient way to accomplish that result.

Council Member Burt: The Comp Plan isn't necessarily where we would craft text for a zoning district. That's where we would have a zoning ordinance update that maybe would be subsequent to the plan. In my mind, the Comp Plan is very much the point in time at which we would consider policies such as this, and we think about them on a longer-term horizon. I think that's precisely the place. I guess I'm trying to understand when Council—we had a number of Council Members who spoke on that issue. I'm concerned that under the present intention, there's no plan to even include it in the Comp Plan discussion. I don't want things to get lost. Just because we may have sentiments on the Council to explore something, it certainly doesn't mean that we're saying that's a direction to adopt it. When we have a Comp Plan discussion, I would assume that that would enter into it. I'm concerned that it had completely gone away from Planning Department consideration in an argument that the Comp Plan discussion is too full to consider it. I don't agree with that.

Ms. Gitelman: Mayor Holman, if I can. Of course, we can consider this in the context of the Comp Plan Update. I'll have to go back and review the minutes from this discussion about the single-story overlay fee. However, I don't believe the Council as a whole took a direction related to that.

Council Member Burt: I just said that they didn't. I didn't claim that they had.

Mayor Holman: I will very happily be supporting the motion. If I might speak to the Comprehensive Plan just for a moment. The Comprehensive Plan already, if I might—I can't quote you the chapter and verse of where it's located. The Comprehensive Plan does pretty clearly indicate that the City should recognize the uniqueness and distinct character of Palo Alto's

# TRANSCRIPT

neighborhoods. Amy's nodding her head as she recognizes that. I think that's very much in keeping already in our Comprehensive Plan with doing these kinds of conservation overlays, Eichler district overlays. I respect and appreciate the comment about Staff workload and such. I think some of the Eichler neighborhoods are already thinking about coming forward with language that would be very close to ordinance language, because there are other communities who have those kinds of overlays in existence. I don't want to speak for anyone else, but I know there's been conversation about that. I would certainly support them coming forward with that kind of effort. Having to do with—Ms. Thompson mentioned the real estate agents. I know somebody who lives in one of the single-story overlays that was put in place some time ago. He reported to me even just a couple of years ago or so that it's the best thing their neighborhood ever did. Realtors will also say—some will say, as you mentioned, you've devalued your property. Others will say that people like to buy into a neighborhood where they know what the future is. That's what you're providing for your neighborhood with the approval of this overlay. With that, I see no other lights. The motion on the board is to adopt the ordinance establishing a single-story overlay district for 83 homes within the Los Arboles Tract. Vote on the board please. Congratulations. That passes unanimously on a 9-0 vote.

## **MOTION PASSED: 9-0**

James Keene, City Manager: Madam Mayor?

Mayor Holman: City Manager Keene.

Mr. Keene: I don't want to perpetuate the conversation. I'm also a little bit confused about the feedback. There's both a broader issue related to is there more detail that ought to be added to the Comp Plan. I think when we come back on some of the next Comp Plan discussions, we could talk about that and what that would take. The question though of converting that into more work whether the Staff is doing it or we're receiving overlay district concepts from the community, I do think those do engender work and review by the staff. I just want to make sure that we establish a process on a kind of going-forward basis for us to be able to absorb those new initiatives in the course of say a budget year, more so than just every week sort of thing. If we could just have that discussion. I heard you saying something a little bit—I heard Council Member Burt talking in a little more detail than you were in citing the current Comp Plan language. I do think the best place for us to talk about that would be in some of the upcoming Comp Plan discussions.

Mayor Holman: Council Member Burt.

# TRANSCRIPT

Council Member Burt: I feel obliged to ...

Mr. Keene: Directed to work on the Comp Plan.

Council Member Burt: ... clarify. The Comp Plan is really at a level that it has visions, policies, programs. Subsequent to that, if we establish a new program, which may be a paragraph in a Comp Plan, the year after that we might do a new zoning district. I just don't understand this confusion if a Council Member or Council Members, plural, say we should at least discuss a concept, that we say, "We're overloaded. We can't even consider that as part of the Comp Plan." That's the place to do it. The notion that the Zoning Code changes have to go concurrently with the Comp Plan is a new concept. It's certainly not what we've done in the past.

Mr. Keene: Let me just sort of—I'm not saying the final word, but so we can move on on this. I was hearing a different thing from Council Member Burt and the Mayor tonight even, that it's one thing to talk about more discussion in the Comp Plan. You have given us a directive on the Comp Plan to work on that. That seems appropriate to say, "Is there more definition you want to add?" However, if we're also talking about inviting the community to bring forward overlays and design overlays that would be actually more details, that's what I sort of thought I heard. No, no, not from you, from the Mayor. I just said as a follow-up that is that sort of second stage of work that is much more detailed. I just want to make sure that we have a process for modulating that coming in. We already fall behind on delivering on committing to things that the Council has asked the Staff to do. Then the Council gets upset with us for not being able to deliver on things you've already specifically asked. We've got to have a little bit more discipline about taking new things on in the course of a single budget year. That's all.

Mayor Holman: My comments were intended to indicate that the public is willing to do a good amount of that work. That doesn't mean that Staff wouldn't have work to do as well. Obviously as part of our work plan and working that out, then we need to know what we can manage and in what timeframe. This conversation does make me think of one thing, and it's not agendized so I'll just throw out the notion. When we are doing our Comp Plan discussions at the Council level, it might be a good idea to come forward with kind of a cleanup or sweep-up. There might be things that come to mind over the course that we need to put out there. For instance, things such as this.

Ms. Gitelman: Thank you, Mayor Holman. As you know, we've designed kind of an iterative process where you provide input on goals. The CAC takes a first stab at policies and programs. Then that comes back to the

# TRANSCRIPT

Council. There'll be an opportunity for you to look at the whole suite and potentially add a program about this kind of effort and make some additions and subtractions.

Mayor Holman: Thank you. Thank you to Staff and the public for working on this overlay. It's a great outcome. Thank you.

## 7. Discussion and Direction Regarding the Midtown Connector Project (Formerly Known as the Matadero Creek Trail Project).

Mayor Holman: That takes us to Item Number 7. This is discussion and direction regarding the Midtown Connector Project formerly known as Matadero Creek Trail Project. Staff has a presentation. Welcome back, Josh. Meeting 2.

Joshua Mello, Chief Transportation Official: Good evening, Mayor, Members of Council. I'm Josh Mello, the City's Chief Transportation Official. I'm joined by Sarah Syed, who is our Senior Transportation Planner working on advancing our bike network projects. Tonight we're here to present kind of a status report on the Midtown Connector Project formerly known as the Matadero Creek Trail Project. We'd also like to get some feedback from you as to what the next steps should be for the City regarding this project. The Matadero Creek Trail Project was first identified back in 2012 as part of the City's adopted Bicycle and Pedestrian Transportation Plan. It's shown in this map here where the red oval is, running east and west. One of the primary goals of it was to form kind of a spine, east-west connection between the Bay Trail and the Ridge Trail, running roughly through the Stanford campus and east-west through the southern section of the City. In the Bike Plan, there were some specific recommendations related to the Matadero Creek Trail. One was a recommendation for the City to conduct a Matadero Creek Trail and Crossings Feasibility Study. That was a study that was intended to further refine the recommendation in the Bicycle and Pedestrian Plan; look at some of the constraints along the corridor; identify key connections; and then identify a phasing approach for our Class 1 trail along the creek corridor. Also identified in the 2012 Bike Plan were two key across barrier connections, both at Matadero Creek. One would cross the Caltrain/Alma corridor, providing a very important east-west connection across the Caltrain railroad right-of-way. The second was to create a Matadero Creek seasonal undercrossing underneath the US 101 freeway. Also identified in the 2012 Bike Plan were a series of east-west bike boulevards along Amarillo, Moreno and Ross Road. As one of the conditions of the Stanford general use permit, the County of Santa Clara developed a \$10 million trail program to mitigate some of the impacts of the expansion of the Stanford campus. This package of \$10 million in funding allocated towards trails was intended to create

# TRANSCRIPT

some really key east-west connections and, as I mentioned earlier, connect the proposed Bay Trail to the Ridge Trail. Of that 10 million, about 1.5 million was allocated to implement the Matadero Creek Trail through Palo Alto. First and foremost, this project was intended, as I mentioned, to connect the two north-south trails; identify routes that are parallel to the Matadero Creek Trail between US 101 and Alma Street; connect schools, parks, employment and neighborhoods, and it was for the use of cyclists and pedestrians. The intent of Santa Clara County at the time that this funding was awarded was to create a new recreation connection that provided a separate facility for bicycles and pedestrians. We're talking about a higher quality trail-like facility, not something like bike lanes or more standard treatments along roadways. This was intended to be more of a recreational-type facility. Since 2012, we received the commitment of funding from the County. We began the City process in 2013 with the engagement of resident associations. We held a community kick-off in 2014, after we had selected a consultant to do the feasibility study which was actually one of the requirements of the County funding, that the City complete this feasibility study to identify the alignment and some of the constraints and a phasing plan for the corridor along the creek. In kind of late 2014, we had a community kick-off meeting in the summer of 2014. The conversation began to change in late 2014. As we started to meet with the community, we really felt that it was important to take a little bit of a step back and create a Citizen Advisory Committee, rebrand the project as the Midtown Connector. That was done in order to prevent ourselves from locking ourselves into one particular alignment over another. As we started to talk to the community, we realized there were some other parallel corridors that may make sense and were worthwhile taking a look at. We'll talk a little bit more about those as we move on. The rebranding was really intended to create more of a comprehensive study of that east-west connection through the Midtown community and not lock ourselves into the creek corridor per se. February 2015, we held a Citizen Advisory Committee meeting and then again in the spring of 2015 we had our second community meeting. In August of earlier this year, we met with the Santa Clara Valley Water District. Following up with that, we did some additional constructability analysis, and we had a second meeting with the Citizen Advisory Committee. Sarah's going to go into a little bit more detail about the components of the feasibility study and then talk about some of the challenges that we've identified more recently.

Sarah Syed, Senior Planner: Thanks, Josh. As Josh mentioned, one of the requirements of the County award was for the City to complete a feasibility study. This creek trail is not identified as a project in the Bike Plan, but identified as an item for which a feasibility study is required. The feasibility study scope was quite broad, that we're currently undertaking. We sought

# TRANSCRIPT

to identify a safe and comfortable route, an east-west connector across the Midtown neighborhood between Alma Street and Highway 101. We're evaluating five different alignments. Really as it began, the project did evolve from studying primarily the Matadero Creek Trail to taking a much closer look at many on-street alternatives. At the end of the study, where we need to get is to have a project that's constructable; that will not create significant traffic, neighborhood and environmental impacts; and that's feasible and cost effective to build and maintain. When Josh came onboard, a lot of work had been done in the past on the study that we were able to take a look at and evaluate. What we found was that we really needed to take a step back and do some stakeholder meetings with the Water District because of some concerns that had been identified regarding constructability. I won't go into the whole scope of the feasibility study right now, just so we can focus our limited time. These were some of the draft evaluation goals that we developed with our Citizen Advisory Committee. Any project that the City advances will need to be a safe and comfortable route, again without significant impacts to the neighborhood, traffic or to the environment. It needs to be feasible and cost effective to build and maintain. These are the five alternatives that we narrowed down upon with the Citizen Advisory Committee and the community advice. We started with eight, and some of the ones we were looking at earlier were considered to be not in the Midtown neighborhood, not serving Midtown well enough. These are the ones we're moving forward with: Oregon Avenue to the north, Colorado Avenue, Matadero Creek, Loma Verde Avenue and Meadow Drive. Another key element study and what we heard strongly from the community is any east-west Midtown connector will not effectively serve the neighborhood if we can't get folks across Alma and Caltrain. It's our longest stretch of the Caltrain corridor without a crossing. From California Avenue to Meadow Drive, it's 1.3 miles. This is one component of the study; it's a very high level look at locations for potential under and over-crossing of Alma Street and Caltrain. That's something we've been working on. Just to touch upon some of the community input. From the beginning, we've had a broad-based support for new east-west bike routes in Midtown. The devil's in the details. We have heard a high level of input just regarding a lot of questions regarding how a creek trail could be designed in a very limited right-of-way. Early on concerns were about a potential trail curfew and could the trail be lit at night, would it be a 24/7 trail, and what will happen at the intersections when the trail meets Middlefield Road and other mid-block crossings. In August of this year, we reached out to the Water District and set up a meeting. We took our project team there and talked to their staff who have a lot of experience building trails along creek corridors in the county. The primary concern that the Water District has identified for this project for the creek trail alignment is really the narrow easement that they have. It varies from about 36 feet to 60 feet. In most of the Midtown

# TRANSCRIPT

corridor it's about 45 feet. Once you get east of Greer Road, it opens up to 100 feet, their easement. The majority of that easement is actually used for the creek channel. The creek was pretty significantly modified through a flood control project completed in 2005. As you can see from the photos here, in some locations there's only room for a maintenance ramp to go down into the channel. There actually isn't a road that follows along the levee. Their concern is really how we can design those ramps to be shared use, to meet the needs of a public access trail and their maintenance needs. The Water District in some of the narrow areas, they also have easements from private property owners that they use private property to access the creek channel. They just wanted to apprise the City that we would need to also secure those private easements as well. The trail would be routed through parking lots for a portion of the segment. The last issue that needs to be resolved is liability concerns. They made clear that any time maintenance would need to be done, the City would need to take on closing the trail for their maintenance. They've had issues on other trails where users go around barriers. They moved from a policy of asking their cities to participate to requiring it as part of any joint use agreement. Any liability issues, we would need to take on. I think I've covered most of the challenges, but want to call out the new challenges that were installed as part of the flood control projects. At three locations on the creek corridor, at Louis, Middlefield and Greer, as part of the flood wall, there are these access control structures. They're put in place from October to April each year, and they cross the entire maintenance road. The opportunities to implement a trail that is open year round, it's not impossible but it just introduces significant challenges to the design and greater cost. One other thing that would be required to provide the maintenance access is steep trail grades. Typically on some trails you may be familiar with, trails do change grade and they go up and down, often to provide grade-separated crossings of roads. On this trail what we would need to do is have in relatively short blocks some significant grade changes. Rather than to provide a grade-separated crossing which is a huge benefit for trail users, these grade changes would be required simply to maintain the Santa Clara Valley Water District access to the creek channel, just due to the narrowness of this particular corridor. Just when we look at the likely users, it came up as a challenge. Our conclusion of the preliminary constructability review is that these constraints may limit the feasibility of a public access trail on a majority of the Matadero Creek corridor. One of the questions we've received from the public. There's a strong desire to keep this funding regardless of what direction we go to, to keep the funding in Midtown. We just wanted to summarize our knowledge to date. This funding was awarded by the County; it was through a competitive process. The purpose of this particular pool of funding is to really provide new recreational facilities and to mitigate the loss of recreational facilities due to increased development that's permitted by



# TRANSCRIPT

Stanford's 2000 general use permit. Some projects have been approved that are not new facilities. By and large it's the County Council's determination that this fund is to create new recreational facilities. Any modifications to this project would need go back, and the County Board of Supervisors would establish whether the proposed project fulfills the intent of the mitigation. The Citizen Advisory Committee on this project were appointed earlier this year. Before my time, they held the first meeting. A large part of that meeting focused on preparing for the community workshop and really delving into how we should evaluate these different alternatives. The primary challenge that couldn't be resolved was how do you evaluate it when one of the alignments is unlike any of the others, with the creek trail compared to four on-street alternatives. There was a lot of really great discussion, but at the end of that first meeting, we didn't have consensus on evaluation criteria for the feasibility study. Following the community meeting in April and taking a step back and doing the work with the Water District, we reconvened with the Citizen Advisory Committee and presented the same materials that are in your packet. The Citizen Advisory Committee did not make a formal recommendation; it was a lot of information for the group to digest. We did ask them for their preferences. At the end of the meeting, the slide up there just shows some of the voting that took place at the meeting. Their top preference was to end the feasibility study for a trail along the creek corridor and to continue study of an east-west connector. Behind that one with one last vote was to end the study and start a new study of a grade-separated bicycle and pedestrian crossing of Alma Street and Caltrain in Midtown. Both the Citizen Advisory Committee and our Pedestrian and Bicycle Advisory Committee had a lot of support for finding a way to retain the funding for Palo Alto from the County. Our Pedestrian and Bicycle Advisory Committee reviewed the project in October and concurred with the Citizen Advisory Committee to discontinue study of the Matadero Creek Trail. Their thinking was really just the cost-benefit side. It started to not pencil out to them when they looked at the need for other bike projects around the City. It becomes hard to justify. That was their primary thinking. There's a lot of support on that Committee to advancing the new grade-separated bicycle and pedestrian crossing. I'll turn it over to Josh to conclude.

Mr. Mello: Thanks, Sarah. Based on our constructability analysis, the feedback that we got from the Citizen Advisory Committee as well as payback, tonight we've brought forward three possible next steps for this project. The first being to continue the feasibility study for a trail along the creek corridor. We're about half way through the feasibility study now, so there'd be another 50 percent remaining. The second option is to end the feasibility study for the trail along the creek corridor and do nothing further. The third option is to study an alternative alignment for a high quality,

# TRANSCRIPT

separated bikeway along a parallel street. Our goal here would be to work with the County to preserve that funding, if possible, and use it for an on-street facility that meets the recreational goals of the program. That may not be possible given the priorities that the County have established for this. Our goal would be to design something and develop something that would meet those goals of the original grant.

Mayor Holman: Thank you. Sarah, I did you disservice earlier. I acknowledged Josh because I knew this was his second meeting in front of Council. While you've been on the Staff longer, you haven't been in front of Council very often. I didn't properly greet you, so apologies.

Ms. Syed: No problem.

Mayor Homan: Thank you for the presentation. We have two speakers who would like to address the Council. The first speaker is Mike Nolan, to be followed by Julie Nolan. You'll each have three minutes.

Mike Nolan: Hello, and thanks for the time. My name is Mike Nolan. I'm a long-term Midtown resident. I happen to live along the alignment of Matadero Creek. I want to thank the current City Staff for these recommendations that they've put up and for the, I guess, diligence that they've done to assess the situation pretty well. I would favor either—I think it was Number 2 or Number 3, either to discontinue the feasibility altogether or to look for alternatives other than along the creek. I guess my main reason for being here is that I think there's an opportunity to learn something from this whole process. This thing's been going on for years. It started with the Bicycle and Pedestrian Plan. Frankly, the Matadero Creek Trail was severely misrepresented in that plan. I think it was misrepresented by the City Staff and by the consultants as this continuous Class 1 bike trail along the creek. You saw the pictures; it's not a creek and it's not continuous. There's five segments, and there's no way it can be a Class 1 trail. This whole misrepresentation started this ship down the road that's taken, I think, four or five years to kind of come to where the Staff has gotten us today. My thought is that when things like this are proposed, the Staff and the Council should look at it closely. Anybody going on the ground could have spent probably a day to see that it wasn't continuous, that there's actually a house that blocks the passage of the creek trail, that you can't get from Alma Street to Middlefield road without buying this house. Very simple sorts of things that could have been looked at and would have saved perhaps hundreds of thousands of dollars and many, many hours of grief on the Midtown residents' situation, the City Staff, the Council. My comment, I guess, is when people propose these things, just spend a little bit of time to look at them carefully before you start this ship down the river

# TRANSCRIPT

that's going to be really hard to stop. Once again, I applaud the current City Staff for looking at it closely, talking to the Water District. We met with the Water District two years ago, and we knew that they had these concerns. City Staff never met with the Water District, which just makes no sense to me. Anyway, think about it carefully, think where it's going and sort of bring things forward to the public that make a lot of sense. Anyway, thank you and thanks again to the current City Staff. Thanks.

Vice Mayor Schmid: Thank you. The last speaker is Julie Nolan.

Female: (inaudible)

Vice Mayor Schmid: Thank you. This brings us to Council. Any comments or questions? Do we want to do a round of five minutes? Council Member Kniss, did you ...

Council Member Kniss: I'm not sure that we need a round of five minutes, but it may happen. I certainly will end up at Option Number 3. Let me give a little background on this from a different angle. The original part of this—I know for our two new members, you wouldn't remember way back when. This was actually voted on in 2000 just before current Supervisor Joe Simitian left office. The reason—it's complicated—that this money is available is that when Stanford got the ability to do their current general use permit, which was 2 million square feet of academic development and 3,000 housing units, part of the intent was to have two trails, one that would go to the north, one that would go to the south. According to the GUP that I think I can still quote chapter and verse, it says to cross Stanford land. It ended up at the south trail which goes across on the far side of Page Mill was finally agreed upon in 2011, which was almost 12 years later. There never was a north trail. It's too complicated to go into because we discussed it at the County for six years, that then went to San Mateo County for another five. Finally they said "uncle" on that and awarded then what was \$8 or \$9 million. It's now 10, probably 10.5; it continued to grow. This all resulted from the GUP of 2000. I'm not sure where they are at this point; I've been gone for three years. I'm imagining that at some point in the next two or three years, there will be another general use permit that comes forward. When I look at this amount of money, which we voted on at the County and what to do with it, this was very much for, even though this says recreational trail, it also meant for commuters. They were very concerned about commuters and how commuters would get across and be able to ride south to Mountain View and Sunnyvale. Looking at this now, it seems to be sort of a different animal than what we saw some time ago. I think Council Member Scharff may have been—Greg, what year were you Mayor?

# TRANSCRIPT

Council Member Scharff: '13.

Council Member Kniss: In which?

Council Member Scharff: '13.

Council Member Kniss: '13. In 2012, as I recall, you were an advocate for this. I do recall you talking to us as a Board of Supervisors. Where it has ended up now, I certainly understand. I followed what you're saying; I understand the problem with the Water District and so forth. I don't think we have any option other than to continue the feasibility study. However, at the same time, for anyone who is concerned about the loss of money, I don't think that is an issue at all. The money is available. You probably know the money has to be spent within a certain radius. Correct? It needs to be spent essentially in Palo Alto. You've got a little further that you can go, maybe into Menlo, maybe into Mountain view, but not very far. This is really meant for Palo Alto. It originally, as Larry Horton used to tell me, was actually meant for the faculty who was going to be displaced, not for us in particular. We have been the beneficiaries of some amount of largesse, I guess. I always felt in the end we more than deserved the \$10 million. That's how I see it at this point. When we get to that point and others have had a chance to talk, I will certainly say continuing this study is essential. As I look back on it, any number of us looked at this trail in 2012 and agreed with it. As you just said, the devil always is in the details. The details of this devil are really rather far reaching and, as somebody mentioned, you might have to go through somebody's house to complete the trail. I don't think that's really acceptable. Looking at this now, again, I'm not concerned about the funding staying there, but I do think we should continue to see if we can complete that. That's my two cents.

Mayor Holman: Thank you. Council Member Burt, questions and comments, five minutes.

Council Member Burt: Some questions and some comments. The issues with the Santa Clara Valley Water District, the two ones of who would assume liability and, second, how they would maintain their access ramps, is that basically it or was there something else?

Mr. Mello: There are some other issues. Sarah can probably expand further. I know one was while they are actually conducting maintenance, there's a requirement for oversight in order to protect people that would be using the trail. There were associated maintenance costs that the City would have to bear on top of what's already ...

# TRANSCRIPT

Council Member Burt: When I looked at kind of every bit of the section between Alma and Middlefield the other day, I was assuming that the Water District is concerned that they have a concrete berm and then a steep bank, so you'd need a fence. Is there something I'm missing there?

Mr. Mello: I think one of the biggest issues is there's ramps that travel down from our surface streets ...

Council Member Burt: Let's break it up into two parts. Setting aside the ramps for the moment, but just their other concern where there aren't ramps.

Ms. Syed: The ramps are only in three locations. Where there are not ramps, there aren't significant design challenges in the areas there is the width for a Class 1 path. That isn't ...

Council Member Burt: The three ramps that they have, do they need all three because they can't get vehicles under some of the places that we have road crossings or could they have fewer ramps?

Ms. Syed: There's two things. There's the ramps, and then there's the flood wall. There's three locations where we have flood wall structures, and then there's four locations that there are ramps.

Council Member Burt: I'm asking about the ramps. Do they need all the ramps?

Ms. Syed: We haven't gotten that far in the conversation. It's something that we could ask. At their starting point, they would probably say, "Sure, we want to maintain our existing ramps." It's something that we would resolve in the design process.

Council Member Burt: One of the concerns I have with the discussion with the Water District, I asked our Water District representative, Gary Kremen, whether he was familiar with the issues that apparently have been going back and forth between our staffs, and he didn't know anything about this problem. There's, I think, a natural tendency of a staff like the Water District staff to push back and not be accommodating. Part of their mission is environmental and recreational. I think some of these things that could have practical solutions, we could get the Water District to be more accommodating. There are other aspects that appear more problematic and couldn't easily be overcome. That's why I'm wanting to understand. Out of the Staff alternatives, I didn't see any proposal that would look at a hybrid. Basically, continuing to explore using as much of the creek right-of-way for a

# TRANSCRIPT

path as could fairly readily be done. Those areas where it doesn't work, not do that.

Mr. Mello: You can see that is one of the alternatives that we have looked at, and that's certainly something that we could advance if Council decided to look at an alternative corridor with the remainder of the feasibility study. You can see there's a little bit of a parallel corridor in the center section as well as over on the east that could potentially substitute for the creek corridor itself.

Council Member Burt: Some of the alternative locations where either El Carmelo or Loma Verde would hit Alma, those hit at locations that are I'll call it south, southeast of where we evaluated the feasibility of a trench for the tracks. Having an underpass in that location would be problematic. When you're considering a pedestrian crossing over the tracks and potentially over Alma at the same time, although it could be something like Homer where it was signalized at Alma. Were you taking into consideration the challenge of what might happen on whether there might be trenching there in the future?

Mr. Mello: I think we certainly would moving forward. I think some of the preliminary looks at the crossing of Alma and Caltrain happened before the discussion about grade separation advanced to the point where we're at today. I think moving forward we'd certainly have to design something that would accommodate the grade separation in the future as well.

Council Member Burt: I have some other thoughts later, but I just want to put out there for people to be thinking about. One of the things I looked at the other day was El Dorado more closely. El Dorado is a low volume street that might work well within this hybrid pattern, especially with some minor modifications to some restrictions or other accommodations.

Mayor Holman: Thank you. Council Member DuBois, questions and comments.

Council Member DuBois: I think Council Member Kniss answered some of my questions about the funding. Do we know what distance from Stanford the money can be spent?

Council Member Kniss: Yeah, we do know, yeah. Six miles.

Council Member DuBois: Six miles.

Council Member Kniss: It is roughly six miles, but it also depends on where you start measuring from. Thanks, Karen, for letting me explain this. If you start from the very epicenter, you get to a different point. We never had

# TRANSCRIPT

quite established whether you're really talking about the outskirts or whether you were talking about the main part of it. It primarily is in Palo Alto, and it should be something that mitigates for the intense development on the campus as well.

Council Member DuBois: One of my questions was could we use that money for the bike bridge construction over 101.

Council Member Kniss: I think that was certainly one of the things we talked about. It was, as I recall, what we discussed at the time. That was definitely one of the uses for the money. In fact, I believe, we have ...

Ms. Syed: The Adobe Creek overcrossing is funded.

Council Member Kniss: ... 5 million for that.

Ms. Syed: It's part of the 10 million in funding that we were awarded. This project received 1.5 million. That project, I believe, received 4 million from this funding source.

Council Member DuBois: If we didn't use this, could we add it to the bridge? Assuming ...

Ms. Syed: We would need to ask County staff. We've been advised that the County Board of Supervisors will be considering what to do with—Stanford returned the funding for the Stanford Perimeter Trail.

Council Member DuBois: We haven't seen that bridge yet, but I'm assuming the cost probably went up anyways. Just an idea.

Female: (inaudible)

Council Member DuBois: You already returned it?

Ms. Syed: No, no. Stanford returned the funding they were awarded. They chose to use their own funding for the Stanford Perimeter Trail recently. In response to that, the County Board of Supervisors will be acting again on this funding source. Some time, we're not sure when. Sorry, it might have been irrelevant.

Council Member DuBois: I'm going to run out of time. I did attend the community kick-off in 2014. There were a lot of people there. Most of them were opposed; they didn't want a trail behind their homes. On the alternative path, I think the CAC recommended Loma Verde, Colorado or East Meadow. East Meadow goes by several parks, a couple of schools. I

# TRANSCRIPT

wondered why it wasn't listed in Option 3. Option 3 just called out Colorado and Loma Verde.

Ms. Syed: I think the sentiment—one of the things we heard at the community workshops was that East Meadow is really on the far end of Midtown. That was the thinking there, that Loma Verde already has 7-foot-wide bike lanes and a crossing of Caltrain. We could consider that; it's still on the table.

Council Member DuBois: I think East Meadow makes a lot of sense. It had nine accidents; Loma Verde had ten accidents. I think either one of those seem appropriate. Again, they go by a lot of schools and parks. The great thing about East Meadow is it connects to our bridge that we're building. It also connects to a grade crossing, so it doesn't dead-end on either end. I think our CAC spoke pretty clearly. I think we should actually celebrate it. I think it was a community process that worked. We had an idea, we got feedback and we adjust. There's nothing wrong with that. It's not a failure. It's a process. I think we should listen to the feedback we got. Again, we talked about this recently. I think, again, something like Loma Verde, it's a less busy street. It seems like a great place for bikes. We have a grid pattern throughout Midtown. There's a lot of ways to get where you want to go on not very busy streets. If we did do Loma Verde, you still have to jog over to the bike bridge and to a grade crossing. You can hit the Bryant Boulevard to get over to East Meadow. Again, I think some jog over to the bridge without going on Bayshore, which has a lot of fast-moving cars. To echo Council Member Burt, I don't think we should start to spend this money right now on a bike grade crossing until we let the trench play out a little bit and see where we end up on that. We got, I think, several clear letters to support Option 2. I would support Option 2, possibly Option 3, kind of depending on which direction we're going. Again, I think East Meadow, Loma Verde, to me those are still Midtown. You've got all the way down to San Antonio. That's kind of where I am. Thanks.

Mayor Holman: Council Member Filseth.

Council Member Filseth: I got two questions. I know this is going to be hard to answer, but if you can just take a whack at it. I'm just trying to get a ballpark on what a couple of these things are likely to cost. In the Staff Report, if you look, it says that Option 3 alternative alignment. Let's say you were going to do a bike path down Loma Verde, for example. In the Staff Report it says less than \$1 million, but I assume that's not the same as the concept in here, that's a protected bike lane concept where you're building berms and things like that.



# TRANSCRIPT

Mr. Mello: Separated bikeways are fairly affordable when you compare them to a cost of a trail in its own right-of-way. I don't want to over-promise, but I think we could probably deliver an on-road separated bikeway within the \$1.5 million budget. That doesn't include the overcrossing of Caltrain and Alma, which I think we estimated for the VTA submittal that that would be somewhere around \$13 million.

Council Member Filseth: There's a 1 million, 2 million kind of thing, not a 8 million, 10 million thing.

Mr. Mello: I don't think it would be that far off. If it was over, it wouldn't be over dramatically.

Council Member Filseth: I think you just answered the second question I was going to ask. The Homer Street underpass, I think, was like \$5 million back ten years ago. You think to do another one like that is 13?

Mr. Mello: We just estimated a cost for that when we did our submittal for the VTA sales tax initiative. We submitted a \$13 million cost estimate for that particular over-crossing.

Council Member Filseth: Inflation. That was my questions. Thanks.

Mayor Holman: Council Member Scharff, questions and comments.

Council Member Scharff: Thank you. I wanted to follow up a little bit where Council Member Burt left off in terms of the hybrid. One of the things that we didn't talk about was continuing under US 101 there, where the trail goes under. Were you planning on abandoning that as well as part of that? Say we were to take, for instance, Loma Verde. You could clearly take Loma Verde down and then have a little purple line and the dotted line. You could do that last segment, so you could get over to 101 easily. Were we thinking of doing that or when we talk about stopping on the creek trail?

Mr. Mello: Our thinking right now around that has kind of been to focus on getting the Adobe Creek crossing of the 101 advanced and constructed, and then start to look at others. I don't know if we want to look at advancing two overcrossings of 101 simultaneously. If you see the maps ...

Council Member Scharff: Isn't that an undercrossing there, where the creek goes under? Isn't that an undercrossing?

Mr. Mello: Yeah. Matadero Creek crosses under 101, and it's closed right now. I think one of the recommendations was to do a seasonal.

# TRANSCRIPT

Ms. Syed: There was one element of the feasibility study looking at modest improvements to that undercrossing. That was studied as part of the feasibility to identify the Adobe Creek overcrossing. Some work has been done on that. The general thinking is ...

Council Member Scharff: Wait a minute. What I'm really asking is we talked about a hybrid situation here, right?

Ms. Syed: Right.

Council Member Scharff: Where you're talking about abandoning the creek trail. I'm asking the question why not continue that portion of it where you do the undercrossing. If you're going to come down Loma Verde, for instance, you may want to go that way and under-cross there as opposed to going all the way down and hooking up with the Adobe Creek one. I don't (crosstalk) or you'd have a choice to do both.

Mr. Mello: We could certainly advance that as part of the study of an alternative corridor. Up until this point, our thinking has really been focused around the Adobe Creek overcrossing of 101. I certainly understand you may want to travel north, and Adobe Creek may not make sense if you're using Loma Verde. If Council elects to move forward with the Loma Verde alignment or some other alternative, we could include further analysis of the 101 undercrossing.

Council Member Scharff: You have four, maybe five, suggested alignments here. You have the Oregon Avenue one. You have the Colorado-El Dorado one. Then there's the Matadero one. You could jog around—that's where you're talking about Sutter Avenue, clear out around that area. Then you have Loma Verde, and then you have Meadow. Those are the ones you're looking at. On each of those when you talk about a Class 1 bike trail, what you're talking about is putting a barrier for the bikes to go that would normally be where the cars would park. We would, basically, do away with parking on one side of the street for that entire length. Is that what we'd be doing?

Mr. Mello: The alignment along the creek corridor would be a Class 1 trail. All of the other alignments that are shown on this map would be a Class 4 facility, would be our goal, which is a separated bikeway that is on-road but it has some type of physical protection ...

Council Member Scharff: A physical barrier.

Mr. Mello: ... between the travel lane and the bike lane. We don't know what that physical protection would look like. That would be something we'd

# TRANSCRIPT

work out with the community. There's a whole wide spectrum of devices that cities have used. The goal would be to create a separated bikeway that had the feel of a protected path but was in the roadway. That would minimize the cost significantly.

Council Member Scharff: What kinds of barriers are there? Normally, I've seen little concrete things about this big wide, which separates the path. What else would you (crosstalk)?

Mr. Mello: The spectrum kind of ranges from using parking with nothing else. You could actually use the on-street parking as a barrier. The bike lane would be between the on-street parking and the curb. Some cities use plastic delineator posts, which are inexpensive, not as attractive as some of the other treatments. A concrete curb is an option as well as planters. Some cities use decorative planters that are placed within the buffer area.

Council Member Scharff: Is the street wide enough to have the parking and the separated trail?

Mr. Mello: Not all of them. We've done kind of a "back of the envelope" analysis of what could fit on each of these different corridors. Loma Verde looks appealing to us. It looks like there's enough adequate width. Some of the other roadways, it's a stretch to start to look at any kind of separation.

Council Member Scharff: Is the plan tonight, if we were to for instance go with Number 3 and tell you to come back and do that, would you then come back with more fully fleshed-out which one of these you would recommend? Is that how that would work?

Mr. Mello: Yeah, Council could either give us direction to continue studying the alternative alignments. If you wanted us to focus on one in particular, that may be a wiser use of the remaining funds. We could probably come back with a pretty good idea of how much it would cost, what it would look like. We could do some additional public involvement. If you elected to pursue one of those corridors, I think we could come back to you with a pretty good plan on what it would look like, how much it would cost.

Council Member Scharff: I didn't read enough information in the Staff Report to really know, unless I missed it somewhere, how to make the choices between these. You indicated there are tradeoffs. Some of them can keep parking, some of them can't, some of them are wider than other streets. Do you have that information tonight that you think we could choose one of these to tell you to focus on? I just wasn't quite clear. (inaudible).

# TRANSCRIPT

Ms. Syed: We do have those alternatives. I'm not sure we're prepared to have a thorough discussion. As Josh mentioned, the one that's really too narrow to consider a separated bikeway is Colorado Avenue. Recently when the City resurfaced, the City actually removed bicycle lanes from Colorado Avenue, because they were substandard width. We currently have a sharrows, shared-lane treatment, in one direction and a bicycle lane in another. It's a pretty constrained right-of-way on Colorado Avenue. Loma Verde, I'm not sure I can zoom here. I pulled up that option here. We looked at a couple of options where we would relocate the bike lane, both bike lanes on one side of the street and put in a separated barrier. That could be concrete, that could be planters. There is right-of-way on Loma Verde. Let's see if I have the others. On Oregon, Oregon has unique challenges due to its proximity to the expressway. That project would require just a longer design cycle. We'd need to work with the County and look at all the turns coming off of the expressway. Other than that, it is a very attractive corridor just due to the very low volume of vehicles on Oregon Avenue. On Meadow Drive, we currently have 7-foot-wide bike lanes there and quite generous travel lanes. We do see that there is the width there to explore a range of separated bikeway alternatives on Meadow.

Council Member Scharff: Thanks.

Mayor Holman: Vice Mayor Schmid.

Vice Mayor Schmid: I guess one of the key statements in the Bike Pedestrian Plan was to encourage separation of cars and bikes and peds and runners where possible. The east-west corridors in the City are extremely important, because increasingly the traffic on 101, the train traffic, Alma, El Camino are cutting our City into pieces. The east-west routes are extremely important. Matadero Creek is the only corridor that allows there to be a separate bike-pedestrian running path. I guess what I don't hear at all is how else are these corridors used in other places. Now, I know in the last 10 or 15 years, there have been very, very active development along Stevens Creek and Permanente Creek in our neighbor Mountain View with over half the cost paid for by the Santa Clara Valley Water District. Stevens Creek runs from the Baylands to a mile west of El Camino. It crosses 101, crosses Middlefield, crosses Central Expressway, crosses the tracks, crosses El Camino, has a crossing over 85, goes through neighborhoods. They have water fountains and parking places and place to get on the trail. It's extremely popular, heavily used. What went on there? Why were they able to use a creek that we can't use? Has the Water District changed the rules in some places? What's going on? Permanente Creek goes from Shoreline,

# TRANSCRIPT

past 101 to Middlefield. Again, a beautiful, wonderful bike path. What are they doing that we can't do and what's the Water District doing?

Mr. Mello: Sarah has done a little research on Stevens Creek based on the comments you made at the last Council meeting. We wanted to be prepared, so she reached out and did a little bit of research. I do want to preface that by saying I don't think we're here tonight to tell you that we couldn't build a trail along the creek corridor. It's just that there's some major challenges around construction, agreements with the Water District. I don't want to give you the perception that this is something that we couldn't do, if you charged us with continuing the feasibility study of the trail. It's just we wanted to check-in with you and let you know that we've encountered some fairly significant challenges and ...

Vice Mayor Schmid: I'd just add to it there is currently feasibility discussions, active discussions, going on with Sunnyvale, Cupertino and Los Altos to extend the Stevens Creek Trail.

Ms. Syed: Yes. That's a great point. We did take a look at the Joint Cities Coordinated Stevens Creek Trail Feasibility Study. That is an active effort to extend the existing Stevens Creek Trail. What the feasibility study process is considering are a number of options including on-street trail facilities. As they get beyond Fremont Avenue in Sunnyvale, they're finding constraints to extend to Homestead. What they're looking at doing is making one of their local streets into a one-way road, Bernardo Avenue, to build a separated bikeway. They did a very quantitative analysis, looking at the County Trails Master Plan. The recommended minimum width is about 25 feet to be able to put in a Class 1 trail. They looked along the corridor and did a mapping exercise of where they have less than that and can they work around it.

Vice Mayor Schmid: I guess my time is running out. I only want to make the case that communities near us are dealing with this issue, going through it. At least to have that shared information would be important. A note on Loma Verde. You've pointed out that you could fit bike lanes in there, but I see you eliminated parking on one side. That has a consequence. Ramps, you say there's problems with ramps, but two of the ramps are at the beginning at Alma and at the end where it goes under 101. Actually that ramp takes you into the Baylands. The ramp issue is not quite as daunting as you say. The barriers, I think the barriers can be talked about, adjusted for uses. I guess the sharing of experiences of our neighbors, of what kinds of problems and issues cropped up when they went through a neighborhood, I think that's essential.

# TRANSCRIPT

Ms. Syed: Thank you. On the flood control structures, I'm sure there's folks here with more of a history than me. One of the things the Water District shared was when they went through that process and looked at how to build a flood wall, they said if there was any way we could have avoided putting in those walls, they would have. It's a challenge; it's a design challenge regarding how we can maintain flood protection and design around it. One of the alternatives would be additional property acquisition. That has other tradeoffs and impacts as well.

Mayor Holman: Council Member Wolbach, questions and comments.

Council Member Wolbach: First, thanks for a really in-depth presentation and answering a lot of tough questions. As has been said by a lot of my colleagues, this is a really important part of our vision for the future of biking in Palo Alto, whether it's for recreation or just transportation for people who don't drive, especially for kids getting to school and for people either wanting to go from south Palo Alto, where a few of us live, in trying to get to the other side of town, or people trying to get to the Baylands and connect with our future bike bridge to the Baylands. This is really important. In also looking at this long-term, I think what we're going to be hopefully looking at eventually is having really, really solid bike routes on maybe three of these in the distance. I'd picture, for instance, Oregon Ave. at the north end of this chunk of Palo Alto. Meadow particularly the potential for some kind of bike facilities on the south edge of Meadow where you have fewer homes, so fewer interruptions from driveways at least from home driveways, because you have the schools and stuff like that. Then something in the middle. Then the question is which of these middle routes do we pick. Also the question of obviously between the challenges of funding and planning and construction, where do we want to prioritize. Those are, I guess, the questions that I'm thinking about. Eventually, we should absolutely have a north-south and central route in the distance as our objective. We're not ready for motions yet but, when we do get to motions, I think I'm going to be leaning towards Option 3, saying it looks like doing one along the creek creates a lot of problems. I'm concerned about some safety risks and other issues. We did hear obviously a lot of concern from the community about that. Because of all the challenges around the creek, I think that the creek's not the ideal location especially one that goes for the entire length of the creek. Then the question is what do we want to prioritize after that. As Council Member Scharff pointed out, I don't think that we have enough information tonight to really drill down and give precise direction to Staff about which one of these we want you to focus on. I like the idea of moving forward with Option 3 so we can figure out more of that, so that in the future Staff, the community and Council can identify where we do want to prioritize of these various options outside of the creek route.

# TRANSCRIPT

Mayor Holman: I have just one question for you, and that is the Meadow bike boulevard. Because that is—Council Member DuBois, I think, mentioned this—does have a lot of schools and a lot of parks along that route, does that make this from a—let's set operational aside for the moment—make it the ... Let me ask it this way. How would that make it rank in terms of an accessibility path?

Mr. Mello: I think the main concern we heard from both the CAC and PABAC is that Meadow is so far south that it may not necessarily meet the criteria of a Midtown connector. It's certainly a good candidate for a separated bikeway or enhancements. The feedback we got from the public and from the CAC was that it may be stretching the limits of what we call a Midtown connector. It certainly does provide great connectivity across town.

Mayor Holman: Thank you. Next round, questions, comments and motions. Five minutes again, if we could please. Council Member Burt to be followed by Council Member Filseth.

Council Member Burt: I want to return to a theme of a combination, that we need more than one good, really convenient, efficient bike route between Alma and 101 in the south half of the town. Let me ask on East Meadow. I agree that it is too far south to constitute kind of the Midtown route. It also has advantages just for serving all the way from Barron Park. We do have an at-grade crossing at East Meadow, and then it connects into the new bridge. Were you envisioning that there would be a Class 4-type of protections or whatever we want to call them on East Meadow, if we want that as one of the alternatives?

Mr. Mello: I think we could look at that. There is quite a bit of space out there. The current cross-section we're showing is traditional bike lanes, the existing condition. I certainly think there's room for upgrades along Meadow.

Council Member Burt: Whether it's full Class 4 or just upgrades, I think that would be in the right direction, especially feeding into the new bridge. I also want to see a hybrid continued to be evaluated, utilizing the portions of Matadero Creek that work—hopefully that'll be expanded as a result of negotiations with the Water District, in collaboration with the Water District—and then using preferably low car volume side streets in conjunction with that. You've identified several different alternatives, whether they're on El Carmelo or Eldorado, closest to Alma, and then Sutter and Clara. We're all the way down to Louis where we've got some pretty good access on Matadero. For our motion tonight, if we are interested in you continuing to explore improvements on East Meadow, is that outside of

# TRANSCRIPT

the scope of this Midtown route or is it within it? I'm thinking I want to propose more than one alternative continue to be studied.

Mr. Mello: I think given the amount of funding that's remaining, it may be difficult to do the necessary work for the hybrid option and also advance some concepts on Meadow. We could certainly use any remaining funding to move on and start to study Meadow.

Council Member Burt: Are you referring to engineering studies funding or construction funding?

Mr. Mello: The feasibility study funding is about 50 percent expended. We think ...

Council Member Burt: That's how many dollars?

Mr. Mello: It was 200,000?

Ms. Syed: We have about 200,000 remaining. The contract for the feasibility study was just under \$370,000.

Council Member Burt: This maybe is more a question for the City Manager. If we're looking tonight at either narrowing it to one alternative and whether that alternative might be—it seems that the full Matadero option just has problems. The options that we might consider are a hybrid of parallel streets to Matadero and Matadero where it works or just one of the major somewhat arterials or collector streets. Is Loma Verde a collector or an arterial?

Mr. Mello: Collector.

Council Member Burt: Collector. Or one of the collectors. What I'm hearing is that under our feasibility study budget, we don't have funds to look at both of those going forward. Yet, we don't really have good information to decide whether we should abandon something like a hybrid. We're being asked to make a decision, I think, on too little information if we must make a decision at this point in time to choose one or the other to continue. We're not that informed on it. I just don't think it's very good, quality decisions.

James Keene, City Manager: I'm not sure I can give a definitive answer. I'm partly asking Josh a question too. Is it reasonable for us to be able to come back and provide Council any more information short of a feasibility analysis that would help with this decision, first of all?

Mr. Mello: I think we could use the remaining funding in the contract to select a preferred alternative out of these five. If you directed us to use our



# TRANSCRIPT

resources to further analyze these five alternatives, pick one and then advance that concept as far as possible, we could do that. That being said, the amount of work that's going to be required to further develop the creek corridor would probably use up the majority of that funding. I think this could go two directions. We could either continue to study the creek corridor, do a real detailed analysis of what it's going to take to build it or, at this point, we could go a different direction and just use the remaining funding to select a preferred alternative outside of the creek ...

Council Member Burt: We could have some additional funding to be able to evaluate two different options going forward.

Mr. Keene: I guess my question was I'm not clear exactly how much we feel we'd have with the current funding for feasibility. Does the Council want to support allocating additional money or do we want to—I mean, there are some potential alternatives. We've got a significant amount of trail money within the County program that have been allocated to Stanford that they have not utilized. Is it worthwhile us taking a look at what that available funding could be and putting together a budget that would allow you to potentially study more than the one alternative?

Council Member Burt: I move that we direct Staff to evaluate both a hybrid alternative that would utilize the portions of the Matadero Creek corridor that are feasible and in parallel to identify the most practicable second alternative on a collector street running between Alma and West Bayshore.

Council Member Scharff: Second.

Council Member Kniss: I would second that. Right and left.

**MOTION:** Council Member Burt moved, seconded by Council Member Scharff to direct Staff to evaluate both a hybrid alternative that would utilize portions of the Matadero Creek corridor and in parallel, identify the most practical second alternative on a collector street between Alma Street and West Bayshore Road.

Mayor Holman: Would you care to speak to your multi-seconded motion? If Clerk can put it up on the screen too.

Council Member Burt: I'll just say that if we're going to have a really strong bike system, we need more and's and fewer or's. We need not just a single decent route for folks to go from essentially across town south of Oregon. We need more than one. Second, the opportunities in a built-out community to take advantage of off-road paths are going to be very few. We shouldn't too readily give up on taking advantage of those opportunities to the degree

# TRANSCRIPT

that they're feasible. That's why I want to continue to look at options on using the Matadero Creek right-of-way. There are people in the community who will find something like that preferable, and others who aren't comfortable with competing with cars on streets. This is a real great alternative for families with young kids or people who just are less comfortable riding or, frankly, people who would really enjoy a walk along even a channelized creek. I think it's worth pursuing.

Mayor Holman: Council Member Scharff, I believe you were the seconder.

Council Member Scharff: Thank you. Yes, I concur with what Council Member Burt said. I think it's a little too early to give up on this. I think it's a great opportunity. Other people have pointed out that Sevens Creek has been moving forward. I do think we can work out a lot of this with the Water District. With that said, I also do want us to really study the Loma Verde option. I also really want to make sure that we move forward at some point with Meadow. Clearly, if we're going to build the bike bridge there, I really think we want to make a commitment as a Council, if possible, to do a Class 4 trail there if it makes sense. If it doesn't make sense, it doesn't make sense. I'd like to see us move in that direction. The other thing is you've indicated you don't have enough money. We have a Council Contingency of, like, \$300,000, if I recall. I think that's the right number. It's the end of the year and we haven't used it; we're not going to use it for anything else that I can think of. I think we should go ahead and suggest that we use some of the Council Contingency so we have enough money to study the hybrid alternative and one of the other ones. I just was wondering how much money you'd need to study it, do you think, or should it be opened or whatever.

Mr. Mello: I would need to check with our consultant and see what the cost estimate would be for that additional work.

Council Member Scharff: Council Member Burt, would you support adding some money from Council Contingency as needed?

Council Member Burt: Yes, I would. I would add to it that I'm not sure that even the amount we have will get expended in this budgetary year. Whether it's Council Contingency Fund or next year's budget, either of those pots I would support.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "to use Council Contingency Funds to continue the Feasibility Study on the hybrid alternative."

# TRANSCRIPT

Council Member Scharff: I'd like to just add in there we—what do you want to suggest in terms of money? I mean I haven't ...

Council Member Burt: Since they don't know a dollar amount, I guess we should add "request Staff to return to Council with a Budget Amendment to fund the additional studies that were directed within the motion."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "to direct Staff to return to the Council with a Budget Amendment Ordinance to fund additional studies."

Mayor Holman: Josh.

Mr. Mello: Just to be clear. For the feasibility study of the creek corridor, we would continue to advance that, but we would study a hybrid option, and we would complete the necessary work required under the County grant to call it a feasibility study for the hybrid option. In parallel to that, we would complete concept planning for a parallel corridor on-street. We could bring that concept plan to you for adoption just like we do with the Bike Boulevard Program and the enhanced bikeways.

Council Member Burt: Yes. The concept on the hybrid is to look at removing sections of it that just aren't feasible. Sections that maybe we got initial push back on from the Water District, to see if can overcome obstacles. Where we have major chokepoints, I understand that that's probably not something that can be overcome.

Council Member Scharff: I think there's another part of this that we should think about. Right now, I think under the motion what we're doing is the Matadero hybrid (inaudible), and then we're studying most likely the Loma Verde or Colorado options as well. I think the other part of this is—the County is going to go back out on that \$5 million. When I worked with the County in 2012 and 2013 on this, what was really important was coming up with a plan that seemed feasible at the time. We probably oversold the Matadero Creek one, frankly, to the County at the time. I don't think that's our fault or anything. I mean, that's sort of how it was presented to us, that it was in the Bike Plan, it was possible. I think the second time around the County's going to want to see, since we might be giving them money back too if we're not careful on this, that we have a plan that works. I think that we should also work up Meadow Drive, frankly, as a Class 4 bike lane that we can then present to the County when it comes time to make bids on that additional \$5 million, so that we have something for them that we can go ahead and say, "This works. We've done the feasibility work." I think we're much more likely to get it if it's "shovel ready" or that kind of thing.

# TRANSCRIPT

Council Member Burt: I'm open to including that in the motion, but I wasn't clear on whether that sort of on-street path would potentially qualify for those County dollars.

Council Member Scharff: I'm going to go on a limb and say I met with every Supervisor when we did that and talked about it and looked at the other stuff. I got the sense that any bike path that we did, that was a—if it was a Class 4 bike path like that, it would qualify. That was my sense at the time.

Council Member Burt: There's actually language in the general use permit.

Council Member Scharff: There is. They were looking at barbeque pits out in the hills in—where was it? In San Mateo County actually at the time. My recollection—I don't have it front of me, Council Member Burt—my recollection is that would probably—we should ask Staff to look into that. I don't disagree. My recollection is that would fit within it.

Council Member Burt: Why don't we just set aside for the moment trying to determine whether there would be County funding. Where on the feasibility side—I'm game to include a request for Staff to return with a preliminary evaluation of East Meadow Class 4 or as close to it as possible bike lane. That's the end of the language, if that's acceptable.

Council Member Scharff: Yeah, that's fine.

Mayor Holman: Is that okay with the seconder?

Council Member Scharff: Yes.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "to request Staff return with a preliminary evaluation of East Meadow Drive as a Class 4 bike lane or as close as possible to a Class 4 bike lane."

Council Member Burt: At the end of that period, we can understand better the funding sources for construction.

Mayor Holman: It seems like a reasonable time to—I'm one person out of order here. If I could go to Council Member Kniss, having your experience with this, to add any elucidation to this.

Council Member Kniss: Thank. It's rather weird to hear what we did three years ago. I remember that Council Member Scharff did visit all of us. I want to remind us that when I had a conversation with Sylvia Gallegos recently, who's their Deputy Exec, she explained that it's either 4.5, 4.8. I don't recall exactly what Stanford has released. They would be coming to us

# TRANSCRIPT

shortly to indicate that that money was available again. This is the same category of money that we're talking about tonight. If the two of you, the maker and the seconder, would accept this, I would add a "C" which would say—if you need it. I'm going to look at you, Jim, and ask if it's needed—to reach out to the Board of Supervisors through Sylvia and ask when this will be available. It is available now, and it will be a question of how soon is it available to us. If you want that in the motion, that's fine. Otherwise, you can simply ask Staff to go forth.

Council Member Burt: I don't think we need it in the motion.

Mayor Holman: Josh.

Mr. Mello: I just need a little bit of clarity on "B." Are we now saying that East Meadow is the preferred alternative?

Council Member Burt: No.

Council Member Scharff: No.

Mayor Holman: Can we do one thing? Let's stick with "C" right at the moment. We can go back to "B" if you want.

Council Member Burt: Council Member Kniss, I don't think it needs to be in the motion. I think you're right that our Staff should engage and find out those answers. I don't think we have to put it in a motion.

Council Member Kniss: I don't care if it's in the motion, but I really want us to find out.

Council Member Burt: "C" doesn't have to be there. Agreed. Josh had a question on the intent of "B." I think actually what we're looking for—maybe we put this up above in ... Maybe the clearest way to do it is we're wanting you to look at three different scenarios. Up above in the main motion, after the word "evaluate" maybe a semi-colon and delete the word "both," and then "a hybrid" becomes the new "A," and the others become "B" and "C." The word "both" will be dropped. Josh, to answer you. We're interested in evaluating all three and potentially supporting two, maybe more. Who knows? Council Member Wolbach is pointing out that under the "A" where it says "and in parallel," drop the "C." I'm sorry, wait a minute. I was getting all confused. Cory's right. After the "usable," we should drop that down and that becomes "B." Drop the word "and" and also even "in parallel."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion, "in parallel."

# TRANSCRIPT

Council Member Burt: There's a "C." These are the three alternatives, "A," "B," and "C."

Council Member Scharff: Instead of saying "request Staff," why don't we just say "evaluate"?

Council Member Burt: Sure. "D" is just about returning on all the above, what you need on funding to do so. Does that sound better?

Mayor Holman: Council Member Scharff, are you good with all of that?

Council Member Scharff: Yeah. I just wanted to make sure that Staff, you feel clear you understand what we're talking about.

**MOTION RESTATED:** Council Member Burt moved, seconded by Council Member Scharff to direct Staff to:

- A. Evaluate a hybrid alternative that would use portions of the Matadero Creek corridor that are usable; and
- B. Identify the most practical alternative on a collector street between Alma Street and West Bayshore Road; and
- C. Evaluate East Meadow Drive as a Class 4 bike lane or as close as possible to a Class 4 bike lane; and
- D. Request Staff return to Council with a Budget Amendment Ordinance to fund the additional studies that have been directed in the Motion.

Mayor Holman: Is Staff clear?

Mr. Mello: Yes. I'd just like to ask whether you'd like to continue using the CAC that we formed as we move forward with these analyses?

Council Member Burt: Yes, I think so. Is that something we need to consider separately?

Mayor Holman: I think, unless we state otherwise, it would be considered that Staff would continue to use them. We're not disbanding it. If the intention of the maker and the seconder is to continue use of the CAC, then I think there needs to be no reference.

Council Member Scharff: It would be within the boundaries of the Motion?

Council Member Burt: Correct.

# TRANSCRIPT

Mayor Holman: Yes.

Council Member Scharff: We wouldn't want the CAC now to say, "We don't want to do the hybrid alternative at all."

Mayor Holman: Right, right. Is Staff clear on that? We would continue utilizing the CAC. The maker or seconder are both good with the Motion as it stands. Council Member DuBois.

Council Member DuBois: I'm a little confused how we got here. The CAC said discontinue the creek. The Palo Alto Bike Advisory Committee said discontinue the Matadero Creek alignment. Page 5 in the report lists a bunch of reasons. We heard from a public. I believe Mr. Nolan is a biker. He said it was a waste of time and money. It's contentious. Some bikers want it. I know a lot of residents don't. I think we heard that there's a home that blocks the right-of-way. I know you guys are saying use portions of it, but I just don't understand why we're pushing for it. If we look at the options in Attachment E, to me Oregon Avenue, it's on the other side of the expressway, that's not Midtown at all. I think it should just be removed immediately. Colorado still feels fairly far north. It does connect to a jog to Cal. Avenue to go under the train tracks. I believe most of it is already a Class 3 bike path. For me, Matadero is out. I don't think I'll be supporting a motion that includes Matadero. That really leaves Loma Verde and Meadow. If you look at the slides we got at our places, on pages 27 and 28, it shows collisions with cars. Loma Verde and East Meadow had the most. I think that's kind of concerning. I'd like to see us spend money there. I think Loma Verde had nine collisions or ten collisions. East Meadow had nine between 2008 and 2012. We're spending a lot of money on a bike bridge over 101, and we don't have a bike path yet that connects directly to it. I think Charleston, which we talked about, got close. I think Meadow or Loma Verde could easily serve all of Midtown and we'd get to the Baylands without going over the Oregon crossing. If you want to go north, you could go up to Oregon and cross over there. If you want to go south, you'd go to Adobe Creek. I'd like to offer a friendly amendment which would be just to delete "A."

Mayor Holman: Maker?

Council Member Burt: No thanks.

Council Member DuBois: I would offer that as an amendment, just to delete the Matadero Creek hybrid portion but include the rest of the Motion.

Mayor Holman: I'll second.

# TRANSCRIPT

**AMENDMENT:** Council Member DuBois moved, seconded by Mayor Holman to remove from the Motion, "a hybrid alternative that would use portions of the Matadero Creek corridor that are usable."

Council Member DuBois: I think I just spoke to it. I think we had a citizens committee that was composed of residents and bikers, that came to a conclusion. I think we should listen to them. I'm really not sure why we're overriding them tonight.

Mayor Holman: I think you just spoke to the second as well. To the second, lights who wanted to speak to the second—excuse me, to the amendment rather. Council Member Burt.

Council Member Burt: Just briefly in answer to the question why we'd be looking at the hybrid. The group had looked at a continuous Matadero Creek option. That, we agree with, looks problematic. What we didn't have presented was utilizing Matadero Creek where it's not so problematic, and that's what's in the motion.

Mayor Holman: Council Member Filseth, to the amendment.

Council Member Filseth: Yeah. If either question is if we proceed with "A," because the amendment speaks to "A," does that mean we're not going to look at Loma Verde anymore? I think Loma Verde is kind of interesting too. I concur with Council Member DuBois that Loma Verde and East Meadow seem like worthy of further exploration. Does "A" replace Loma Verde as a thing to evaluate?

Male: That's "A" and "B."

Council Member Filseth: "A" and "B."

Mr. Mello: No, I think Loma Verde would fall under "B."

Mayor Holman: Yes, yes.

Council Member Filseth: Maybe I'll ask it a different way. Does it mean that we wouldn't do both Loma Verde and East Meadow? We're going to look at them all. Okay, I get it.

Mayor Holman: It only takes out the hybrid. It doesn't take out—okay. Council Member Kniss, again to the amendment.

Council Member Kniss: To the amendment, I'd not going to support this, because I think looking at a hybrid is really our best option at this point. I think Council Member Burt put it well. This is portions of it, not the entire



# TRANSCRIPT

piece that was looked at previously. At this point, even though there may have been some objections—Tom, I heard your objections clearly. I think our job is to, as much as is possible, keep these options open for now and also explore what other money may be coming in from Stanford.

Mayor Holman: Council Member Wolbach.

Council Member Wolbach: I'm not inclined to support the amendment. If we had to pick tonight one, two or even three routes, I would say let's plan for Oregon Ave., Loma Verde and Meadow and scratch Colorado and scratch the Matadero Creek whether it's solid or hybrid. I don't think that we're ready to make that decision tonight. That might be what we do in the future, but I just don't feel ready to rule it out. As was expressed before, we haven't really had a chance to study a hybrid option. Again, we might rule it out in the future, but I want to make sure we've really thought about it before we rule it out. That's why respectfully I'll not be supporting the amendment. Again, I think we've got a number of good options here. I think it's also important ... People say budget expenditures are an expression of your values. The fact that we're willing to spend some extra money from our discretionary budget for this, the ideas is we're really trying to bulk up our planning and consideration of all of the possible bike routes. That's why I'm not ready to rule out the hybrid option at this point.

Mayor Holman: Council Member Berman.

Council Member Berman: I have some questions for Staff.

Mayor Holman: Again, on the amendment.

Council Member Berman: Yeah, on the amendment. An assertion's been made that the hybrid approach eliminates the problematic areas. I think clearly it eliminates some problematic elements, but I'm not familiar enough with the entirety of the project on a block-by-block basis to know which controversial elements still remain in the hybrid versus which ones are being eliminated. There has been a lot of opposition from the community. I don't feel like continuing a fight tonight based on the pretty overwhelming opposition that we've had to this project so far. With the hybrid—first let me confirm that the hybrid is exactly as displayed in Attachment E which is it would continue along Matadero Creek from 101 to Louis, then jog north to Clara and Sutter and then ...

Council Member Burt: No, it's not. You're asking if the Motion ...

Council Member Berman: (crosstalk)

# TRANSCRIPT

Council Member Burt: No, no, no, the Motion. It's about the Motion.

Council Member Berman: Yeah. I'm asking Staff ...

Council Member Burt: I made the Motion; they didn't.

Council Member Berman: Council Member Burt, I appreciate your interruption. I'm asking Staff a question as to what the hybrid is. If they don't understand it, then I would be happy to have you explain it, but I'd appreciate it if you would not interrupt me in the middle of the meeting. The question is—maybe Council Member Burt is referring to a different hybrid as to the one that is on Attachment E. If that's the case, then I'm happy to have him explain it to me. I guess, from your understanding, what is the hybrid that's currently being proposed for analysis under "A"?

Mr. Mello: My understanding of the Motion would be that we would develop a hybrid option based on the construction challenges that we identified. What's shown up on the left there, on the screen, is the hybrid that we kind of just looked at initially when we started to identify some of these construction challenges. I don't necessarily know that's where we would end up after we did a more detailed analysis. I will say that one of the reasons that we didn't advance this any further was the transportation utility is fairly low. I think when you start looking at the hybrid, I think we're getting into more of a recreational, dog-walking, jogging. I don't necessarily know that there's going to be a transportation nexus to the hybrid option. I'm not dismissing it as a community amenity.

Council Member Berman: Transportation in the sense of (crosstalk) biking, you're saying.

Mr. Mello: Yeah. (inaudible) a lot of street crossings and turns and difficult maneuvers. I don't know how much usage it'll get from commuters, but it certainly would be a community amenity.

Council Member Berman: This is, to a certain extent, kind of resetting the process on what this might look like for Matadero and being very open-minded to different possibilities.

Mr. Mello: I would defer to Council Member Burt on what his vision of the hybrid was. I would say we'd look at where the constraints are, which ones are insurmountable, and then see if there's an alternative route around that particular segment of the creek.

Council Member Berman: Speaking of constraints, Council Member DuBois alluded to the fact that there's been a lot of community opposition on the

# TRANSCRIPT

whole from neighbors, and we heard that a little bit tonight. Has that opposition been mainly based around certain areas or has that been a concern over the entirety of the path?

Ms. Syed: I would say that the concerns that we've heard have been pretty widespread along the entirety of the creek trail corridor from those who would be most directly impacted by privacy concerns with the use of their backyards and security concerns, noise impacts. Those haven't been limited to one area of the creek.

Council Member Berman: Thank you. Thanks.

Mayor Holman: I see no further lights, so it is time to vote on the board on the amendment which is to delete Part A which is the hybrid alternative that would use portions of Matadero Creek that are usable, delete that portion from the motion. That amendment fails on a 6-3 vote with Council Members Berman, Holman and DuBois voting yes.

**AMENDMENT FAILED:** 3-6 Berman, DuBois, Holman yes

Mayor Holman: We return now to the main Motion. I see no lights. Council Member DuBois.

Council Member DuBois: Just real quick. Again, I've heard from quite a few people, so I will not be supporting this Motion.

Mayor Holman: Seeing no other lights, vote on the board please. That Motion passes on an 8-1 vote, Council Member DuBois voting no. Thank you to Staff for the diligence and extend our appreciation to the CAC, if you would please.

**MOTION AS AMENDED PASSED:** 8-1 DuBois no

8. Proposed Expansion of Palo Alto's Plastic Foam Ordinance (Ordinance 5039).

Mayor Holman: With that then, we move to our last item on the agenda this evening, or last Action Item on the agenda this evening, which is to address comment on the proposed expansion of Palo Alto's Plastic Foam Ordinance, Ordinance Number 5039. We have Staff coming with show and tell. Welcome.

Phil Bobel, Assistant Director of Public Works: Thank you, Mayor Holman. Phil Bobel, Public Works. With me is Julie Weiss; she has all the props for us tonight. We have about a ten-minute presentation for you; Julie will give that. Before she gets into it, you see an at-places memo from us. It

# TRANSCRIPT

suggests to modify the recommendation. The reason for that is that we realized that our title was not as complete as it really needed to be. What we're recommending is a different wording of the motion. I'm just going to read it. We'll get back to it, but to avoid confusion let me just start with that. Staff is recommending that Council consider and provide direction regarding the proposed ordinance—this is our Plastic Foam Ordinance revision—amending Palo Alto Municipal Code Chapter 5.30, Plastic Foam and Non-Recyclable Food Service Containers and Packing Items, Attachment A; and direct Staff to return to Council on the Consent Calendar as soon as practical for adoption of the ordinance. In other words, we need to go back out with a new title that more completely describes the ordinance. We're not suggesting that you actually adopt the ordinance tonight, but rather get your questions out and give us direction, if you agree with it, to bring it back to you for its first reading on the Consent Calendar, as soon as we can, the actual adoption ordinance. Of course, there would be another trip back to you for the second reading of the ordinance. That's our recommendation. I'm going to turn it over to Julie Weiss of our Staff to give you the details of what we're proposing.

Julie Weiss: Thank you. Good evening. Again, my name is Julie Weiss; I work in our Public Works Watershed Protection Group. Tonight we are here to discuss with you our proposal to expand our current Plastic Foam Ordinance. We currently have an ordinance that pertains to restaurants and other food service establishments and prohibits them from using plastic foam take-out food ware. We are proposing that we expand that to include the retail sale of foam food ware and also certain packaging products. Plastic foam can be made from a number of different types of plastic, not just polystyrene. You usually see it in these forms that you've seen all around town, ice chests, foam food cups, egg cartons, certain types of packing boxes and materials. We care about this because, although you hear about a lot of our projects and our programs, really at the end of the day we just have one goal and that's to keep pollution out of our creeks and Bay. It's going to be really hard for us to achieve a number of our goals if we don't address plastic foam that we're seeing in our creeks. We are guided by several permits and also previous direction from Council. Our storm water permit tells us that we need to reduce litter in our creeks to no adverse impact by 2022; that's really just around the corner. We have previous direction to meet our goals of zero waste by 2021. Plastic is going to be a problem for us to achieve both of those goals if we don't do something about it. Currently, we know that plastic represents about 60 percent of the litter that we see in our creeks. When we look at litter on our streets, plastic foam itself represents about 6 percent of what we find. We also see it in our creeks. What you're seeing here on the screen are two hotspots where we do our creek cleanups annually. This spring we counted

# TRANSCRIPT

over 400 pieces in both of our Matadero and Adobe hotspots. Just a few weeks ago in September, over 900 pieces. I want to remind you these are very small reaches of our creeks. This does include all the plastic foam that we've found. For example, last Friday when we went back down to our booms to remove a lot that had been washed down after the first rains. We definitely see it there. If we were to follow that creek and go out to the Bay, we would see plastic pollution in the Bay. The San Francisco Estuary Institute completed a study this year, and they found up to 2 million pieces of plastic litter per square kilometer in their study. You have already heard and we have already known for quite some time that most of the ocean litter comes from land, and most of it is plastic too. It doesn't just stay in the water column. This is a picture of a new kind of rock that is now being formed because of plastic litter that settles to the bottom of the ocean. This is called a plastiglomerate. They're washing up now on Hawaii beaches. It's when plastic litter settles to the bottom where there's a lot of volcanic activity and mingles with the rock and becomes a new kind of rock that's washing up on our beaches. We're now also seeing plastic litter in table salt that we buy, because salt is harvested often from ocean or marine sources. We're seeing it locally. Two studies that were done this year, one that was just released, showed our fish in the Bay and also fish caught along Half Moon Bay all had plastic litter in their stomachs. This is a local pollution issue for us as well. It's also a zero waste problem for us. Last year, just last year alone, we disposed of 114 tons of plastic foam. It's kind of hard to imagine what that looks like, so I have brought some props for you. This is about 1 cubic foot of plastic foam. For us to get enough to equal 114 tons, we would need to have over half a million bags just like this. I'll leave that out there for dramatic purposes. If that's hard to visualize, because it's hard for me to visualize, how much half a million is, we converted this to 30-yard bins which we sometimes collect polystyrene in. We need 626 of those. We decided to figure out how many Council chambers it would take to fill. It would take 21 of these Council chambers from where you sit over to the wood doors back there. That was just from last year; that doesn't count all the previous years. Clearly this is a zero waste issue as well. It's a creek issue for us still despite all the things we do to keep litter out of our creeks. We have two annual creek cleanup events. We have regular street sweeping. We have trash capture devices. We have these floating booms that are in both Matadero and Adobe Creek during the dry season, which collects litter. This is a picture of myself and Brian Jones in the creek during our last creek cleanup event. This is right under Adobe. We want to show you what it looks like when you're in there trying to pull out those polystyrene pieces. From the bridge, it doesn't look like a lot. You can see a few of these little white specks that are down there. When you get down close—I've got a probe that I'm wearing—you start seeing more of it. It gets stuck under that green stuff, which is called duck weed. When you get

# TRANSCRIPT

even closer, you'll see when you start pulling those little, almost like leaves of duck week apart, you will see little teensy, teensy pieces of plastic foam. There's no way that we can get all those out of our creeks. This is a local issue. We have done more than just trying to get it out of the environment once it's there. Council already approved the ordinance several years ago that restricts restaurants from using plastic foam. We've done things internally in our contract terms and conditions, so we can try to reduce the amount of plastic foam we get in our own City purchases. We have a policy. We are trying to prevent it from entering our environment, and we need to do more. A lot of people say, "Why can't we just recycle it?" The answer is we've tried and it doesn't work. When we were doing a Staff office clean-out over the summer, I found this article from 1990. This was the first time we said, "We won't ban it now; we'll try to recycle it again." Since then, it still hasn't worked. It does not solve the litter problem because these little pieces, as you've probably seen when you unbox a package you get at home, just fly away very easily. There are very poor markets for the material, and the loads are easily rejected. Even if we take it there, if there's just a little bit of mist on it or rainwater, they'll reject it. If the place we're taking it to doesn't have enough feedstock in total, they'll reject our load even if it's immaculate and clean. Also at the end of the day, the kind of products that polystyrene is made into or that plastic foam resins are made into are not infinitely recyclable like a glass or like a can. You get it made into a frame, and you cannot recycle a frame after that. Some people have said, "Isn't there something that will eat it?" The good news is a study—I put this in here because you may have seen it in our local papers. There was a study done at Stanford, and it looks like mealworms actually will eat this stuff. This is very preliminary, and we cannot scale this yet. There might be some options in the future, but we still know the best way to prevent pollution is to keep it from getting there in the first place. That's why we are proposing to you to expand our ordinance to prohibit the retail sale of the foam ice chests, plates, cups and other foam foodware, also packaging materials like these peanuts and also the foam bricks that you might see, also egg cartons. Another thing that we would like to do is for businesses, retailers that are services, like maybe nail salons or some place you go to change your oil, who might offer a complimentary cup of tea or coffee, to also prohibit the use of foam containers in those kind of situations, where they're not clearly selling it or they're not clearly a food-service establishment. The good news is that there's lots of great alternatives now to packaging, including lots of paper products, plastic film products, even a really interesting mushroom-based product. That's the one you see encased around the wine bottle. I brought samples of this if you want to see it afterward. The cost for the alternative products to foam foodware have come down about 30 percent. I did a search right before I came here tonight, and I found a 1,000-pack of plastic foam cups and a 1,000-pack of

# TRANSCRIPT

paper cups for about the same price. There's about a 50 cent difference. The other good news is that our stakeholders are saying that it's not an issue for them. I personally contacted the stores that I thought would be most impacted, and I spoke with them. All of them said that this would not be an undue hardship for them. In fact, several of them are already in compliance with what our proposed ordinance would be. I want to make it clear that our ordinance would not address two things that people commonly talk about. One would be foam meat trays. That's because we hear from our grocery stores that their margins are so thin, it's really important that we have a level playing field. There are some price challenges associated with meat trays, so we have some ideas about how to approach that separate from this ordinance at this time. Maybe come back to you when we work those through and add it at a later date. It would also not include primary packaging. Primary packaging is the packaging that comes immediately in contact with the item that you've purchased. A good example would be if you were to buy a toaster that was packaged overseas, maybe some foam was put around it for it to be shipped over here. Our ordinance would not apply to that. It would just mean that the vendor could not add any more foam packaging around it after that point. Enforcement to date has not been an issue for us. When we rolled this out at our restaurants, we had 95 percent compliance very shortly thereafter. We've stayed at about that rate or higher. We just communicate, and we work closely with businesses to help them get into compliance. If compliance was an issue, we are looking at either an administrative citation or infraction up to \$500 each day. Again, we have not had to do that since we've been doing product bans the last five or six years. We also have lots of good company. Cities and counties across California are adopting ordinances similar to ours. Ours is a little bit—we're always trying to push the envelope one step further when we can. Ours would include egg cartons and some of the retail sales packaging that not all cities and counties are doing just yet, but some are. We would propose that it would go into effect March 1st. This would give us plenty of time to do the outreach to businesses and to residents, so they could have time to prepare for the change. We hope that we've made our concerns—we've shared our concerns with you about how this kind of product pollutes our creeks, and it presents problems for our zero waste goals. We would like to answer any questions that you have.

Mayor Holman: Thank you. We have, it looks like two members of the public who'd care to speak to this item. Jessica Lynam will be our first speaker, to be followed by Cedric de la Beaujardiere.

Jessica Lynam: Mayor and Members of the Council, Jessica Lynam on behalf of the Palo Alto members of the California Restaurant Association. This evening, I like that I'm talking to you on a different topic than I have in the

# TRANSCRIPT

past, so it's exciting to come. I have been in communications with Staff on this issue, and I have been led to the belief that this ordinance is really to bring other industries up to the level that the restaurant industry has been facing within the City over the past couple of years. This is untrue. Unfortunately, now there will be new regulations to our industry. We want to really work this out, to find something that we're able to live with, possibly extending the implementation date. Some of my restaurants and my members within the City have contracts that run to mid-next year. Also in addition, they have this product already in stock; they need to get rid of this product so they're not at a loss before they purchase new product. It is clear to see that the restaurant community within the City does have several routine partners with abatement efforts on getting rid of litter. Some of my members have adopted freeways. Other of my members provide meals at trash pickup days. We really are working with the City on this issue, but it is not a comprehensive effort just to ban one product. What the City really needs to do is it really needs to look at other activities to get rid of litter, such as creative ways to do prevention and cleanup, more education effort to educate the public on what polystyrene is and how it can be properly recycled and/or properly disposed of. In addition, it needs stricter enforcement and liability to those who do litter. Polystyrene within the restaurant community is the number one most effective product to keep foods fresh, cold and/or hot. Food-borne illnesses are the number one cause in my industry of getting people sick. Polystyrene products, like I said, keep the contents hot and/or keep them cold. We really need to try and work together on an issue that is for the greater public safety in the food service industry as well as the litter industry. We look forward to working with the Council and the Staff as this continues to go forward. Thank you.

Mayor Holman: Thank you for your comments. Cedric de la Beaujadiere.

Cedric de La Beaujadiere: Hi, thank you. I support this ordinance. I think it's a lot easier to keep things out of the creeks if we keep them out of the production stream in the first place. I don't think you can really expect that say you get everybody out there cleaning up creeks, there's still going to be these little particles everywhere getting into fish, getting into all of our organisms and just polluting us. This is a larger issue than Palo Alto, but Palo Alto also has to protect its own creeks and its own contribution to the marine ecosystem. Yes, the State or the country should do more on its side, but this is an area that we can control. We should do what we can here to take care of this problem. Thank you to Staff for bringing this ordinance forward. Thank you.

Mayor Holman: Thank you. Our final speaker on this item is Rita Vrhel.



# TRANSCRIPT

Rita Vrhel: I wasn't going to say anything, but I have to say something about the first speaker. I'm amazed at that. I would gladly welcome, when I do go into a restaurant or to a fast food store, a recyclable glass. I'm not really concerned about botulism or E. coli in the food that I get. I think improper food handling has been shown to be the major cause of that. As a registered nurse and certified case manager, I stand by that statement. I think we have to start somewhere. Obviously this product was developed a long time ago. People in Palo Alto are very educated. I think sometimes they don't use that education to the best ability as shown by the amount of litter that seems to be accumulating. I think the Staff presentation was excellent. I found it to be very informative. I hope that you will adopt this ordinance immediately. Thank you.

Mayor Holman: Thank you. With that, I think we can do questions, comments and motions. Let's try to do three-minute rounds. Council Member DuBois.

Council Member DuBois: Julie, that was a very nice, creative presentation.

Ms. Weiss: Thanks.

Council Member DuBois: I appreciate it and appreciate your dedication to this issue. I had a question about products shipped into Palo Alto. It looks like we're picking on eggs. Is that the only packaged product that comes in that we are specifically banning, and why that focus on egg containers?

Ms. Weiss: We have already requested and worked with grocery stores to not use plastic foam trays for produce and for other items. For example, if you were to go to a grocery store and they sell prepared food, ready to take home, like some sort of salad or whatever, they've already agreed in our previous ordinance to not do that. The reason we're targeting egg cartons is because it's another source that we see out there, and because the grocery stores said it's not a problem for them to get rid of it.

Council Member DuBois: I assume that those are packaged outside; the stores aren't putting them in the cartons.

Ms. Weiss: Right. That is really the one exception to the Ordinance. When we're saying primary packaging would be excluded, that really doesn't include egg cartons. In that case, egg cartons are the primary packaging. That's why our ordinance does call out egg cartons as being an item that would be included.

# TRANSCRIPT

Council Member DuBois: Generally, for other types of packaging coming from outside, I guess, what are the industry trends and why or why not are people moving to alternatives to, like, foam peanuts?

Ms. Weiss: I'm sorry, I didn't hear the trend moving foam peanuts. I'm sorry (crosstalk).

Council Member DuBois: It sounds like you showed some different examples of different kinds of things you could use for packaging. Do you have any idea why companies are either adopting those or not adopting those?

Ms. Weiss: More companies are adopting those, are using more things like the foam pillows or just good old-fashioned newsprint or brown paper. I think they're hearing that more cities don't want it.

Council Member DuBois: There's no cost issue like peanuts are cheaper or anything?

Ms. Weiss: I think in some cases they are. I think, like the plastic pillows which I brought a sample of that, are just as cheap or cheaper. I think companies like Amazon and some of these other large shipping places are really trying to crack the packaging and waste code. They're really trying to make efforts to do so. We're not seeing that it's a big issue. Go ahead.

Mr. Bobel: I was just going to generalize and say that I think what you'll see us trying to do in our last Ordinance and this Ordinance and moving forward is test the alternatives, talk to folks. If we something that has a good alternative, then we'll propose to eliminate it or ban it. That was the egg carton example. The food tray example is sort of at the other end, where we also explored—meat trays I meant to say—we also explored meat trays and there we didn't find that they had a great option readily available. That's really the test, is there a good option and are they willing to do it. The stuff that comes from, frankly, overseas which is not eggs is much more difficult to control. You're going to see us continuing to work on that and to see if companies that found an alternative in this country can they get their suppliers in another country to do the same. There's sort of an international issue there.

Council Member DuBois: Just two quick comments. I generally support this. I'm a little bit uneasy about focusing on eggs and allowing meat, but I guess I can understand that explanation. I'd like to make sure there's enough transition time; I'm a little bit worried in your schedule. Again, I think letting people use up their inventory makes sense. When the Ordinance comes back, I'd really like to see a comparison between us and definitely the

# TRANSCRIPT

nearby cities to see what we're doing that's unusual, that's kind of beyond the bounds of what the other cities have done.

Ms. Weiss: I can give you a quick overview of that, if you like, or just put it in the Staff Report.

Council Member DuBois: If the Mayor allows it, sure.

Mayor Holman: Sure.

Ms. Weiss: San Mateo County just requires restaurants to be in compliance, as does Sunnyvale and San Jose. Los Altos does require it for food service establishments, but does also extend it to ice chests. Sunnyvale also just does it for restaurants. In Santa Cruz, however, they have taken a step closer to ours, and they've done it before us, to also include packaging and also some toys in some cases, especially beach toys that are made out of polystyrene. Richmond, interestingly enough, also has an ordinance similar to this where it's also for the retail sales of packaging materials as well.

Mr. Bobel: I'd just add that we did reach out to the businesses and didn't find that there were businesses that were disturbed by our phase-out time period, the March 1 time period. I'm a little bit surprised that someone from the restaurant association is here, a) because our ordinance already applies to restaurants. The phase-out thing would apply to somebody that had a business like a motel that's not technically a restaurant but they were distributing coffee in cups. We've tried to be sensitive to that and give businesses like that, motels, roughly a six-month period to phase that out. If we find somebody needs another month or so, it's what we did on plastic bags. Again, Julie stressed that we weren't taking enforcement as the first option immediately after that date anyway. We were trying to work with businesses. If somebody says, "Our contract is another month longer," we'd work with them on that.

Mayor Holman: Council Member Scharff.

Council Member Scharff: Thank you. First of all, Phil, I want to thank you for bringing this forward. I think it's a great thing that we're planning on doing. I fully support the ordinance. I did want to say I think our friend from the restaurant association—I forgot your name—made two good points. I did think the issue of people having inventory and people having contracts. I don't recall getting a single person or a single restaurant or a single grocery store or anyone sending an email this is ... I know you did some outreach, so I guess I was just going to ask you is this an issue or is this not an issue.

# TRANSCRIPT

Mr. Bobel: Let me just add to what I was saying. We don't think it's an issue. Julie has done a great job of reaching out. We've explained this time period of roughly six months, and we just hadn't ...

Ms. Weiss: (inaudible)

Mr. Bobel: Almost six months. From the time reached out, even more so. We just don't think it's an issue. If it was, we'd use our enforcement discretion to give a little more time for particular contracts or particular businesses.

Council Member Scharff: With the discretion of the Mayor, I'd actually like to ask the restaurant association person a question. Do you mind coming up to the microphone? You made some claims that there was some restaurants or businesses in Palo Alto that had inventory issues or had contracts that went on. Do you have particular businesses that have reached out to you in Palo Alto or is this just a general concern that happens in other cities?

Ms. Lynam: Jessica Lynam with the California Restaurant Association. Thank you, Council Member. Yes, I have had some of my members—I cannot give you their name per our association policy—but yes. To the point it wasn't this ordinance won't affect restaurants. That's what was alluded to me in a meeting with Staff. Yet, the new language is expansive to restaurants, which is why I'm here tonight. Thank you.

Ms. Weiss: I don't recall us meeting. I recall perhaps having a conversation over the phone. This does already apply to restaurants and has for four or five years now. As far as phasing out the use of it, when I asked at least the new stores that would be part of our ordinance, which include Walgreens and CVS, the answer was if you can give us a month or two, that'd be great. We're giving them longer than that.

Council Member Scharff: I'd like to then just move the modified Staff recommendation.

Council Member Wolbach: Second.

**MOTION:** Council Member Scharff moved, seconded by Council Member Wolbach to support the proposed Ordinance amending Palo Alto Municipal Code Chapter 5.30, "Plastic Foam and Non-recyclable Food Service Container and Packing Items", and direct Staff to return to Council on the Consent Calendar as soon as practical for adoption of the Ordinance.

Mayor Holman: Would you care to speak to your Motion?

# TRANSCRIPT

Council Member Scharff: Just briefly. Again, I just wanted to thank you for your effort on this. I think it's high time we did this. I'm really pleased we're moving forward on this. Thank you.

Mayor Holman: Council Member Wolbach, speak to your second.

Council Member Wolbach: I think, as Staff has explained, this has already been applied to restaurants. I'm glad that we're continuing to push this issue and push the envelope on reducing the most environmentally harmful things that Palo Alto adds locally or globally. When the issue of cost comes up, I think it's important to definitely think about costs. When we're talking about environmental issues, costs are really important, the externalized costs included. I think if we're going to talk about the cost of something, we need to talk about all the costs, whether those are borne by one group or by another. I also really want to commend Staff for doing the outreach to the retailers and other businesses in town and for seeking their input, their advice. There were a couple of comments made by at least one member of the public about the need for education and enforcement. I would say, "Yes, and those are important too." I appreciate the efforts that you've taken in the past with Styrofoam, with the current application and also with the plastic bags. I think it's worth repeating that our preference has been for education rather than a zero tolerance enforcement policy. I think that's an important model going forward, to be collaborative with our business community.

Mayor Holman: Do you have a comment? Julie, your mike's on.

Ms. Weiss: I'm sorry?

Mayor Holman: Your mike is on. Did you have a comment?

Council Member Berman: She's just ready.

Mayor Holman: Poised. I had had lights from Council Member Filseth, the Vice Mayor, Council Member Berman and Council Member Burt. If that's agreeable to the Council, I'll just continue in that order. Council Member Filseth.

Council Member Filseth: Just briefly. When my kids were younger, we used to go out with the scouts every once in a while and cleanup the Bay shore. This stuff is just all over the place out there, especially the beads and the peanuts and coffee cups and stuff like that. This stuff never breaks down, unlike other kinds of litter that we've talked about. It's going to be there forever. You look at that and you go, "We just shouldn't use this stuff." I'm really happy to see you guys doing this. I think, as somebody else pointed

# TRANSCRIPT

out, I think you guys have done a good job on the outreach. Nice work and thank you.

Mayor Holman: Vice Mayor Schmid.

Vice Mayor Schmid: I support the Motion. Just a couple of questions. Increasingly we're buying online, so more packages come from elsewhere, and they contain that stuff. The reach out is our local community, where you get a lot of support. Is that because we're in the Bay Area? The examples you gave of picking up litter in the water, the Bay, the Baylands, does that mean that it's hard to get these types of prohibitions on the larger world of distribution? Because the Bay Area is just a little part of that. Is that dilemma of why aren't we moving ahead at the State, at the ...

Ms. Weiss: That topic is one that generates a lot of spirited discussion in our office, because we would love to see statewide or nationwide legislation on products that pollute. About four years ago, there was a Senate Bill in California. It was 568, Lowenthal. It would have done what we're trying to do here today, but I think it just really targeted food packaging. It wasn't going to target this stuff. That went down because of Dart Container Corporation which makes plastic foam. They said that there would be jobs issues associated with that. Since then, there hasn't been anyone to really carry a bill forward, especially as we work through some concerns about the statewide plastic bag initiative. I think people are waiting on that front. Currently, there is not great leadership on a nationwide scale. We have partners who are really looking at models called extended producer responsibility, if any of you are familiar with that. The idea being that we really want to have manufacturers of products including the packaging that goes around those products take responsibility for their design so that they are not polluting. If they can't do that, set up take-back systems to take it back. That is still a new idea for our country and for our state; although, we are making progress on that. We just had a hearing here last week about a number of products in that regard. I think there's a lot of interest. We have talked in our group about approaching, at some point, representatives to see if we could get someone to carry a bill on statewide packaging and foam food containers, because really that is what's needed. Foam blows across cities and counties. Stuff that we see in our creeks could have come from Mountain view or could have come from some other location. You're right we're not going to really see the changes we want until we have statewide legislation or beyond.

Vice Mayor Schmid: Just a quick follow-up then. When we're at home online buying things and we get a pile like that in front of you, what do we do with it? Where does it go?

# TRANSCRIPT

Ms. Weiss: Right now, we would bag it like this and put it in the garbage.

Vice Mayor Schmid: It goes to landfill, where it never disappears.

Ms. Weiss: Right. The 114 tons that we talked about.

Vice Mayor Schmid: Thank you.

Council Member Filseth: Question on that. I heard you can take that to UPS. Will they take that?

Ms. Weiss: In the past, UPS has accepted some of the material for reuse. In our discussions with them, we are concerned about allowing that to continue. If I was to bring it back, it'd be hard to tell if they were just distributing it for free or not. We would not want them to distribute it for reuse.

Mr. Bobel: IF I could just add to that. I have taken it back to our Palo Alto UPS Store, right across the street here. They've always been happy to accept it, because they pay for this stuff otherwise, if it's clean and dry. You might ask, "Wait a minute. If that's happening now and now we're going to prohibit that sort of reuse in Palo Alto, we're not going to allow the UPS Store to distribute it anymore." They're going to have to go to the alternative products. You could say, "Why are we doing this?" I think one of the reasons we're doing this particular thing is that somebody has to kind of set the example out there. If we don't start somewhere and tell the UPS system that this isn't acceptable anymore, then we're not going to see a change. I think we have the luxury of having great people like you in Palo Alto who are supportive of this kind of thing. Not all communities do. I think the burden falls on us as leaders to tell our UPS Stores, "No, we don't want to see this stuff used. You actually can't even take it back from our residents. We just don't want it reused." Hopefully, within the UPS system that word will spread, and they'll say to themselves, "Palo Alto is not accepting this anymore. There appears to be a sea change in the wind here. Why don't we consider this at the corporate level?" We've done the same thing with Hewlett-Packard. We've said to Hewlett-Packard, "We really don't want this Styrofoam in your monitors and your computers anymore." They've made great strides with the stuff that's produced in this country and mailed from this country. In fact, they have a policy against it, but we just ordered through Hewlett-Packard 400 monitors which came encased from overseas in Styrofoam, I'm embarrassed to say. It's piling up here. We're trying to put pressure on Hewlett-Packard to make a change within their organization and not to purchase it even internationally. These are all tough things. I think if a place like Palo Alto doesn't set the precedent and say no, we're not going to see this change. We're not getting the leadership at the

# TRANSCRIPT

State or the Federal level that we'd hoped for. The hearing that Julie referred to was very encouraging. That was our own Assemblyman's hearing last week here. His Select Committee on Recycling and Reuse met, and this was the main thing they heard, the need for what Julie called extended producer responsibility, meaning either take this stuff back or don't produce it in the first place. I think our Assemblyman is going to try to take the comments from that hearing and a series of hearings he's holding and see if we can't have some statewide producer responsibility legislation in the last year of his involvement in this. I'm hopeful.

Mayor Holman: I have my own quick follow-up to that too. Last year I believe it was, there was a retailer who has an outlet here in Palo Alto, who delivered to a wide breadth of Palo Alto homes a stack of catalogs. There got to be a campaign online that those catalogs were delivered to the store, because people really objected to getting that much paper delivered. I'm not suggesting that you deliver all of that Styrofoam to HP, but if you wanted to, it really could send a message. I really appreciate what Staff is doing here. It is also a matter of buyer responsibility. Maybe ask those questions ahead of time too, and see if there are options to the packaging that comes with a delivery. Back in order here, Council Member Berman.

Council Member Berman: Thank you, Madam Mayor. We put 21 Council chambers full of that stuff in our landfill every year? Or last year?

Ms. Weiss: Last year.

Council Member Berman: That's a lot. I happened to notice—following up on Vice Mayor Schmid's comments. I don't buy a lot of stuff at all or online, but the stuff that I do buy has started to come in those foam pillows, I think you mentioned. Have we had any problems with those, which are also very light and kind of small and could be at risk of kind of flying away similar to plastic bags? Have we seen any increase in those getting caught in our recycling plants or in our Bays or storms?

Ms. Weiss: I think he's referring to plastic film pillows that are inflatable.

Council Member Berman: Which are recyclable, but might fly away if people don't recycle them properly just like some of these plastic bags.

Ms. Weiss: I don't think we've seen a lot of those in our creeks.

Council Member Berman: Following up on Council Member DuBois' concern about the egg cartons. I got a voice mail from somebody at the California Grocers' Association, and he left me a voicemail. The one thing he called out was the egg cartons. We played phone tag and never connected. We



# TRANSCRIPT

haven't gotten any concerns from any of our local supermarkets. You mentioned that you've personally done outreach to them. I have an admission to make. I haven't bought eggs in years. The last time I did, I think they came in a Styrofoam container. What other options are—are our grocery stores currently using other material? Is this going to be a problem if Palo Alto's the only one that doesn't allow Styrofoam? Are the big egg producers going to create a carve-out just for Palo Alto? Functionally, how is this going to work?

Ms. Weiss: Most of the eggs are in the paperboard cartons, the fiber paper. Sometimes you'll see them in a rigid plastic container. I did ask (inaudible) one of the grocery stores, I talked with the managers and/or owner; in the case of Safeway, I talked with their environmental health and safety person who is the go-to for these sort of environmental ordinances. They did not indicate that that was going to be an issue for them.

Council Member Berman: I had another question or two, but I'm blanking on them. Thank you very much. It sounds like you've done a lot of outreach. I really appreciate it. This was a very informative presentation to kind of give us a sense of exactly how much of this stuff gets thrown away in our community every year. That's a lot.

Ms. Weiss: You're welcome.

Mayor Holman: Council Member Burt.

Council Member Burt: I eat eggs, and I can't remember the last time I got eggs in a Styrofoam carton. I don't think it's a big issue. I want to thank you for this ordinance. I did want to just touch on this packaging material issue, because I think it's our next step and it's a big one. One of the problems that I think, from the recycling of it, a selected location like UPS is that maybe you get 5 percent of the total material in the City that comes in in peanuts have people who will go out of the way to recycle it, then we've got 95 percent that doesn't. The other thing is as most of us are aware, we're seeing packaging come in other materials that are better environmentally and it works. I don't think we have a real technology problem here. I'm seeing it come from suppliers or providers that are very cost-oriented, so it can't be a big cost differential. I just don't think there's an issue. Ideally we'll see this on the State level, but we can also pursue it through the Santa Clara County Cities Association. There's been a number of these kinds of efforts where cities, whether it's the grocery bag fees or some of these other things where we've gotten cooperation. I think one small city making a change may not do it. If you get the County, all the cities, 2 million people in Santa Clara County and maybe a sub-regional

# TRANSCRIPT

where we basically have a region that's more progressive than the state as whole and we can get this through sooner, maybe that's a way to go. That was interesting your mentioning—you said Dart, is that the—that it's a jobs issue. I have a hard time understanding the rationale that the alternative materials don't use labor. That doesn't make much sense. Anyway, we hear a lot of specious arguments. I'm looking forward to us going on this next step on packaging materials. Thanks for this ordinance.

Mayor Holman: I also want to pile on here with the thank you's. Julie, the amount of information that you had at the tip of your tongue when asked the questions is mighty impressive. Thank you for that. Clearly you're engaged in this topic and care deeply about it, or you wouldn't have that kind of information and be getting in the water yourself to pull out little bits of plastic. Thank you for that commitment. I have one question about take-back policies. That's been a topic of discussion for many years. Is there any other community anywhere close to us that has passed a take-back policy? If so, how effective might it have been? Or does it just take such a wide area of support to get that kind of effect?

Ms. Weiss: You mean a residential take-back, right?

Mayor Holman: I mean manufacturer take-back. You referenced it earlier too. The manufacturer take-back policy.

Ms. Weiss: We have it in drips and drabs. If I'm not on target with what you're asking, just shift me.

Mayor Holman: Let me give you an example, the HP computers for instance. To require HP to be responsible for what they're shipping and take it back.

Ms. Weiss: We have in our terms and conditions in a number of our contracts, such as our construction contract, our office supply contract, where we say if there's any plastic foam in there, you need to take it back. We also have it in our terms and conditions for other purchases. What we call the secondary in the shipping packaging, we don't want that. We haven't said primary packaging all across the board. We tried it once, it didn't work. We took it out. We haven't done it across the board, because we can't really control the supply chain that well for products that we get overseas. However, we've worked closely with our purchasing department, and we have said that we want to update our plastics reduction policy and put into our terms and conditions a notification to vendors that by probably sometime in 2017 or '18, we don't want to have the primary packaging. Also, a couple of years ago we did send a letter out to all of our vendors saying this is what we wanted see. We don't want to see plastic foam in our

# TRANSCRIPT

supply chain at all. It takes constant vigilance and follow-up, because we're always getting new vendors. We are talking about a lot of different things that we could do to try to make sure it stays on the front of people's radar, including when we make our own purchases, that we need to make sure that for things that we know usually have plastic foam, like our computers, it needs to be in our specifications as well as our terms and conditions. People can miss the fine print, and we know we need to take some steps to make sure people don't miss that. That help?

Mr. Bobel: Let me just add to that as an example with monitors from HP. HP would say there are alternatives. For certain products, they've made a commitment and they've followed up on it to use alternatives to foam. The monitors, though, essentially all of them come from overseas, a large country overseas that you're all familiar with. Essentially all of them either come from there or another overseas country. There is no alternative, if you want to call it that. That's what they would say. It's difficult for us to argue with them. They can't find that product close to that price. They're not manufactured anymore in this country; they're not shipped from this country. Everybody overseas is using the Styrofoam. That's what they would say. It's difficult for us to deal with. That's the next hurdle for us to climb. As Julie called it, this primary packaging that comes from overseas. We're going to use this recent example. We now have 400 of these things that we just got, and we're saving them up, because they're so large, in a container at the Water Quality Control Plant. When that is full, we're going to drag some HP executives over there. We're going to say, "This is what you gave us just recently." It's going to be one of those very large, 8 x 8 x 16 shipping containers. I'm going to drag some of them over there, and Julie's going to give them the crocodile tears. We're going to say, "We've got to solve this problem. We can't have another contract with you guys that gets us this huge amount of Styrofoam that we've gotten this last time." It's the next hurdle for us.

Mayor Holman: Thank you very much for your commitment to this, again, and for the Staff presentation and for bringing the ordinance forward. The motion in front of us is to adopt the proposed ordinance amending Palo Alto Municipal Code Chapter 5. ...

Council Member Wolbach: (inaudible)

Mayor Holman: This is the amendment, the amended. 5.30, Plastic Foam and Non-Recyclable Food Service Container and Packaging Items, and direct Staff to return to Council on the Consent Calendar as soon as practical for adoption of the ordinance. I believe that is the amended language that is in front of us as the motion.

# TRANSCRIPT

Council Member Wolbach: It's a little bit different. It says ...

Mayor Holman: Council Member Wolbach, microphone please.

Council Member Wolbach: Actually what we had at places was slightly different. It asked us to consider and provide direction. Do we want to adopt it tonight? I want to also check with the maker.

Mayor Holman: Let's ask the City Clerk. We had the at-places memo. Is that on the screen taken directly from the at-places memo?

Beth Minor, City Clerk: No, it's not. I took off that "Council consider and provide direction." That's what you were doing tonight.

Mayor Holman: Council Member Wolbach, then what is your contention here?

Council Member Wolbach: I just want to check with Staff. At this point since we're pretty comfortable with it, but we know that ...

Council Member Berman: I thought there was a noticing problem. I believe that was why the at-places memo had the clarification.

Molly Stump, City Attorney: I apologize, Madam Mayor. We would like the Council not to actually adopt the ordinance tonight. To support the ordinance, and with that clear direction the Staff will come back. It will be on your consent agenda. You won't need to discuss it again. We will provide a more specific notice to the public of the ordinance.

Mayor Holman: Does that ...

Council Member Berman: Let's add in that ...

Council Member Wolbach: Thank you for letting me interrupt to make that last minute change.

Mayor Holman: Thank you and appreciate that catch. With that, it is to support the proposed ordinance amending Palo Alto Municipal Code Chapter 5.30. With that, vote on the board please. That passes unanimously. Thank you again to Staff.

**MOTION PASSED: 9-0**

Inter-Governmental Legislative Affairs

# TRANSCRIPT

Mayor Holman: Council Members, that takes us to Inter-Governmental Legislative Affairs, if there's anything under that topic.

## Council Member Questions, Comments and Announcements

Mayor Holman: It also takes us to Council Member Questions, Comments and Announcements. Council Member Wolbach.

Council Member Wolbach: Actually I have something for both those items. On Inter-Governmental Affairs, at some point we might want to have on our agenda coming up a chance to talk, more than I want to right now, about El Camino Real and Bus Rapid Transit. Of course, I'm the liaison from this body to the Policy Advisory Board on El Camino Real Rapid Transit through VTA. As we're continuing to work through various options for improving bus service by VTA on El Camino Real, I'd appreciate a chance to chat about it with colleagues in a public forum perhaps. I don't know if that's something that we might want to agendize coming up.

James Keene, City Manager: Madam Mayor, may I just make a clarification. I think these are more under the Council Member Comments and Questions. We put the Inter-Governmental Affairs there if there is an actual to-be-delivered action to go on the Council's agenda, just so we're there. Not to expand the sort of end of meeting sorts of things. If we could move Council Member Wolbach's comments under kind of Council Member Comments and Questions, that would be appropriate. Thanks. Got it.

Council Member Wolbach: That's fine with me. Consider it a Council Member comment.

Mayor Holman: You had a second one?

Council Member Wolbach: Yeah. I just wanted to report on a trip to Nashville. I'm sure the Mayor will have comments as well on that one. We both went to represent the City at the National League of Cities in Nashville, Tennessee, this past weekend, early part of the weekend. A couple of highlights. One was getting a chance to catch up with a fellow Gunn High School alumnus and a former Palo Alto Mayor, Yiaway Yeh, who actually was working for the City of Nashville on innovation technology in the Mayor's office, but recently switched over to the private sector and is now working for Google actually. We had a chance to grab lunch and catch up. Also, the Mayor and I had an opportunity to spend some time both doing business and socially with Peter Pirnejad of our Development Center. I also would add that he also was participating on a panel on ...

Mayor Holman: Two panels.

# TRANSCRIPT

Council Member Wolbach: Actually two panels. I was only able to catch one of them, but doing a great job representing the City and demonstrating his expertise. A couple of other real quick comments. Also got a chance to meet the City Manager of Fort Collins, Colorado, who speaks very highly of our City Manager, his counterpart. Reminds me how lucky we are. It's always interesting to meet people from other cities and compare notes about challenges, growth challenges, transportation challenges. One counterpart, a Council Member from Cambridge, Massachusetts, which faces some of the same questions and challenges we do suggested maybe we should set up some video conferencing opportunities. It's always good to get outside of our bubble and might be something worth exploring, setting up chances to communicate with our counterparts in other cities that face similar challenges. One thing that was very much highlighted this weekend were discussions about the so-called sharing economy, specifically transportation and also Airbnb and other short-term rentals. I know that's something that's going to be coming back to us next year. Looking forward to having a really robust discussion about that and potential impacts for our community.

Mayor Holman: Council Member Scharff.

Council Member Scharff: Thank you. I just wanted to basically report that the Santa Clara County Cities Association is starting to actually get serious, I think, over the next year about talking about how we set up a RHNA subregion. I know that's of interest.

Male: (inaudible)

Council Member Scharff: A RHNA subregion, like they have in San Mateo County. I don't know what the details of that obviously would be. I think that we're actually going to have those discussions over the next year. I also would support Council Member Wolbach's concerns about giving direction on the VTA and understanding where they are on that. I think that's an important issue for us. I think we as a Council should have that discussion before he gets too far down the road after reading his comments in the papers. I thought it'd be good to see it.

Council Member Wolbach: Just to respond to that. The short version is we're trying to keep ...

Council Member Scharff: I didn't meant to have a discussion about it.

Council Member Wolbach: We're trying to keep our options open. Before we narrow them down, that's when I would like seek feedback from colleagues.

# TRANSCRIPT

Council Member Scharff: Thanks.

Mayor Holman: Following on Council Member Wolbach's comments. Yes, it was indeed good to catch up with Former Mayor Yeh. I say this actually probably for Council Member Kniss. I think Molly heard this this morning. Nashville has just elected—I think Nashville is probably older than Palo Alto—its first woman Mayor who also happens to live just two doors away ...

Council Member Kniss: To that I would say, "Yahoo. It's about time.:" How much better off they'll be.

Mayor Holman: She seems quite capable, and she happens to live two doors away from Yiaway. He speaks exceedingly highly of her. One additional shout-out about Peter Pirnejad. I was at both of the panels that he participated in. He is very well spoken and represents the City very well. He did us proud. In talking with people from other cities, it seems like almost no matter the size of the city, that transportation is a major issue nationwide. Some of the cities that are even very small cities, very small communities, they become job centers. I'm thinking of a town in Washington; it has a population of 19,000. They have major traffic issues. It seems like so many communities that you talk to their leaders and traffic and transportation are just in the forefront of their concerns. Less so is housing, but that's certainly on the forefront of a lot of people's thoughts. Transportation certainly is. The sharing economy is on everyone's thoughts and how to best deal with that. One of the things that I most enjoyed about Nashville was the cultural aspect of it, not only the music but also the visual arts. I took a mobile workshop that took us out into the various areas of town where there's Maker Space that people can rent for varying rates. It's sort of an incubator Maker Space. People graduate from that space and then move on to their own space or their own business that gets launched as a result of their Maker Space experience. I will do some follow up on that with City Manager and perhaps something will come forward also in addition to that. With that, I see no other lights. This meeting is adjourned. Thank you all.

Council Member Kniss: Mayor, may I just thank you two for going to Nashville? It's a long way. I understand your hotel was a bit interesting. I really appreciate you both going and bringing back the new, especially about Yiaway. That's fascinating.

Mayor Holman: Thank you. Meeting adjourned.

Adjournment: The meeting was adjourned at 10:07 P.M.