



CITY OF PALO ALTO CITY COUNCIL FINAL MINUTES

Special Meeting
June 10, 2019

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:05 P.M.

Present: Cormack, Filseth, Fine, Kniss, Kou, Tanaka

Absent: DuBois

Closed Session

1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION
Subject: Noise and Other Impacts Arising From Management of Aircraft in the Northern California Airspace, Including the STAR PIRAT TWO Procedure
Authority: Government Code Section 54956.9(d)(4)
(One Potential Case, as Plaintiff)

Kerry Yarkin advised that the report of the Select Committee on South Bay arrivals was not an environmental review. Palo Alto did not have a representative at the Select Committee meeting. The City should pursue litigation.

Mark Shull urged the City to take legal action to address the concentration of air traffic over Palo Alto due to Next Gen. The net noise reduction model to measure environmental impact was based on providing some relief to the majority by concentrating traffic on the minority.

Jennifer Landesman remarked that the Federal Aviation Administration (FAA) should not determine the impacts of PIRAT TWO because the FAA's metric was flawed. Airplane noise was a health issue.

John Koval advised that flights from the East Coast were utilizing the SERFR, BDEGA West, and Oceanic routes. The number of overnight flights had increased.

Mimi Richart requested the City pursue legal action.

Robert Holbrook believed the City needed to engage the FAA on a national level through legislation requiring the FAA to mitigate noise.

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Karen Porter implored the City to legally challenge the FAA's adoption of the PIRAT flight path because it would exacerbate airplane noise in Palo Alto.

Carolyn Biglow commented that airplane noise had not improved in the four years she had been working on the issue.

Mary Rose Reade hoped the Council could do something to return Palo Alto's quality of life.

Darlene Yaplee believed the City had grounds to initiate a lawsuit against the FAA.

Marie-Jo Fremont reported the FAA would continue to participate in the Roundtable if a lawsuit was filed against the FAA. Collaboration, legislation, and litigation needed to be pursued in an attempt to resolve airplane noise.

Lois Shore hoped the Council would consider the thousands of Palo Alto students who were affected by airplane noise.

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

MOTION PASSED: 6-0 DuBois absent

Council went into Closed Session at 5:31 P.M.

Council returned from Closed Session at 7:35 P.M.

Mayor Filseth announced that the City Council decided not to initiate litigation against the Federal Aviation Administration.

Agenda Changes, Additions and Deletions

Ed Shikada, City Manager reported a discussion of refuse collection had been removed from Agenda Item Number 10.

City Manager Comments

Ed Shikada, City Manager reported the scope of work for the Cubberley Master Plan consultant included preparation of an Initial Study. Should an Environmental Impact Report (EIR) be necessary, Staff needed to return to the Council with a revised scope of work and budget. The Fire Department was monitoring wildfire conditions. He relayed, should PG&E shutoff power lines, the Electric Utility may have to shutoff power locally. The City was going to send public safety resources to participate in the annual Santa Clara County wildland fire exercise during the week. Meetings regarding the Draft

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EIR for the Newell Road Bridge Replacement project were scheduled for June 12, June 18, and June 19, 2019. The Caltrans public hearing had been scheduled for July 18, 2019. *Golf Week* magazine had ranked The Baylands Golf Links number 13 in the State for 2019's best public courses to play. On June 11, 2019 the City was hosting an appreciation event to thank the Downtown community and businesses for their patience during the Upgrade Downtown project.

Oral Communications

Sven Theisen recommended the City stop all new gas connections to residential housing, offer the *Be Smart Incentive Program*, and stop using natural gas by 2035 in order to reduce the City's greenhouse gas (GHG) emissions.

Zoe Wong-Van Maren commented that everyone had to participate in reducing GHG emissions.

Madeline Rose asked the City Council and all adults to reduce GHG emissions so that her generation could enjoy the planet.

Shani Kleinhaus suggested the City prohibit the release of balloons and the use of Mylar balloons because balloons wreaked havoc on environmental resources.

Consent Calendar

Arthur Keller, speaking regarding Agenda Item Number 6 expressed surprise that a contract was being presented for approval when the Council had discussed the scope of work only one week ago. There was going to be no public input and no scoping meeting, which was not the way to run the master plan process.

Penny Ellson, speaking regarding Agenda Item Number 6 hoped the Council would add hazardous waste, visual impacts and vibrations during construction to the list of environmental issues to be studied. An assessment of tradeoffs was not able to be conducted without a community needs assessment.

Robert Moss, speaking regarding Agenda Item Numbers 6 and 7 stated the proposal for the Cubberley Master Plan needed to address the context of housing and community uses. The Staff Report for Agenda Item Number 7 did not address zoning mismanagement that had not been corrected.

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Herb Borock, speaking regarding Agenda Item Number 6 questioned whether the City was the appropriate party to be the lead agency and whether Palo Alto Unified School District (PAUSD) had agreed to the City being the lead agency. The City needed to redo the study when it drafted the project statement.

Shani Kleinhaus, speaking regarding Agenda Item Number 6 recommended the Council proceed with an Environmental Impact Report (EIR) because of the complexity of the project.

MOTION: Council Member Kou moved, seconded by Council Member Tanaka, third by Council Member XXX pull Agenda Item Number 6, "Approval of an Agreement With Rincon Consultants ..."

MOTION FAILED DUE TO THE LACK OF A THIRD

Council Member Kou registered a no vote on Agenda Item Number 6.

Council Member Tanaka registered a no vote on Agenda Item Number 6.

MOTION: Council Member Kniss moved, seconded by Council Member Cormack to approve Agenda Item Numbers 2-9.

2. Approval of a One-year Contract Renewal With Oracle America, Inc., Contract Number C19174703 for Software Program Technical Support Services in the Amount of \$119,570; and Approval and Authorization of the City Manager or his Designee to Approve up to a 10 Percent Contingency Amount Not-to-Exceed \$11,957.
3. Approval of a Wastewater Collection Construction Contract With Ranger Pipelines, Inc. in the Amount of \$2,123,073 for Wastewater Collection System Rehabilitation/Augmentation Capital Project 28 (WC-15001) in the Leland Manor/Garland, Midtown West and Lower Page Mill/Los Altos Hills Neighborhoods.
4. Approval of Amendment Number 5 to Agreement Number S0114750 With Peninsula Corridor Joint Powers Board for Shuttle Service Administration to Extend the Term of the Agreement for One-year for \$132,400 for the Embarcadero Shuttle Route From July 2019 Until June 2020.
5. Approval of Three Contract Amendments for On-call Inspection and Plan Review Services With: (1) 4Leaf, Inc.; (2) SAFEbuilt; and (3) Shums Coda Associates to Increase the Combined Amount by

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\$2,500,000 for a new Combined Amount Not-to-Exceed \$10,200,000, and to Extend the Term Through June 30, 2020.

6. Approval of an Agreement With Rincon Consultants in the Amount of \$143,452 for a Term of Seven Months for Environmental Analysis of the Cubberley Master Plan.
7. Policy and Services Committee Recommends the City Council Accept the Code Enforcement Audit.
8. Finance Committee Recommends the City Council Accept the Macias Gini & O'Connell's Audit of the City of Palo Alto's Financial Statements as of June 30, 2018 and Management Letter.
9. Ordinance 5468 Entitled "Ordinance of the Council of the City of Palo Alto to Amend the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Palo Alto to Implement the Share of Employer Contribution in Accordance With Section 20516 of the California Government Code and the Memorandum of Agreement Between the City of Palo Alto and Utilities Management and Professional Association of Palo Alto (UMPAPA) (FIRST READING: MAY 20, 2019 PASSED: 7-0)."

MOTION PASSED FOR AGENDA ITEM NUMBERS 2-5, 7-9: 6-0 DuBois absent

MOTION PASSED FOR AGENDA ITEM NUMBER 6: 4-2 Kou, Tanaka no, DuBois absent

Council Member Kou expressed concern about subjects to be studied in Agenda Item Number 6. The scope of work expanded inappropriately. The Council needed to review the Initial Study in order to be aware of the project's impacts. The list of topics to be studied did not include hazardous waste, waste generation, landfill impacts, visual impacts, light pollution and noise impacts.

Action Items

10. PUBLIC HEARING: Adoption of Three Ordinances Amending Title 5 (Health and Sanitation) of the Palo Alto Municipal Code to: 1) Establish new Disposable Foodware Requirements, Including Restrictions on the use of Plastic Straws, Cutlery, Stirrers, and Related Items, and Provision of Printed Receipts at Food Service Establishments; 2) Establish Regulations Related to Produce Bags at Retail Service Establishments; and 3) Require Deconstruction and Source Separation

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of Construction and Demolition Related Materials to Maximize Salvage and Reuse of Building Materials, and Increase Recycling and Diversion from Landfills; Adoption of a Negative Declaration for new Deconstruction Program Activities; and Finding the Disposable Foodware and Refuse Collection Ordinance to be Exempt Under California Environmental Quality Act (CEQA).

Brad Eggleston, Public Works Director reported the 2018 Zero Waste Plan contained initiatives to help the City move toward its Sustainability and Climate Action Plan (S/CAP) goal of 95 percent diversion from landfills by 2030. Girl Scouts advocated for the prohibition of disposable foodware, particularly plastic straws.

Karen Fitzpatrick, Girl Scout Troop Leader introduced the Girl Scouts.

Abigail hoped the Council would adopt the Ordinance regarding disposable foodware.

Sophia explained that the Girl Scouts thought awareness of the dangers of plastic straws would lead to awareness of the impacts of all plastic foodware.

Sydni appreciated the Public Works Department's mentorship during the 2018 campaign. Girl Scouts had helped the City collect data and gain public support.

Maddy advised that almost 40 restaurants had voluntarily agreed to participate in the drinking straw awareness campaign.

Gabby indicated the boba tea program for reusable straws and glass bottles was successful.

Riley stated four Palo Alto schools participated in an educational program.

Lia related that the Girl Scouts conducted public outreach during the Earth Day 5K run and Girl Scout World Thinking Day.

Charlotte disclosed that Audi Palo Alto had constructed and stored the Girl Scouts' float for the May Fete Parade.

Hila remarked that plastic in the ocean would outweigh fish by the year 2050 without intervention programs.

Eva summarized achievements of the Girl Scouts' campaign.

Kate revealed that the Girl Scouts had received a \$2,000 grant from the Lonely Whale Foundation to create a documentary film.

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Salma related that the Girl Scouts' public service announcement was widely shared on Facebook and YouTube.

Council Member Kniss remarked that the Girl Scouts had raised awareness in the community and throughout the country about plastic straws.

Chuck Muir, Environmental Control Program Manager reported the proposed changes were part of the first phase in reducing disposable foodware. The new requirements applied to any establishment located in the City of Palo Alto that prepared food for public consumption. Under the proposed Ordinance, straws, utensils, stirrers, drink plugs and other food and beverage accoutrement needed to be reusable or compostable and needed to be provided upon request or available at a self-serve station. Foodware made of compostable plastics was going to be allowed under the proposed Ordinance. The City sent compostable materials to the Zero Waste to Energy Development facility in San Jose, where they were converted to compost and energy. In addition, the proposed Ordinance required food service establishments to provide sales receipts upon request only. The proposed Ordinance did not prohibit plastic food and beverage containers because they were addressed in the next phase of the Foodware Reduction Plan. The proposed Ordinance banned the use of plastic produce bags in grocery stores and farmers markets and required the use of reusable and compostable produce bags. The City was to be the first city in the South Bay Area to implement disposable foodware requirements and to ban plastic produce bags from grocery stores and farmers markets. The City was implementing measures not only to protect the environment but also to reduce the amount of plastic sent to the landfill. These Phase I requirements became effective January 1, 2020. Additional phases were to be proposed in 2021 and later. Potential proposals for future phases included reusable foodware for onsite dining and charging for non-reusable cups and containers. The goal of requirements was to reduce the amount of waste, reduce the amount of plastic used and require more sustainable alternatives. These proposals aligned with the City's 2018 Zero Waste Plan initiatives and the goal of 95 percent diversion of waste from landfills by 2030.

Paula Borges, Acting Zero Waste Manager advised that the 2018 Zero Waste Plan contained four short-term initiatives related to the reduction of landfilled construction and demolition material. The City's Green Building Regulations required the recycling of materials, the submission of a Debris Management Plan for projects with a value greater than \$25,000 and the input of weights into Green Halo so that Staff could track tonnages for each project. Single-family residential projects undergoing complete demolition were required to submit a salvage survey from an approved reuse

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organization. Despite past efforts and current requirements, construction and demolition waste was one of the largest landfill contributors. More than 40 percent or 19,000 tons of waste from construction and demolition projects in Palo Alto was disposed in landfills annually. Deconstruction was a more environmentally friendly alternative to demolition. During deconstruction, materials were systematically disassembled to maximize reuse and recycling. Strategies to reduce, reuse, recycle, and compost building materials were crucial to conserving resources, protecting the environment and accomplishing goals. Over the past few months, Staff deconstructed the ITT Building located in the Renzel Wetlands as a pilot project. The project generated approximately 184 tons of material, of which 4 percent was set aside for reuse, 93 percent was recycled and 3 percent was disposed.

Phil Bobel, Public Works Assistant Director explained that materials from deconstruction were separated by hierarchy. In the first hierarchy, materials were to be reused in the same or a similar manner to the original use. Salvage and reuse were to be used interchangeably. Materials not suitable for reuse were to be recycled into other uses. Recycling included composting because organic materials were composted.

Ms. Borges indicated Staff had developed concepts for a deconstruction Ordinance and presented them to the public, stakeholders, and 1,200 contractors, architects, property developers, and reuse organizations between 2018. Stakeholders expressed concerns about the cost and time required to deconstruct a building and space to house containers for separated materials. In response to those concerns, Staff created three phases and limited the proposed Ordinance to Phase I. The proposed Ordinance applied to projects undergoing complete building demolition only. Beginning July 1, 2020, residential and commercial projects obtaining permits for complete demolition were subject to the new deconstruction requirements. Certification of a salvage survey confirmed a reuse organization had received materials. Another requirement of the proposed Ordinance was deconstruction and source separation of materials and delivery to a City-approved processing facility. GreenWaste of Palo Alto was able to collect materials in containers, and self-haul in trucks were allowed but materials needed to be separated. Reporting requirements were to be fulfilled through existing resources, which stakeholders were using. Staff was going to conduct outreach and an education training to stakeholders beginning in July, 2019. Staff evaluated Phase I, tracked data and then presented to the Council with proposed future phases in spring of 2021.

Public Hearing opened at 8:39 P.M.

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Gloria Garcia, speaking for Prerana Jayakumar, Hillary Glann, Sandra Slater, Casey Cameron advised that she represented more than 2,000 people who signed a petition to expedite the Foodware Reduction Plan. Studies concluded plastics that contained carcinogens and chemicals known to increase the risk of cancer, developmental delays and disease. Switching to sustainable alternatives was cost-effective, time-saving and supported by consumers.

Sherri Sager, Lucile Packard Children's Hospital appreciated the opportunity to work with Staff regarding nuances in the requirements for an in-patient hospital facility. Under State and Federal law, the hospital was required to maintain four days of supplies onsite as part of emergency preparedness; therefore, water supplies were stored in single-use bottles. Hospital staff was exploring alternatives to single-use bottles.

Nancy Olson, Stanford Health Care thanked Staff for clarifying that Phase I of the foodware Ordinance applied to the hospital's cafeteria only.

Jeralyn Moran remarked that the overarching focus should be to reduce, reuse and recycle, in that order. She encouraged the Council to adopt the three phases of the Foodware Reduction Plan at the current time and suggested the Council mandate a deposit on all single-use plastic water bottles when bottles were returned for recycling. The use of fiber-based single-use products as an alternative to plastics was misguided in that all trees needed to be protected.

Miriam Gordon, Upstream commented that reducing and reusing for food businesses was a good business proposition. The focus needed to be on reducing all single-use disposable foodware. The use of fiber-based and bioplastic alternatives negatively impacted the environment. The Council needed to implement all three phases of the plan and prioritize a prohibition of disposable foodware for onsite dining; there needed to be a charge for takeout cups, and a ban on fluorinated chemicals.

Ethelyn Adina Gordon supported adoption of the Proposed Foodware Ordinance and encouraged the Council to include other elements of the Foodware Reduction Plan that reduced single-use packaging. Perhaps the City was able to find a way for residents of senior living facilities to easily compost food packaging and food waste.

Patty Regehr thanked Staff for creating a win-win situation for the City, residents and businesses.

Drew Maran believed reuse of construction materials was better than recycling. People were able to take significant tax deductions for donating

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reusable building materials. He supported the provision requiring submission of a certified salvage survey and accelerated subsequent phases of the plan.

Herb Borock noted definitions of "cart for building materials," "food service" and the term "multifamily," with respect to Refuse Rate Schedules and planning and zoning. Perhaps Staff wanted to eliminate plastics because of the petroleum aspect of plastic or because the market for recycling plastic was defunct.

Ed Dunn expressed concern that Staff had not obtained relevant stakeholder input regarding the proposed Ordinance. He noted that reuse, recycle and salvage were not interchangeable; the terms had specific meanings in the industry.

Janet Walworth indicated plastics contained chemicals known as endocrine disrupters that were harmful to humans.

Eddie Keating was excited by the proposed Ordinance's ability to shift foodware from trash to compost. He hoped there would be enforcement of the proposed Ordinance.

Alison Piccoli, California Restaurant Association expressed concern about the definition of "compostable" and a customer's ability to request napkins and straws via an app. She requested the sales receipt model be "upon offer" instead of "upon request."

Shani Kleinhaus suggested the Council ban the release of balloons.

Prashee Agarwal wanted the Council to include Phase II in the Proposed Foodware Ordinance.

Public Hearing closed at 9:13 P.M.

Council Member Kniss inquired about a date Staff would return with a proposed Ordinance for plastic produce bags.

Mr. Bobel clarified that plastic produce bags were a component of the Proposed Foodware Ordinance. Custodial bags in the commercial sector were going to be presented at a future time.

MOTION: Council Member Kniss moved, seconded by Mayor Filseth to:

- A. With respect to a proposed Ordinance for Disposable Foodware and Produce Bags (Disposable Foodware Ordinance):

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- i. Find the Ordinance is exempt from California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15061(b)(3), 15307 and 15308; and
- ii. Adopt an Ordinance amending Chapters 5.30 and 5.35 of Title 5 of the Palo Alto Municipal Code, to: (1) regulate the use of disposable foodware, including restricting the use of plastic straws, cutlery, beverage plugs, stirrers and other accoutrements, and the provision of printed receipts at food service establishments; and (2) restrict the use of plastic produce and meat bags at retail service establishments including grocery stores and farmers markets.

Council Member Kniss did not believe the Ordinance would be controversial. Many restaurants were using alternative foodware storage options.

Mayor Filseth remarked that the restriction on produce and meat bags was logical.

Vice Mayor Fine inquired about other types of single-use plastic foodware items that could be banned.

Mr. Bobel answered a list of food containers was included in Phase II of the Staff Report.

Vice Mayor Fine asked if the ban on produce and meat bags included sheets of plastic.

Mr. Bobel replied no.

Mayor Filseth inquired whether future phases included materials that had to be composted through special processes.

Mr. Bobel advised that a determination of whether materials would actually compost under the various processes had not been made. Therefore, the third phase included reusable foodware options. Compost was not the final step but an interim step.

Council Member Cormack requested clarification of accoutrements.

Mr. Bobel indicated accoutrement was a catch-all term for plastic items that Staff may not have thought of.

Council Member Cormack requested the rationale for including coffee cups in Phase II.

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Mr. Bobel reported the local coffee industries told Staff that they would develop a compostable lid to accompany the compostable cup. A compostable lid was available, but the industry had not fully vetted and accepted it for use.

Council Member Cormack asked if the cups and lids would be the main component of Phase II.

Mr. Bobel believed food containers would be the main component.

Council Member Cormack requested a rationale for including food containers in Phase II rather than Phase I.

Mr. Bobel explained that the plan was intended to notify the food service industry of upcoming requirements so that it could prepare for them.

Council Member Cormack inquired about components of Phase II that could be moved into Phase I.

Mr. Bobel indicated reusable foodware for dining onsite was the easiest component to move from Phase II to Phase I.

Council Member Cormack inquired about exceptions for disabled people and emergency preparedness situations.

Mr. Bobel advised that Staff could utilize the regulation process to address exceptions. Staff communicated with entities who maintained supplies for emergency preparedness to clarify the intentions of the proposed Ordinance.

Council Member Cormack asked if food service establishments included hotels.

Mr. Bobel answered yes, if a hotel provided food to the general public.

Council Member Cormack proposed including in the Motion a charge for non-reusable cups and containers. She thought a charge of 25 cents could incentivize a change in behavior.

AMENDMENT: Council Member Cormack moved, seconded by Council Member XX to add to the Motion Part A. ii., "charge for non-reusable cups and containers and require reusable foodware for dine-in."

Council Member Kniss felt instituting a charge could be complicated in that restaurants would have to agree to collect the charge.

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Mr. Bobel added that crafting a process for a charge prior to the Ordinance becoming effective on January 1, 2020 was going to be difficult.

AMENDMENT WITHDRAWN BY THE MAKER

Council Member Cormack encouraged Staff to move as quickly as possible to implement the proposed changes.

Mayor Filseth asked if the difficulty with advancing a requirement for reusable foodware for onsite dining was some businesses did not have facilities to wash foodware.

Mr. Bobel replied yes, especially with the Ordinance taking effect in about six months.

Council Member Tanaka inquired about local restaurants' responses to the proposed Ordinance.

Mr. Bobel indicated restaurants expressed concerns regarding cost and time to respond to the requirements. Staff proposed a phasing of requirements in response to the concern about time. Most of the requirements of Phase I were going to cost 1-10 cents. Restaurants were enthusiastic about reducing the amount of plastic litter.

Council Member Tanaka asked if Staff conducted outreach to restaurants.

Mr. Bobel reported Staff visited essentially all local restaurants.

Council Member Tanaka asked if Staff received any strong opposition to the proposed Ordinance.

Mr. Bobel answered no.

Council Member Tanaka requested Staff comment upon the suggestions from the representative of the California Restaurant Association.

Mr. Bobel related that Staff could develop a list of manufacturers whose products met the definition of compostable and publish the list on the City's website.

Council Member Tanaka requested the rationale for the sales receipt requirement.

Mr. Bobel remarked that the requirement was a way to begin changing behavior from automatically printing a receipt to inquiring whether a customer wanted a receipt.

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Council Member Tanaka asked if Staff would accept revising the requirement to "upon offer."

Mr. Bobel answered yes.

Mr. Eggleston added that most receipts were printed on thermal paper, which was not recyclable.

Council Member Tanaka inquired about the percentage of the City's trash that was plastic foodware.

Mr. Bobel reported the plastics in Phase I were a very small percentage of waste. The requirements were intended to prevent plastics from ending up in creeks and the ocean. Phase I focused on plastics because they did not degrade readily.

Council Member Tanaka asked why Staff limited the plastic bag requirement to restaurants.

Mr. Bobel explained that the Phase I items were found during creek and beach cleanup days.

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XX to change the provision regarding receipts to, "Require businesses to offer whether or not a customer would like a receipt".

Council Member Kniss requested Staff's reasoning for structuring the requirement as "upon request."

Mr. Bobel indicated most Ordinances in other jurisdictions were phrased as upon request. Staff simply had not thought of phrasing the requirement as "upon offer."

Ed Shikada, City Manager suggested Staff did not want to create a situation in which a merchant would be noncompliant because it did not offer a receipt. "Upon request" placed the burden on the customer rather than the merchant.

Council Member Kniss preferred to leave the language as "upon request." The language could be amended later, if necessary.

AMENDMENT WITHDRAWN BY THE MAKER

Council Member Tanaka inquired whether Phases II and III would include plastic bags used in businesses other than restaurants and grocery stores.

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Mr. Bobel reported the Council had already banned traditional plastic bags at any retail business.

Council Member Kou requested clarification of Staff using the regulation process to create exceptions.

Mr. Bobel advised that food service to patients in healthcare settings was not subject to the proposed Ordinance because food was not being offered to the public. By extension, a plastic straw for a patient's use was not going to be subject to the proposed Ordinance. Emergency preparedness food supplies also were not subject to the proposed Ordinance again because they were not being offered to the public. Those two provisions were able to be included in regulations or left as a Staff interpretation of the proposed Ordinance. Cafeterias in healthcare settings were subject to the proposed Ordinance because they served food to the public.

Council Member Kou inquired whether the Ordinance applied to senior living facilities such as Lytton Gardens.

Mr. Bobel clarified that the proposed Ordinance was intended to cover food served to the public. Staff had to think through food service in senior living facilities.

MOTION PASSED: 6-0 DuBois absent

Council Member Kniss remarked that very few cities had enacted an Ordinance for construction materials, even though the Ordinance could significantly reduce waste.

MOTION: Council Member Kniss moved, seconded by Council Member Cormack to:

- A. With respect to a proposed Ordinance for Deconstruction and Construction Materials Management (Deconstruction Ordinance):
 - i. Adopt a Resolution adopting the Negative Declaration for the Ordinance for Deconstruction and Construction Materials Management as adequate and complete under the CEQA; and
 - ii. Adopt an Ordinance replacing Chapter 5.24 with a new Chapter 5.24 to Title 5 of the Palo Alto Municipal Code, to establish deconstruction and construction materials management requirements for demolition projects.

Council Member Kniss remarked that her father had deconstructed one building and reused the materials in four "new" buildings, one of which was

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her childhood home. Salvaged materials cost slightly more than new materials, but the use of salvaged materials was a tremendous contribution to sustainability efforts.

Council Member Cormack noted administering the proposed Ordinance would impose a significant cost on the City. She wanted to understand how the salvage survey would work.

Mr. Bobel explained that an approved reuse organization would survey the materials, identify those that could be reused, and sell the materials to the public.

Council Member Cormack inquired whether a list of materials available for reuse could be published on the website.

Ms. Borges indicated the public could visit the organization's store to view and purchase materials.

Council Member Cormack inquired about the location of the store.

Ms. Borges replied Oakland.

Council Member Cormack requested an explanation of the organization's hours of operations.

Mr. Bobel would investigate the issue and provide information at a later time.

Council Member Cormack asked if the proposed Ordinance applied to structures under construction.

Mr. Bobel reported an application for a demolition permit would trigger the proposed Ordinance. If an application was submitted prior to the effective date of the proposed Ordinance, the project would not be subject to the proposed Ordinance.

Vice Mayor Fine inquired whether the proposed Ordinance required receipts from reuse centers to be returned to the permitting agency.

Mr. Bobel replied yes. A certification from the reuse organization needed to be presented to City Staff perhaps through a data system.

Vice Mayor Fine requested the method for qualifying reuse agencies.

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Mr. Bobel noted the City had approved one reuse center, called The Reuse People. Staff planned on developing criteria for reuse centers over the next 11 months.

Council Member Tanaka inquired about the reality of construction materials being reused.

Mr. Bobel explained that the certification would confirm that materials were for sale at the reuse center. The value or quantity of reusable materials was not sufficient for it to be sold to China.

Mr. Eggleston added that people did purchase materials from reuse centers. The reuse organization identified the materials at a project site that could and likely would be purchased. If people were not purchasing specific types of items, then the reuse organization was not going to list them on the survey or make it available for sale.

Council Member Tanaka asked what materials from a deconstruction project had to be salvaged.

Ms. Borges advised that the proposed Ordinance did not state specific items that had to be salvaged. The demand for an item determined whether a reuse organization could sell it. If a reuse organization did not find any materials in a project could be reused, then the survey reflected that fact.

MOTION PASSED: 6-0 DuBois absent

Council took a break at 10:05 P.M. and returned at 10:11 P.M.

11. Colleagues' Memo on Safe Parking at the Los Altos Water Treatment Plant Located on 1275 San Antonio Road.

Council Member Kou read comments from Council Member DuBois and supported his comments.

Patti Regehr supported the creation of a safe parking program so that homeless people felt safe while sleeping.

Edie Keating suggested the City consider providing electricity as part of a safe parking program and concurred with prioritizing space for low-income people.

Steven Lee, speaking as an individual reminded the Council that a safe parking program was an initial step toward addressing homelessness.

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Herb Borock recalled requirements placed on the Hotel de Zink and the Opportunity Center.

L. David Baron supported a program that provided services to people living in vehicles. He expressed concerns that the proposal would push homeless people to the geographic edges of the City and would limit services based on the last place of permanent residence.

Kelsey Banes urged the Council to eliminate the eligibility requirement based on income.

Terry Holzemer supported the Colleagues' Memo because the proposal provided information about vehicles dwellers.

Shani Kleinhaus encouraged the Council to focus the location on church and library parking lots, rather than the Baylands.

MOTION: Council Member Kou moved, seconded by Mayor Filseth to refer this item to Policy and Services and/or create a sub-committee or task force to craft program details to bring back to Council. Such a program should include elements such as:

- A. Identify and determine interest in expanding vehicle dwelling management and transition services with local area nonprofits such as Project WeHope, Samaritan House, Life Moves, and Abode Services, who can partner with the city to manage a Vehicle Dweller program;
- B. Identify large commercial lots that could be used for a managed overnight program such as on Bayshore and in the Research Park and a plan to reach out to property owners;
- C. Seed the program using city-owned land located at 2000 Geng Road, and/or other potential sites. Explore bathroom construction and/or portable bathroom/shower services on identified Palo Alto city sites;
- D. Engage the County of Santa Clara to explore funding assistance and for additional programs to support enabling individuals to find employment and housing; and
- E. Direct Staff to propose additional steps to distinguish between high and low-income individuals and manage parking on streets once managed spots are available for low income individuals.

Council Member Kou wanted to give vehicle dwellers an opportunity to find jobs and stable housing.

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion, "... and/or create a subcommittee or task force"

Mayor Filseth inquired whether the Motion allowed the Policy and Services Committee (P&S) to craft a program with elements other than those listed in the Motion.

Council Member Kou replied yes.

Mayor Filseth felt P&S should have broad latitude to craft a program.

Vice Mayor Fine noted the Mountain View City Council was considering a ban of oversized vehicle parking on city streets, which could lead to more oversized vehicles in Palo Alto. He questioned whether income was the best criteria for eligibility. He appreciated the focus on partnerships. He requested Staff comment regarding recreational vehicles (RV) utilizing a church parking lot.

Rachel Tanner, Assistant Director of Planning and Community Environment reported Mountain View allowed four vehicles to utilize a church parking lot without obtaining a permit. Staff did not believe the Palo Alto Municipal Code allowed vehicles to utilize a church parking lot. Staff was able to explore amendments to the Code to allow overnight parking or to require a permit for overnight parking.

Council Member Kniss recalled the Council's efforts around 2012 to develop a program for vehicle dwellers; however, the Council enacted a ban on vehicle dwellers parking overnight on City streets.

Molly Stump, City Attorney advised that the Ninth Circuit Court of Appeals issued a decision making the legal environment for such a ban difficult. Consequently, the Council repealed the ban.

Council Member Kniss recommended P&S review the program in Santa Barbara.

Council Member Cormack requested the location of 2000 Geng Road.

Ed Shikada, City Manager indicated the location was near the Baylands Athletic Center.

Council Member Cormack proposed amending Part B to "private lots".

Mayor Filseth concurred.

FINAL MINUTES

Council Member Cormack felt outreach was important to developing a program, but outreach was not included in the Motion. She inquired whether the City had vehicle dwelling management and transition services that could be expanded.

Mayor Filseth suggested deleting the word "expanding."

Council Member Cormack asked if Part A directed Staff to contact nonprofit agencies about working with the City.

Council Member Kou clarified that Part A sought information about services that the County of Santa Clara (County) and nonprofit agencies could provide.

Council Member Cormack wished to direct Staff to obtain a better understanding of vehicle dwellers and their needs.

Council Member Kou indicated Staff could survey vehicle dwellers.

Council Member Cormack questioned whether the direction should be added to the Motion or left to the discretion of P&S.

Council Member Kou suggested it should be left to the discretion of P&S.

Council Member Cormack was not comfortable with Part E of the Motion.

Council Member Kou disclosed that the County would provide many of the services, and oftentimes services were geared toward lower-income people. Prioritizing low-income people provided them with an opportunity to obtain healthcare, employment and housing. She wanted to learn how community service workers prioritized people.

Council Member Cormack commented that Part E assumed some vehicle dwellers had high incomes, but that was not a known fact. She thought that changing on-street parking should not be a part of the Motion and proposed deleting Part E from the Motion.

Mayor Filseth did not want to require or to prohibit P&S from developing a policy that considered financial resources.

Council Member Kou clarified that the proposal was intended to generate a discussion, not to generate requirements. She did not agree with deleting Part E.

AMENDMENT: Council Member Cormack moved, seconded by Vice Mayor Fine to delete Part E from the Motion.

FINAL MINUTES

Council Member Cormack remarked that Part E made assumptions based on data the Council did not have and extended the proposal to changing on-street parking.

Vice Mayor Fine reiterated his concern that income may not be the best indicator of eligibility for the program.

Council Member Kniss believed much of the Motion was prescriptive.

AMENDMENT PASSED: 4-2 Kou, Tanaka no, DuBois absent

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XX to amend the Motion to state "... refer this item to the Human Relations Commission and Planning and Transportation Commission prior to the Policy and Services Committee"

Council Member Kou requested the rationale for referring this item to both the Planning and Transportation Commission (PTC) and Human Relations Commission (HRC).

Council Member Tanaka explained that the program would involve parking and the use of City land, which were issues for the PTC. Homelessness and vehicle dwelling were social issues for the HRC.

Council Member Kou did not want to delay the discussion any more than necessary. She inquired about the procedure for two bodies reviewing the issues.

Mr. Shikada remarked that the question was whether defining the dimensions of a program and gaining community input could be accomplished better through a Commission or a Committee.

Mayor Filseth preferred a referral to P&S only.

Council Member Kou believed P&S would have a better idea of information needed and questions to be asked.

Mayor Filseth added that the public would have an opportunity to provide input during P&S and Council meetings.

Vice Mayor Fine agreed to second the Amendment if the referral to the PTC was deleted. Perhaps the HRC was able to survey the homeless community and engage the community more broadly.

Council Member Tanaka indicated the PTC should study the parking issues.

FINAL MINUTES

Vice Mayor Fine withdrew his support for the Amendment.

MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION AS AMENDED: Council Member Kou moved, seconded by Mayor Filseth to refer this item to the Policy and Services Committee to craft program details to bring back to Council. Such a program should include elements such as:

- A. Identify and determine interest in expanding vehicle dwelling management and transition services with local area nonprofits such as Project WeHope, Samaritan House, Life Moves, and Abode Services, who can partner with the city to manage a Vehicle Dweller program;
- B. Identify large commercial lots that could be used for a managed overnight program such as on Bayshore and in the Research Park and a plan to reach out to property owners;
- C. Seed the program using city-owned land located at 2000 Geng Road, and/or other potential sites. Explore bathroom construction and/or portable bathroom/shower services on identified Palo Alto City sites;
- D. Engage the County of Santa Clara to explore funding assistance and for additional programs to support enabling individuals to find employment and housing.

MOTION AS AMENDED PASSED: 5-1 Tanaka no, DuBois absent

State/Federal Legislation Update/Action

None.

Council Member Questions, Comments and Announcements

Council Member Kou requested an update from the lobbyist regarding pending State legislation.

Ed Shikada, City Manager agreed to follow up with the lobbyist.

Council Member Kniss reported the Association of Bay Area Governments (ABAG) held a terrific panel discussion of housing. Burlingame and Fremont were developing a great deal of housing.

Adjournment: The meeting was adjourned at 11:04 P.M.