Pursuant to AB 361 Palo Alto City Council meetings will be held as “hybrid” meetings with the option to attend by teleconference/video conference or in person. To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate from home or attend in person. Information on how the public may observe and participate in the meeting is located at the end of the agenda.

**HOW TO PARTICIPATE**

**VIRTUAL PARTICIPATION**

[CLICK HERE TO JOIN](https://cityofpaloalto.zoom.us/j/362027238)  
Meeting ID: 362 027 238   Phone:1(669)900-6833

The meeting will be broadcast on Cable TV Channel 26, live on YouTube at [https://www.youtube.com/c/cityofpaloalto](https://www.youtube.com/c/cityofpaloalto), and streamed to Midpen Media Center at [https://midpenmedia.org](https://midpenmedia.org).

**IN PERSON PARTICIPATION REQUIREMENT:**
- Provide Proof of Vaccination or negative COVID-19 test (taken within 48 hours) and a photo ID
- Masks are not required but are strongly encouraged
- Maintain social distancing
- If you cannot or do not wish to comply, you can still participate virtually

**TIME ESTIMATES**

Time estimates are provided as part of the Council's effort to manage its time at Council meetings. **Listed times are estimates only and are subject to change at any time, including while the meeting is in progress.** The Council reserves the right to use more or less time on any item, to change the order of items and/or to continue items to another meeting. Particular items may be heard before or after the time estimated on the agenda. This may occur in order to best manage the time at a meeting or to adapt to the participation of the public.

**PUBLIC COMMENTS**

Public Comments will be accepted both in person and via Zoom meeting. All requests to speak will be taken until 5 minutes after the staff’s presentation. Written public comments can be submitted in advance to city.council@cityofpaloalto.org and will be provided to the Council and available for inspection on the City’s website. Please clearly indicate which agenda item you are referencing in your email subject line.

**HEARINGS REQUIRED BY LAW**
Applicants and/or appellants may have up to ten minutes at the outset of the public discussion to make their remarks and up to three minutes for concluding remarks after other members of the public have spoken.

CALL TO ORDER

CLOSED SESSION (5:00 - 6:30 PM)

1. CONFERENCE WITH LABOR NEGOTIATORS City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Kiely Nose, Rumi Portillo, Sandra Blanch, Nicholas Raisch, Tori Anthony, Molly Stump, and Terence Howzell) Employee Organization: Service Employees International Union, (SEIU) Local 521, Utilities Management and Professional Association of Palo Alto (UMPAPA) Palo Alto Peace Officers’ Association (PAPOA), Palo Alto Police Management Association (PMA), International Association of Fire Fighters (IAFF) local 1319, Palo Alto Fire Chiefs Association (FCA), Management and Professional Employees (MGMT) ; Authority: Government Code Section 54957.6 (a)

SPECIAL ORDER OF THE DAY

2. Proclamation Honoring Robert S. Hoover Proclamation Added

STUDY SESSION (6:30 - 7:30 PM)

3. Joint Study Session with the Utilities Advisory Commission Regarding SCAP Development and Implementation Late Packet Report

AGENDA CHANGES, ADDITIONS AND DELETIONS

PUBLIC COMMENT (7:30 - 7:50 PM)

Members of the public may speak to any item NOT on the agenda. Council reserves the right to limit the duration of Oral Communications period to 30 minutes.

BREAK (7:50 - 8:00 PM)

CONSENT CALENDAR (8:00 - 8:10 PM)

Items will be voted on in one motion unless removed from the calendar by three Council Members.

4. Adoption of a Resolution Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency

5. Adoption of a Resolution Amending the City’s 2020 Water Shortage Contingency Plan in Compliance With the State Water Resources Control Board’s January 4, 2022 Emergency Water Conservation

Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection at www.CityofPaloAlto.org.
Regulations and Implementing Stage I of Palo Alto’s Amended 2020 Water Shortage Contingency Plan

AA1. Discontinuation of Vaccination/Testing Checks at City Meetings

CITY MANAGER COMMENTS (8:10 - 8:30 PM)

ACTION ITEMS

Parks and Recreation Commission (PRC) recommends that Council Direct Staff and the PRC to Assess and Conduct Public Outreach on a new Community Gymnasium Project in Palo Alto (8:40 – 10:00 PM)

7. Colleague’s Memo From Vice Mayor Kou and Mayor Burt: Recognizing Key Dates to Advance Race and Equity (10:00 – 10:45 PM)

COUNCIL MEMBER QUESTIONS, COMMENTS, ANNOUNCEMENTS
Members of the public may not speak to the item(s)

ADJOURNMENT

OTHER INFORMATION
Standing Committee Meetings

Policy & Services Committee March 8, 2022

Schedule of Meetings

Public Letters to Council

AMENDED AGENDA ITEMS
Items that have been added/modified from the original publication of the agenda are listed below. Any corresponding materials are appended to the end of the initial packet. If full items have been added to the Agenda, they will be denoted with a number staring with AA, meaning Amended Agenda item.

2. Proclamation Honoring Bob Hoover Proclamation Added

3. Joint Study Session with the Utilities Advisory Commission Regarding SCAP Development and Implementation Late Packet Report

AA1. Discontinuation of Vaccination/Testing Checks at City Meetings
PUBLIC COMMENT INSTRUCTIONS

Members of the Public may provide public comments to teleconference meetings via email, teleconference, or by phone.

1. **Written public comments** may be submitted by email to city.council@cityofpaloalto.org.

2. **Spoken public comments using a computer** will be accepted through the teleconference meeting. To address the Council, click on the link below to access a Zoom-based meeting. Please read the following instructions carefully.
   A. You may download the Zoom client or connect to the meeting in-browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
   B. You may be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
   C. When you wish to speak on an Agenda Item, click on “raise hand.” The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
   D. When called, please limit your remarks to the time limit allotted.
   E. A timer will be shown on the computer to help keep track of your comments.

3. **Spoken public comments using a smart phone** will be accepted through the teleconference meeting. To address the Council, download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the Meeting ID below. Please follow the instructions B-E above.

4. **Spoken public comments using a phone** use the telephone number listed below. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. You will be asked to provide your first and last name before addressing the Council. You will be advised how long you have to speak. When called please limit your remarks to the agenda item and time limit allotted.

[CLICK HERE TO JOIN] Meeting ID: 362 027 238  Phone:1(669)900-6833
Meeting Date: 3/7/2022

Title: Joint Study Session with the Utilities Advisory Commission Regarding SCAP Development and Implementation

From: City Manager

Lead Department: City Clerk

This report will be a late packet report and will be made available on March 10, 2022.
Meeting Date: 3/7/2022

Title: Adoption of a Resolution Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency

From: Mahealani AhYun, Deputy City Clerk

Recommendation
Adopt a Resolution (Attachment A) authorizing the use of teleconferencing under Government Code Section 54953(e) for meetings of the Council and its committees due to the Covid-19 declared state of emergency.

Background
In February and March 2020, the state and the County declared a state of emergency due to the Covid-19 pandemic. Both emergency declarations remain in effect.

On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act, effective October 1, 2021, to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days.

AB 361, codified at California Government Code Section 54953(e), empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. (Gov. Code § 54953(e)(1).)

In addition, Section 54953(e)(3) requires that policy bodies using teleconferencing reconsider the state of emergency within 30 days of the first teleconferenced meeting after October 1, 2021, and at least every 30 days thereafter, and find that one of the following circumstances exists:

1. The state of emergency continues to directly impact the ability of the members to meet safely in person.

2. State or local officials continue to impose or recommend measures to promote social distancing.

**Discussion**

At this time, the circumstances in Section 54953(e)(1)(A) exist. The Santa Clara County Health Officer continues to recommend measures to promote outdoor activity, physical distancing and other social distancing measures, such as masking, in certain contexts. (See August 2, 2021 Order.) In addition, the California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures.

Accordingly, Section 54953(e)(1)(A) authorizes the City to continue using teleconferencing for public meetings of its policy bodies, provided that any and all members of the public who wish to address the body or its committees have an opportunity to do so, and that the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing are protected.

To comply with public health directives and promote public safety, Palo Alto policy bodies have been meeting via teleconference since March 2020. On September 27, 2021, Council considered the format for future Council, committee, and Board and Commission meetings. Council determined that beginning November 1, 2021, Council meetings would be conducted using a hybrid format that allows Council Members and the public to decide whether to attend in person, following masking and distancing protocols, or participate via teleconference. Council directed that Council
standing and ad-hoc committees and Boards and Commissions would continue meeting via teleconference through January 2022.

Adoption of the Resolution at Attachment A will make the findings required by Section 54953(e)(3) to allow the continued use of teleconferencing for Council meetings (for those Council Members who elect to participate remotely) and for Council standing and ad hoc committees. Each Board and Commission will consider and make similar findings.

ATTACHMENTS:

- **Attachment4.a:** Attachment A: Resolution Allowing Hybrid In-Person and Teleconferenced Meetings under Section 54953(e) (PDF)
Resolution No. _____

Resolution Making Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953(e)

RECITALS

A. California Government Code Section 54953(e) empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act so long as certain conditions are met; and

B. In March 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in effect; and

C. In February 2020, the Santa Clara County Director of Emergency Services and the Santa Clara County Health Officer declared a local emergency, which declarations were subsequently ratified and extended by the Santa Clara County Board of Supervisors, and those declarations also remain in effect; and

D. On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and

E. While federal, State, and local health officials emphasize the critical importance of vaccination and consistent mask-wearing to prevent the spread of COVID-19, the Santa Clara County Health Officer has issued at least one order, on August 2, 2021 (available online at here), that continues to recommend measures to promote outdoor activity, physical distancing and other social distancing measures, such as masking, in certain contexts; and

F. The California Department of Industrial Relations Division of Occupational Safety and Health (“Cal/OSHA”) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures; and

G. The Palo Alto City Council has met remotely during the COVID-19 pandemic and can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings while this emergency continues; now, therefore,
The Council of the City of Palo Alto RESOLVES as follows:

1. As described above, the State of California remains in a state of emergency due to the COVID-19 pandemic. At this meeting, the Palo Alto City Council has considered the circumstances of the state of emergency.

2. As described above, State and County officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings.

AND BE IT FURTHER RESOLVED, That for at least the next 30 days, meetings of the Palo Alto City Council and its committees will occur in a hybrid format, where both members of the policy body and members of the public may elect to be present in person, utilizing appropriate distancing and masking practices, or participate by teleconferencing technology. Such meetings of the Palo Alto City Council and its committees that occur using teleconferencing technology will provide an opportunity for any and all members of the public who wish to address the body its committees and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

FURTHER RESOLVED, That the City Clerk is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the Palo Alto City Council within the next 30 days. If the Palo Alto City Council does not meet within the next 30 days, the City Clerk is directed to place a such resolution on the agenda of the immediately following meeting of Palo Alto City Council.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

______________________________  _______________________________
City Clerk                        Mayor

APPROVED AS TO FORM:  APPROVED:

______________________________  _______________________________
City Attorney                      City Manager
Title: Adoption of a Resolution Amending the City’s 2020 Water Shortage Contingency Plan in Compliance With the State Water Resources Control Board’s January 4, 2022 Emergency Water Conservation Regulations and Implementing Stage I of Palo Alto’s Amended 2020 Water Shortage Contingency Plan

From: City Manager

Lead Department: Utilities

Recommended Motion
Staff recommends the Council adopt a Resolution amending the City’s 2020 Water Shortage Contingency Plan in compliance with the State Water Resource Control Board’s January 4, 2022 Emergency Water Conservation Regulations and implementing the water use restrictions in Stage I of Palo Alto’s Amended 2020 Water Shortage Contingency Plan.

Recommendation
Staff recommends the Council adopt a Resolution (Attachment A) amending the City’s 2020 Water Shortage Contingency Plan (Linked Document) and shown in redline (Linked Document) in compliance with the State Water Resource Control Board’s January 4, 2022 Emergency Water Conservation Regulations (Linked Document); and implementing the water use restrictions in Stage I of Palo Alto’s Amended 2020 Water Shortage Contingency Plan.

Executive Summary
California’s drought is ongoing and the City of Palo Alto’s (Palo Alto) water supplier, the San Francisco Public Utilities Commission (SFPUC), declared a local water shortage emergency by Resolution No. 21-0177 on November 23, 2021 calling for voluntary systemwide 10% water use reductions. The SFPUC serves retail customers in San Francisco as well as Palo Alto and 25 other customers (Wholesale Customers) in the Bay Area. Wholesale Customers’ collective voluntary water purchase cutback level is 13.7% from fiscal year (FY) 2019-2020 levels. Each Wholesale Customer has its own requested cutback level and Palo Alto’s voluntary water purchase cutback level is 7.96%. Palo Alto’s 2020 Water Shortage Contingency Plan (2020 WSCP) includes six stages of water...
shortage. Stage I is designed for cutbacks up to 10% and is the appropriate stage to implement.

On January 4, 2022, the State Water Resources Control Board (State Board) adopted an Emergency Water Conservation Regulation (January 4, 2022 Emergency Regulation) prohibiting certain wasteful water uses in order to preserve urban water supplies. Most of these wasteful water uses are already prohibited in Palo Alto by the eight permanent water use restrictions in Palo Alto Municipal Code (PAMC) 12.32.010. However, three of the prohibitions in the January 4, 2022 Emergency Regulation are not included in Palo Alto’s permanent water use restrictions. To comply with the January 4, 2022 Emergency Regulation, staff recommends adding the three requirements to Stage I of Palo Alto’s 2020 WSCP and implementing the water use restrictions in Stage I. The three additional restrictions are:

1) Prohibiting the application of potable water to hardscapes (except when health and safety are at risk); and
2) Prohibiting the application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain; and
3) Prohibiting the use of potable water for irrigation of ornamental turf on public street medians.

The attached resolution amends the City’s 2020 WSCP in compliance with the January 4, 2022 Emergency Regulation and implements the water use restrictions in Stage I of Palo Alto’s Amended 2020 WSCP. This action is consistent with the SFPUC’s request for voluntary water use reductions and the State Board’s January 4, 2022 Emergency Regulation.

**Background**

On April 21, May 10, July 8, 2021, and October 19, 2021 Governor Newsom issued proclamations declaring a drought emergency in all of the state’s 58 counties. On July 8, 2021 Governor Newsom issued Executive Order N-10-21 calling on all Californians to voluntarily reduce water use 15% from 2020 levels. Governor Newsom’s October 19, 2021 proclamation stated that the State Board may adopt emergency regulations, as it deems necessary, to supplement voluntary conservation by prohibiting certain wasteful water practices including:

- a. The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard-surfaced areas, except in cases where health and safety are at risk.
- b. The use of potable water that results in flooding or runoff in gutters or streets.
- c. The use of potable water, except with the use of a positive shut-off nozzle, for the individual private washing of motor vehicles.
d. The use of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain.

e. The use of potable water for irrigation of ornamental turf on public street medians.

f. The use of potable water for street cleaning or construction purposes, unless no other source of water or other method can be used or if necessary, to protect the health and safety of the public.

g. The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds which utilize recycled water.

On January 4, 2022, the State Board found that an emergency exists due to severe drought conditions and adopted an emergency regulation prohibiting certain wasteful water uses in order to preserve urban water supplies. Table 1 summarizes the prohibitions.

On November 23, 2021, the SFPUC declared a local water shortage emergency by Resolution No. 21-0177, per the California Water Code and called for voluntary systemwide 10% water use reduction. In accordance with the Water Supply Agreement\textsuperscript{1} Water Shortage Allocation Plan, SFPUC determined that 64\% of the available water supply is allocated to wholesale customers.\textsuperscript{2} The total water available to Wholesale Customers during Calendar Year 2022 is 113.7 million gallons per day (MGD), which represents a 13.7\% cutback from Wholesale Customers’ collective usage of 131.8 MGD during FY 2019-2020.\textsuperscript{3} The Bay Area Water Supply and Conservation Agency (BAWSCA) determined through the use of the “Tier 2 Drought Implementation Plan”\textsuperscript{4} that Palo Alto’s water purchase cutback is 7.96\% from FY 2019-2020 levels.\textsuperscript{5} SFPUC, Palo Alto and the other Wholesale Customers will make good faith efforts to reduce their water purchases to stay within their annual shortage allocations and associated monthly water use budgets. Palo Alto will receive a monthly report from SFPUC reflecting Palo Alto’s water usage compared to the monthly water budget beginning in February 2022 for the month of January 2022. During voluntary rationing, SFPUC will not impose excess use charges.

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\textsuperscript{1} Attachment H of the 2018 Amended and Restated Water Supply Agreement.

\textsuperscript{2} November 30, 2021 letter from SFPUC to BAWSCA titled “2021 Water Shortage Emergency Declaration.”

\textsuperscript{3} Attachment to January 3, 2022 letter from SFPUC to Wholesale Customers titled “2021 Declaration of Water Shortage – Final Emergency Monthly Water Budgets.”

\textsuperscript{4} The Wholesale Customers have negotiated and adopted the Tier Two Drought Implementation Plan (Tier Two), which allocates the collective Wholesale Customer share among each of the 26 Wholesale Customers. Tier Two is implemented when RWS shortages are between 10\% and 20\%. Tier Two allocations are based on a formula that takes into account multiple factors for each Wholesale Customer including Individual Supply Guarantee, seasonal use of all available water supplies, and residential per capita use.

\textsuperscript{5} In accordance with Attachment H of the 2018 Amended and Restated Water Supply Agreement, SFPUC provided monthly water budgets for the calendar year 2022 totaling 4,379,585 CCF, which is an 7.96\% cutback from Palo Alto’s FY 2019-2020 water purchases of 4,757,199 CCF.
Discussion
Palo Alto maintains eight permanent water use restrictions in the municipal code (12.32.010) that prohibit the following uses of water:

(a) Potable water shall not be allowed to flood or run off into gutters: driveways, sidewalks, streets or other unlandscaped areas.
(b) By means of a hose to wash cars, boats, trailers, buses or other vehicles or to wash sidewalks, building structures, other hard-surfaced areas or parts thereof without an operating automatic shut-off valve. Use of a hose for such purposes should be avoided whenever possible.
(c) Potable water for consolidation of backfill and other nondomestic uses in construction shall not be used if other water sources such as reclaimed water are available, as determined by the director of utilities or his or her designee. Applicants for hydrant permits from the city of Palo Alto shall be deemed to have consented to restrictions on water use which may be imposed by the director of utilities or his or her designee.
(d) Any broken or defective plumbing, sprinklers, watering or irrigation systems which permit the escape or leakage of water shall be repaired or replaced as soon as possible, but no later than the date established by the director of utilities, or his or her designee, as reasonable after observation of the broken or defective system.
(e) The irrigation of turf or ornamental landscapes, which serve purely decorative purposes, and are distinguished from trees, edible gardens or landscapes that provide more than a purely aesthetic function, with potable water shall not be allowed between 10:00 a.m. and 6:00 p.m., except via hand watering with a bucket or a hose with an operating shut-off valve.
(f) The use of potable water in a fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system.
(g) The use of potable water for street sweepers and washers is prohibited if non-potable water is available, as determined by the Director of Utilities, or his or her designee.
(h) Commercial car washes must use recycled water systems, if recycled water is available, as determined by the Director of Utilities, or his or her designee, and economically feasible.
Additionally, Palo Alto has a plan to achieve various levels of water use reduction. This 2020 WSCP was approved by Council on June 7, 2021 (Resolution 9965). The 2020 WSCP includes six stages of water shortage and includes a suite of water use restrictions available for Council’s consideration in droughts. Stage I – “Minimum Water Supply Shortage” of the 2020 WSCP applies when target water savings are in the range of up to 10%. This stage includes ongoing informational outreach and audit programs on water saving information.

Staff recommends revising the 2020 WSCP to include all the prohibitions in the State Board’s January 4, 2022 Emergency Regulation and implementing all of the provisions in the revised Stage I The additional restrictions are:

1) Prohibiting the application of potable water to hardscapes (except for health and safety); and
2) Prohibiting the application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain; and
3) Prohibiting the use of potable water for irrigation of ornamental turf on public street medians.

The State Board has expressed an intent to allow communities to continue to irrigate trees on public street medians, in recognition of the social and environmental benefits trees provide. Palo Alto plans to ensure tree health while implementing the prohibition on the use of potable water for irrigation of ornamental turf on public street medians by turning off sprinklers that are located away from trees. While there are two medians in Palo Alto with both trees and turf (Forest Avenue island and Oregon Expressway between Cowper and Greer), only the Oregon Expressway median includes ornamental turf. That median is located on county land that is maintained by Palo Alto. The Forest Avenue island turf is not ornamental because it is used for recreation purposes.

Table 1 compares the prohibitions in the January 4, 2022 Emergency Regulations with Palo Alto’s existing and proposed water use regulations.

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<table>
<thead>
<tr>
<th>Prohibitions in January 2022 State Board Emergency Regulations</th>
<th>City of Palo Alto’s Existing and Proposed Water Use Restrictions</th>
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<tbody>
<tr>
<td>Section 995, Subdivision (b)(1)(A) prohibits the application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.</td>
<td>Permanent water use restriction: Palo Alto Municipal Code (PAMC) Section 12.32.010 (a) “Potable water shall not be allowed to flood or run off into gutters: driveways, sidewalks, streets or other unlandscaped areas.”</td>
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<tr>
<td>Section 995, Subdivision (b)(1)(B) prohibits the use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.</td>
<td>Permanent water use restriction: PAMC Section 12.32.010 (b) “By means of a hose to wash cars, boats, trailers, buses or other vehicles or to wash sidewalks, building structures, other hard-surfaced areas or parts thereof without an operating automatic shut-off valve. Use of a hose for such purposes should be avoided whenever possible.”</td>
</tr>
<tr>
<td>Section 995, Subdivision (b)(1)(C) prohibits the use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas, except in cases where health and safety are at risk.</td>
<td>Listed in the 2020 WSCP Stage II as an additional restriction available for Council’s consideration in droughts or other water supply shortages: &quot;(t)he application of potable water to driveways and sidewalks is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency. &quot;Staff proposes adding each of the hardscapes listed in the Regulation as well as moving this to Stage I as an additional restriction in compliance with State Board’s January 4, 2022 Emergency Regulation. The restriction would now read &quot;(t)he application of potable water to driveways, and sidewalks, buildings, structures, patios, parking lots, or other hard surfaced areas is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.”</td>
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<tr>
<td>Prohibitions in January 2022 State Board Emergency Regulations</td>
<td>City of Palo Alto’s <em>Existing</em> and Proposed Water Use Restrictions</td>
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<tr>
<td>Section 995, Subdivision (b)(1)(D) prohibits the use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public.</td>
<td>Permanent water use restriction <em>PAMC Section 12.32.010</em> (c) &quot;Potable water for consolidation of backfill and other nondomestic uses in construction shall not be used if other water sources such as reclaimed water are available, as determined by the director of utilities or his or her designee. Applicants for hydrant permits from the city of Palo Alto shall be deemed to have consented to restrictions on water use which may be imposed by the director of utilities or his or her designee&quot;; and (g) &quot;The use of potable water for street sweepers and washers is prohibited if non-potable water is available, as determined by the Director of Utilities, or his or her designee.&quot;</td>
</tr>
<tr>
<td>Section 995, Subdivision (b)(1)(F) prohibits the application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision.</td>
<td>Listed in the 2020 WSCP Stage II as an additional restriction available for Council’s consideration in droughts or other water supply shortages. Staff proposed moving this to Stage I as an additional restriction in compliance with State Board’s January 4, 2022 Emergency Regulations and add one fourth of one inch of rain requirement.</td>
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<tr>
<td>Section 995, Subdivision (b)(1)(G) prohibits the use of potable water for irrigation of ornamental turf on public street medians.</td>
<td>New restriction not listed in the WSCP. Add as a Stage I restriction in compliance with the State Board’s January 4, 2022 Emergency Regulations.</td>
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</table>

Section 995(c) of the State Board’s January 4, 2022 Emergency Regulation prohibits homeowners’ associations, community service organizations, and similar entities from imposing or threatening to impose penalties for reducing watering of lawns or from requiring owners to reverse or remove landscaping measures in response to a declared drought emergency. Palo Alto added a description of this requirement on its website to assist with communicating this requirement to community members.

Similarly, Section 995(d) of the State Board’s January 4, 2022 Emergency Regulation prohibits any city, county, or city and county, from imposing a fine under any local maintenance ordinance or other relevant ordinance as prohibited by section 8627.7 of
the Government Code. Palo Alto staff have communicated across departments that any fines under any local maintenance ordinances are prohibited.

**Enforcement**

While Section 995(e) of the Emergency Regulation permits local agencies to impose fines for non-compliance, the Board encourages local agencies to consider alternatives as well. As such, Palo Alto will continue to focus on education and outreach and providing resources to eliminate water waste and achieve efficient water use. Palo Alto’s enforcement of the restrictions and requirements outlined in Stage I of the amended 2020 WSCP shall follow the education-based process outlined in Resolution 9460 (Attachment E).

Although efforts are currently focused on educating customers, a variety of enforcement options remain available for violations of any of the City’s water use restrictions in the City’s Municipal Code and Utilities Rules and Regulations including the installation of flow restrictors and termination of service. The following process when addressing violations of the City’s existing water use restrictions and SWRCB regulations will continue prior to the more drastic options listed above:

- 1st Violation: Doorhanger/Email/Phone call to customer
- 2nd Violation: Doorhanger/Email/Phone call to customer
- 3rd Violation: Certified letter from the Utility Director notifying customer of violation and potential future fines
- 4th Violation: Fines

The steps outlined above recognize that most violations occur because customers are unaware of the prohibitions. The notification process accounts for normal occurrences (i.e., vacation) and provides reasonable notice and an opportunity for customers to mitigate the problem. The ultimate goal will remain reduced water waste.

Water waste is prohibited in Palo Alto and may be reported via email (drought@cityofpaloalto.org), by leaving a voicemail (650) 496-6968 or via Palo Alto 311.

**Timeline**

SFPUC’s 10% voluntary system-wide water use reductions are in effect until the SFPUC lifts the water shortage emergency. The State Board’s January 4, 2022 Emergency Regulations are expected to become effective on or about January 15, 2022 when filed with the Secretary of State by the Office of Administrative Law. The regulation will remain in effect for one year from the effective date, unless the State Board determines it is no longer necessary, modifies it, or renews the regulation.

Following Council approval, staff will coordinate to ensure that all involved staff (e.g., Utilities, Public Works, Development Services, Community Services, and Fire) are
informed of the additional water use restrictions. The term of the City’s Resolution will remain in effect while the State Board’s Emergency Regulation is effective, which is expected to be for one year from the effective date, and/or while the SFPUC’s declared water shortage emergency is in effect, or as directed by Council. When the SFPUC lifts the water shortage emergency or a higher stage of conservation is needed from the City’s 2020 WSCP, or if the State Board determines that the January 4, 2022 Emergency Regulation is no longer necessary, modifies it, or renews the regulation, staff may return to the City Council to implement a higher stage of the City’s Amended 2020 WSCP or make further modifications, as necessary.

**Resource Impact**
The Stage I outreach and water use restrictions described above and included in the attached resolution will be accomplished within existing staff resources.

**Environmental Review**
Council’s adoption of the proposed resolution amending the City’s 2020 Water Shortage Contingency Plan does not constitute a project under the California Environmental Quality Act and California Water Code Section 10652, and no environmental assessment is required.

**Attachments:**
- **Attachment5.a:** Attachment E: Resolution 9460 Establishing Enforcement Process for Violations of the Three Outdoor Water Use Restrictions
- **Attachment5.b:** Attachment A: Resolution Amending the City’s 2020 Water Shortage Contingency Plan
Resolution No. 9460
Resolution of the Council of the City of Palo Alto Establishing the Enforcement Process For Violations of the Three Outdoor Water Use Restrictions Adopted by Council on August 4, 2014 (Resolution 9449)

RECITALS

A. On January 17, 2014, Governor Edmund G. Brown Jr. issued Proclamation No. 1-17-2014 declaring a State of Emergency to exist in California due to severe drought conditions and calling on Californians to reduce their water usage by 20 percent.

B. On April 25, 2014, the Governor issued an Executive Order to strengthen the state’s ability to manage water and directed the State Water Resources Control Board (SWRCB) under its authority in California Water Code Section 1058.5 to adopt emergency regulations as it deems necessary to address water shortage conditions.

C. On July 15, 2014, the State Water Resources Control Board adopted California Code of Regulations, Title 23, Sections 863, 864, and 865, emergency regulations finding a drought emergency in California and imposing water conservation measures on individuals and water suppliers.

D. On August 4, the City Council adopted Resolution 9449, implementing outdoor water use restrictions in compliance with the SWRCB emergency directive.

E. The City has implemented an education-based compliance plan and is working with customers to fully comply with the SWRCB water use restrictions.

F. Chapter 12 of City’s Municipal Code, City Utilities Rule and Regulation 21, and the Council-approved Urban Water Management Plan include a variety of tools to encourage responsible management of the City’s water resources.

G. Violations of the City’s water use restrictions codified in Chapter 12.32 of the Palo Alto Municipal Code, are enforceable as misdemeanors, infractions, administrative penalties, or via the written warning and flow restrictor process outlined in Municipal Code Section 12.32.020(a) through (f).

H. Violations of the City’s Utilities Rules and Regulations prohibiting water waste, codified in Rule and Regulation 21, are also enforceable via administrative citations of $500 per day.

I. Violations of the State’s emergency water use regulations are enforceable by fines of up to $500 per day, under California Code of Regulations, Title 23, Section 864(b).

J. The City wishes to establish an enforcement procedure for violations of the three water use restrictions adopted by Resolution 9449 (Exhibit A), by directing staff to first attempt to achieve compliance via educational outreach, followed by the issuance of fines of $100 per violation per day for willful or repeated violations.

The Council of the City of Palo Alto RESOLVES as follows:
SECTION 1. Findings:

A. Article 10, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare.

B. Governor Brown issued emergency water shortage declarations on January 17 and April 25, 2014, and conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare.

C. City regulation of the time and manner of certain water use, design of rates, method of application of water for certain uses, and establishment of enforcement procedures for violations of water use restrictions are an effective and immediately available means of conserving water, and is authorized by Palo Alto Municipal Code Section 12.20.010.

SECTION 2. Violations of the following Council-adopted outdoor water use restrictions (Resolution 9449) are punishable by fines of $100 per violation:

a. No outdoor irrigation of ornamental landscapes or turf with potable water is permitted between the hours of 10am and 6pm, except for drip irrigation, soaker hoses and hand watering;

b. The application of potable water to driveways and sidewalks is prohibited, except where necessary to address an immediate health and safety need or to comply with a term and condition in a permit issued by a state or federal agency; and

c. The use of potable water in a fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system.

SECTION 3. Each day that a violation of the outdoor water use restrictions described in Section 2 occurs is a separate offense.

SECTION 4. Utilities Department staff shall take primary responsibility for enforcement of the outdoor water use restrictions adopted by Resolution 9449 and described in Section 2, above.

SECTION 5. While nothing in this resolution is intended to limit or otherwise restrict the potential application of all available civil and criminal penalties for violations of the state and local water use restrictions described herein, Council recognizes the value of an education-based approach in encouraging water conservation. Therefore, Council directs staff to first attempt to achieve compliance by providing customers reasonable notice of the alleged violation and an opportunity to correct the problem, before issuing fines for willful and repeated violations.

SECTION 6. If fines are ultimately imposed, the person or persons to whom notice was provided shall have five business days from the date of service of the notice to request a hearing before the city manager or his/her designee in order to present any facts or arguments they may have as to why fines should not be imposed. If a hearing is requested, the city manager or his/her designee shall schedule a date and time for said hearing as soon as possible after the request is filed, but not later than five business days after the filing of such request for hearing. At the hearing, the person who received notice of the water use restriction violation may offer evidence as
to why a fine should not be imposed. Utilities personnel shall be allowed to offer whatever evidence they may have as to why the fine should be imposed. The city manager or his/her designee shall make a final determination as to whether or not a fine shall be imposed.

SECTION 7. This resolution will go into effect immediately and will remain in effect for the 270 day term set by the State Water Resources Control Board for the SWRCB's July 15, 2014 emergency water regulations, as extended by the SWRCB, or as directed by Council.

SECTION 8. Council's adoption of the proposed Outdoor Water Use Restrictions is categorically exempt from CEQA under CEQA Guidelines 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).

INTRODUCED AND PASSED: September 15, 2014

AYES: BERMAN, BURT, HOLMAN, KLEIN, KNISS, PRICE, SCHARFF, SCHMID, SHEPHERD

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

Senior Deputy City Attorney

APPROVED:

City Manager

Director of Utilities

Director of Administrative Services
Resolution No. 9449
Resolution of the Council of the City of Palo Alto Implementing Outdoor Water Use Restrictions in Compliance with the State Water Resources Control Board’s July 15, 2014 Emergency Drought Regulations

REcITALS

A. On January 17, 2014, Governor Edmund G. Brown Jr. issued Proclamation No. 1-17-2014 declaring a State of Emergency to exist in California due to severe drought conditions and calling on Californians to reduce their water usage by 20 percent.

B. On April 25, 2014, the Governor issued an Executive Order to strengthen the state’s ability to manage water and directed the State Water Resources Control Board (SWRCB) under its authority in California Water Code Section 1058.5 to adopt emergency regulations as it deems necessary to address water shortage conditions.

C. On July 15, 2014, the State Water Resources Control Board adopted California Code of Regulations, Title 23, Sections 863, 864, and 865, emergency regulations finding a drought emergency in California and imposing water conservation measures on individuals and water suppliers.

D. Section 864 applies to all Californians and prohibits certain activities in promotion of water conservation, many of which are already required by Palo Alto Municipal Code 12.32.010.

E. Section 865 requires mandatory outdoor irrigation restrictions and reporting by water suppliers, including urban water suppliers like the City of Palo Alto.

F. The City of Palo Alto receives 100% of its potable supplies from the San Francisco Public Utilities Commission (SFPUC).

G. The SFPUC has requested a 10% voluntary water consumption reduction in response to the drought and their determination of available supplies in the regional water system.

H. The SFPUC has not declared a water shortage emergency nor imposed mandatory cutbacks upon Palo Alto or any of SFPUC’s wholesale customers.

I. The City of Palo Alto has responded to SFPUC’s voluntary water consumption reduction request and has achieved an approximate 17% reduction in water use relative to 2013.
J. The City’s Municipal Code and Urban Water Management Plan (approved by the City Council on June 13, 2011) include a Water Shortage Contingency Plan and other tools to encourage responsible management of the City’s water resources.

K. The City supports the SWRCB’s efforts to encourage conservation, with an emphasis on outdoor water use, to the extent it may do so within the context of its Council-approved Urban Water Management Plan and the Palo Alto Municipal Code.

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. The following outdoor water use restrictions are hereby adopted, in compliance with the State Water Resources Control Board’s July 15, 2014 emergency drought regulations (collectively, the “Outdoor Water Use Restrictions”):

a. No outdoor irrigation of ornamental landscapes or turf with potable water is permitted between the hours of 10am and 6pm, except for drip irrigation, soaker hoses and hand watering;
b. The application of potable water to driveways and sidewalks is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency; and
c. The use of potable water in a fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system.

SECTION 2. The Council finds that the Outdoor Water Use Restrictions implemented as a result of this action were taken from Stage II of the City’s Water Shortage Contingency Plan, which is itself a part of the City’s Urban Water Management Plan, approved by the Department of Water Resources July 8th, 2014. The Outdoor Water Use Restrictions are intended to complement the City’s existing and permanent water use restrictions, codified in Palo Alto Municipal Code Section 12.32.010.

SECTION 3. The Council finds that adoption of the Outdoor Water Use Restrictions meets the requirements of California Code of Regulations, Title 23, Section 865(b)(1).

SECTION 4. The Outdoor Water Use Restrictions will remain in effect for the 270 day period specified in SWRCB Resolution No. 2014-0038, or as extended by the SWRCB.

SECTION 5. Council directs staff to further promote water conservation by preparing and submitting to the SWRCB the monitoring reports described in California Code of Regulations, Title 23, Section 865(d). Council also directs staff to monitor compliance and to explore increased enforcement in the event the desired response is not being achieved.
SECTION 6. Council’s adoption of the proposed Outdoor Water Use Restrictions is categorically exempt from CEQA under CEQA Guidelines 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).

INTRODUCED AND PASSED: August 4, 2014

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

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

[Signature]
City Clerk

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Senior Deputy City Attorney

APPROVED:

[Signature]
City Manager

[Signature]
Director of Utilities

[Signature]
Director of Administrative Services
Resolution No. __________
Resolution of the Council of the City of Palo Alto Amending the City’s 2020 Water Shortage Contingency Plan in Compliance with the State Water Resources Control Board’s January 4, 2022 Emergency Water Conservation Regulation

RE C I TA L S

A. Governor Newsom has issued four proclamations dated April 21, May 10, July 8, and October 19, 2021 and Executive Order N-10-21 on July 8, 2021 declaring a drought emergency in all of the state’s 58 counties and called on all Californians to voluntarily reduce water use 15% from 2020 levels.

B. On November 23, 2021, San Francisco Public Utilities Commission (SFPUC) declared a local water shortage emergency per the California Water Code (Division 1, Chapter 3, 350-359), called for voluntary systemwide 10% water use reduction, and authorized the General Manager to implement actions under the SFPUC’s 2020 Water Shortage Contingency Plan.

C. The City receives 100% of its potable supplies from the San Francisco Public Utilities Commission (SFPUC). Palo Alto’s share of the amount of water allocated to the Wholesale Customers collectively is 7.89%, and Palo Alto’s water purchase cutback from FY 2019-2020 levels is 7.96% for Calendar Year 2022.

D. The City has responded to the Governor’s voluntary water consumption reduction request and achieved an approximate 10% reduction in water use from July 1 - December 31, 2021 relative to 2020.

E. On January 4, 2022, the State Water Resources Control Board (State Board) adopted an Emergency Water Conservation Regulation prohibiting certain wasteful water uses in order to preserve urban water supplies.

F. While most of these prohibitions are already included in the Palo Alto’s municipal code (Section 12.32.010), three of the prohibitions are not.

G. In order to address the SFPUC’s declaration of a water shortage emergency, to comply with the State Board’s Emergency Water Conservation Regulation and to ensure consistency with Palo Alto’s Water Shortage Contingency Plan (WSCP) adopted by the Council via Resolution 9965 on June 7, 2021, staff proposes modifying the WSCP to include the State Board’s additional restrictions and to make them applicable during Stage I of the City’s WSCP.
While a variety of civil and criminal enforcement procedures are available to the City to prevent the waste and unreasonable use of water, the City wishes to continue the education-based enforcement procedure established by Resolution 9460 for violations of the water use restrictions referred to in Section 2 below, by directing staff to first attempt to achieve compliance via educational outreach, followed by the issuance of fines of $100 per violation per day for willful or repeated violations.

I. The City Council held a public hearing on the proposed amendment to the WSCP on INSERT DATE, the City Clerk having first duly given notice of the hearing as required by Government Code Section 6061.

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. Findings

A. Article 10, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare.

B. Conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare.

C. Under Water Code section 10632(a)(10) the Council has the authority to evaluate the functionality of the WCSP in order to ensure appropriate water shortage mitigation strategies are implemented as needed.

D. Amending the City’s 2020 Water Shortage Contingency Plan will address the SFPUC’s November 23, 2021 declaration of a water shortage emergency, and comply with the State Board’s January 4, 2022 Emergency Water Conservation Regulation, while maintaining the City’s existing and permanent water use restrictions, codified in Palo Alto Municipal Code Section 12.32.010.

SECTION 2. Appendix H, “Water Use Restrictions” and Table 24 “WSCP Summary” of the amended 2020 Water Shortage Contingency Plan are hereby amended and adopted, as attached and incorporated.


SECTION 4. The water use restrictions in Stage I of the amended 2020 Water Shortage Contingency Plan will remain in effect while the State Board’s Emergency Regulation is
effective, which is expected to be for one year, and while the SFPUC’s declared water shortage emergency is in effect, or as directed by Council.

SECTION 5. Enforcement of the restrictions and requirements outlined in Stage I of the amended 2020 Water Shortage Contingency Plan shall follow the education-based process outlined in Resolution 9460.

SECTION 6. Council’s adoption of this resolution amending the 2020 Water Shortage Contingency Plan does not constitute a project under the California Environmental Quality Act and California Water Code Section 10652, and no environmental assessment is required.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

____________________________________  ______________________________________
City Clerk  Mayor

APPROVED AS TO FORM:

____________________________________  ______________________________________
Assistant City Attorney  City Manager

____________________________________
Director of Utilities

____________________________________
Director of Administrative Services
Meeting Date: 3/7/2022

Title: Parks and Recreation Commission (PRC) recommends that Council Direct Staff and the PRC to Assess and Conduct Public Outreach on a new Community Gymnasium Project in Palo Alto

From: City Manager

Lead Department: Community Services

Recommended Motion
The Parks and Recreation Commission recommends that City Council direct staff and the Parks and Recreation Commission (PRC) to assess and conduct public outreach on a new gym project, including location, site considerations, gym features and requirements, construction and operations costs, funding timeline, demand assessment, and prioritization of projects.

Background
The City of Palo Alto does not own a gymnasium (gym). There are two small gyms and a recreational court pavilion at Cubberley Community Center, which is owned by Palo Alto Unified School District. The City leases these gym spaces from the School District and makes them available to community groups for recreation purposes. There are no locker rooms, weight rooms, or meeting space available in these gyms. The demand for gym space is high; these gyms are almost always reserved in the afternoon and evenings every day of the week.

The 2017 Parks, Trails, Natural Open Space and Recreation Master Plan (Parks Master Plan), discusses the importance of gym space and notes that planning, designing, and constructing a new public gym as a major project that needs further study and strategic funding. The Parks Master Plan also notes that the limited number of gyms available to the public and the lack of a City-owned gym complicate the expansion of most sports programs. During the community outreach process for the Parks Master Plan, gym facilities were identified as highly desired by the community.

The Parks Master Plan states the following regarding gyms:
- As of means of responding to growth and to maintain, expand, and provide future programming, at least one multi-purpose gymnasium is recognized as a community need.
Increasing sports facilities, sharing of facilities, and adjusting facility scheduling should be investigated.

Sports programs, particularly middle school athletics and adult sports, are operating over capacity, with full teams and waitlists for most offerings. These programs are not easily expanded, as they rely on limited gym and field space.

The highest participation in City programs is in sports (adult and youth), aquatics (youth and teen) and day camps. Continued demand for these program areas is anticipated, and program offerings should respond to this demand. The current policy of “everyone plays” is widely supported for middle school athletics. Since limited gym and field space makes it difficult to expand these programs, the City and PAUSD should consider additional facilities or improved scheduling to maximize student involvement.

Intramural sports provide the opportunity for children to learn a new sport, develop social skills, practice teamwork and build friendships. They also promote an active and healthy lifestyle. Palo Alto will explore creating an intramural sports program for middle and high school students. Implementation of intramurals will require coordination with PAUSD and would require additional field and gym space.

Discussion
An Ad Hoc Committee of the Parks and Recreation Commission (PRC) prepared a memo to the full Commission describing the need for a recreational gym in Palo Alto (Park Memo). On November 17, 2021, the PRC discussed adding a new Palo Alto gym and voted unanimously to pass the following motion:

The Parks and Recreation Commission supports investigating a plan, design, and construction of a new public gymnasium, consistent with the Parks Master Plan. The Commission requests City Council to direct staff and the Commission to assess and conduct public outreach on a new gym project, including location, site considerations, gym features and requirements, construction and operations costs, funding timeline, demand assessment, and prioritization of projects. Feasibility is based upon privately funded construction and operation. A status update will be provided to City Council during calendar year 2022.

The PRC explored several potential locations for a new gym and noted that the two most promising sites are the Baylands Athletic Center, which includes 10.5 acres that became available after the golf course was reconfigured, and the Ventura neighborhood, which has long been identified as deficient in recreational amenities and is currently the focus of its own master plan process. The potential location of a new gym was discussed extensively by the PRC and additional information of all sites discussed can be found in the PRC’s memo referenced above; this list is not exhaustive nor limiting to the exploration process staff would begin if directed.

In December 2021, a donor, Mr. John Arrillaga, contacted City staff about an interest in
providing major funding and constructing a new gym. Through his philanthropy, Mr. Arrillaga established a project development model, previously implemented with the County of San Mateo, that would enable an expedited gym design and construction process. In January 2022, staff received the devastating news that the donor had passed away, making this model no longer possible. Mr. Arrillaga’s philanthropy in Palo Alto, Stanford and the Bay Area left an extraordinary legacy, and the City is grateful for his offer to make what would have been among his last major gifts toward youth and families.

If Council is interested in exploring the PRC’s recommendation to assess a new gym project, staff would return to Council at a future date with results of any assessments and studies conducted such as location limitations and constraints, construction and operations costs, and the likelihood of securing donors or partnerships.

**Timeline**
If the recommended action is approved, staff and the PRC would begin working on Council’s direction immediately.

**Resource Impact**
The initial resource impact would consist primarily of staff time. Additional research will be required to determine the costs of community outreach, planning, design, construction, and ongoing operations and maintenance of a new gym.

There are several other projects under way or planned in the next few years that will compete for limited staff resources if Council directs staff to prioritize work on a new gym project. Those projects that may be impacted due to the scarcity of time and resources include:

- Partnership with the First Tee of Silicon Valley to improve the Baylands Golf Links youth practice area
- Community outreach on a new skatepark
- Foothill Nature Preserve Infrastructure Improvements
- Animal Shelter Improvements
- New dog park
- New park restroom
- Byxbee Park Improvement
- Boulware Park Improvement
- Cameron Park Improvement
- Ramos Park Improvement
- New history museum/Roth Building

In addition, funding for the City’s financial support of both construction and non-construction costs as noted above would need to be identified as part of the near term of the five-year capital improvement plan. This would require prioritizing this project as
an immediate funding need versus other planned projects as noted above in addition to the prioritization of staff time.

**Policy Implications**
Plan, design and construct a new gymnasium is identified in the Parks Master Plan as a major project that needs further study and strategic funding.

**Stakeholder Engagement**
On November 17, 2021, the Parks and Recreation Commission (PRC) discussed adding a new Palo Alto gym.

**Environmental Review**
This action is statutorily exempt from CEQA per CEQA regulation 15262 as it is only a feasibility or planning study for possible future action.
DATE: March 7, 2022
TO: City Council Members
FROM: Council Member Kou, Council Member Burt
SUBJECT: COLLEAGUE’S MEMO FROM VICE MAYOR KOU AND MAYOR BURT: RECOGNIZING KEY DATES TO ADVANCE RACE AND EQUITY

Issue

The City of Palo Alto strives to be a welcoming and inclusive community for people of all backgrounds and ethnicities. In November 2020, the Council made an important commitment to the City’s equity goals by its adoption of an Equity Mission Statement:

The City of Palo Alto is committed to creating a respectful, fair, and professional workplace and city. We will identify prejudices, eliminate inequities, welcome many perspectives, and use a collaborative approach to create an environment that works for everyone. The City’s commitment to achieve equity in Palo Alto is the shared responsibility of our residents, organizations, governments, and other institutions.

To help meet those goals, the City should pursue opportunities to recognize and embrace our diversity and civil rights, and oppose hate crimes. As a next step, we should formally recognize and celebrate significant multicultural dates and months to promote equality, honor diversity and oppose racism.

Background Discussion

Unfortunately, we are too frequently reminded that significant challenges remain in our society, and some of the recent national political environment has undermined our mission of inclusion. Federal studies have shown a troubling growth in hate crimes nationally in recent years with hate incidents becoming an increasing concern locally and regionally. Recognition of historic leaders and events provides an important

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1 https://www.cityofpaloalto.org/City-Hall/Hot-Topics/Race-Equity
opportunity to increase community awareness and for us to acknowledge the struggles and accomplishments of groups who have been fundamental to the development of American society.

**Juneteenth** – On January 1, 1863, President Abraham Lincoln’s *Emancipation Proclamation* declared freedom for enslaved Americans in the Confederacy and that the war for the Union must be a war for freedom, codifying the moral force to the Union cause. The Emancipation Proclamation has assumed a place among the great documents of human freedom.

June 19th, 1865 has become recognized as when freedom was obtained in the last locations of the south and Juneteenth has become a symbolic date of African American freedom.

**Cesar Chavez and Dolores Huerta** - On March 28, 2014, President Barack Obama used his authority to proclaim each March 31st as Cesar Chavez Day, a federal commemorative holiday. It celebrates the birth and legacy of the civil rights and labor movement activist, Cesar Chavez, and of the fight for Latino rights. With dedication and selflessness, Cesar Chavez and his full partner, Dolores Huerta, co-founded what became the United Farm Workers, along with Larry Itliong who led the Filipino farmworker movement on behalf of Asian rights. They fought for farm workers’ rights, economic justice, and civil rights.

When President Bill Clinton awarded Chavez the Medal of Freedom posthumously in 1994, he declared, “The farm workers who labored in the fields and yearned for respect and self-sufficiency pinned their hopes on this remarkable man who, with faith and discipline, soft spoken humility and amazing inner strength, led a very courageous life”

We want to recognize Dolores Huerta, one of our leading civil and women’s rights activists to this day, as a full partner in the movement with Chavez. They were farm workers from childhood who “possessed a deep personal understanding of the plight of migrant workers and labored all his years to lift their lives.”

Chavez’s successor, UFW President Arturo Rodriguez said, “Every day in California and in other states where farm workers are organizing, Cesar Chavez lives in their hearts. Cesar lives wherever Americans’ he inspired work nonviolently for social change.”

**October 11th Christopher Columbus Day change to Indigenous Peoples’ Day**

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3 https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation
5 https://ufw.org/research/history/story-cesar-chavez/
On October 8, 2021, President Joe Biden became the first U.S. President to formally recognize the holiday, by signing a presidential proclamation declaring October 11, 2021 to be a national holiday.6

Palo Alto and much of our region are located on the traditional lands of the indigenous Ohlone people who were subjugated and often enslaved under the Spanish government in the late 18th and early 19th centuries, followed by oppression and massacres after California statehood.

**Asian American Pacific Islander (Native Hawaiian) AAPI(NH)**

May is Asian, American, Pacific Islander (AAPI) Heritage Month, a celebration of Asians and Pacific Islanders in the United States. AAPI Heritage commemoration was first proposed in 1977 to observe the immigration of the first Japanese to the United States (May 7, 1843), and the completion of the transcontinental railroad, constructed mainly by Chinese immigrant workers (May 10, 1869). In 1978, President Carter made it an annual week-long event and President George H.W. Bush extended the proclamation to include the entire month of May.

On May 28, 2021, President Biden established the White House Initiative on Asian Americans, Native Hawaiians and Pacific Islanders7 (AA and NHPI). This new Initiative is charged with driving an ambitious, whole-of-government agenda to advance equity, justice, and opportunity for AA and NHPI communities.

**Recommendation**

To promote our commitment to equality, honor diversity, and oppose racism, the City of Palo Alto can formally recognize and celebrate the following dates as continuing reminders of hard-fought freedoms and to promote racial reconciliation and that all persons are created equal.

- June 19th as “Juneteenth”
- May 31st as “Cesar Chavez and Dolores Huerta Day”
- October 11th as “Indigenous People’s Day”8
- Proclaim May as “Asian American, Native Hawaiian and Pacific Islander Heritage Month”

This memo does not propose new City holidays at this time. Staff advises that designation of City holidays may have fiscal and regulatory effects, as described below under “Resource Impact.” In order to allow staff to develop recommendations for how best to address these issues, we recommend that Council take the following actions:

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• Direct staff to return with a Resolution recognizing Juneteenth, Cesar Chavez and Dolores Huerta Day, and Indigenous People’s Day as dates of historic significance, and May as Asian American Pacific Islander Native Hawaiian Heritage Month.

• Direct staff to explore with the City’s labor groups to agree upon appropriate means of recognition for these dates.

**Resource Impact**

There is no significant resource impact for renaming an existing City holiday or through observation of a commemorative month (besides any planned events within that month). Designation by Ordinance or Resolution would be appropriate and will be prepared for subsequent Council action.

While this memorandum does not recommend determination of an additional holiday, the below information is provided for Council context and consideration.

City holidays are designated in the Palo Alto Municipal Code Sections 2.08.100, and a designation as a City holiday determines whether “municipal business” is to be suspended. Staff estimates that total payroll on a holiday at current compensation structure and staffing level is approximately $635,000; it would be approximately $735,000 if fully staffed in all funds (approximately 67 percent of this would be General Fund). However, the actual impact of an additional holiday is the loss of a municipal business day plus the incremental financial cost of approximately $100,000 to $120,000 for holiday-specific compensation. In addition, City holidays typically suspend some on-street parking regulations as well as permitted construction and other noise-generating activities. Staff would meet and confer with the City’s employee bargaining units to determine effects on work schedules and employee benefits.
This is a courtesy notice only. Meeting dates, times, and locations are subject to change. Almost all Palo Alto Council and some Standing Committee meetings are cablecast live on Channel 26. If there happens to be concurrent meetings, one meeting will be broadcast on Channel 29.

Starting March 1, meetings will be held in person and by virtual teleconference

MONDAY, FEBRUARY 28
Sp. City Council Meeting, 5:00 p.m.

TUESDAY, MARCH 1
Sp. Finance Committee Meeting, 5:30 p.m.

WEDNESDAY, MARCH 2
Sp. Utilities Advisory Committee Meeting, 6:00 p.m.

THURSDAY, MARCH 3
Architectural Review Board Meeting, 8:30 a.m.

MONDAY, MARCH 7
Sp. City Council Meeting, 5:00 p.m.

TUESDAY, MARCH 8
Policy & Services Committee Meeting, 7:00 p.m.

WEDNESDAY, MARCH 9
Sp. City Council Meeting – Board and Commission Interviews, 2:00 p.m.
Planning & Transportation Commission Meeting, 6:00 p.m.

THURSDAY, MARCH 10
Historic Resources Board Meeting, 8:30 a.m.
Human Relations Commission Meeting, 6:00 p.m.

MONDAY, MARCH 14
Sp. City Council Meeting, 5:00 p.m.

TUESDAY, MARCH 15
Sp. Finance Committee Meeting, 5:30 p.m.

THURSDAY, MARCH 17
Architectural Review Board Meeting, 8:30 a.m.
City/School Liaison Committee Meeting, 8:30 a.m.
Public Art Commission Meeting, 7:00 p.m.

MONDAY, MARCH 21
Sp. City Council Meeting, 5:00 p.m.

TUESDAY, MARCH 22
Parks and Recreation Commission Meeting, 7:00 p.m.
Meeting Date: 3/7/2022

Title: Proclamation Honoring Bob Hoover

From: Lesley Milton, City Clerk

ATTACHMENTS:

• Attachment1.1.a: Attachment A: Proclamation Honoring Bob Hoover (DOCX)
HONORING ROBERT S. HOOVER

WHEREAS, Robert S. Hoover is a social giant, honored and revered for his community leadership. His paramount efforts were publicly distinguished by the Jefferson Award presented in 2014 and the Service of Mankind Award, Sertoma in 1993, as to name a few; and

WHEREAS, Mr. Hoover excelled in community recreational activities as the Varsity Baseball team captain at Penn State University in 1959 and a U.S. Baseball Team member in the Pan American Games in 1959, 1963; and

WHEREAS, Mr. Hoover originally served the U.S Airforce as an Aircraft Gunner Instructor and Staff Sergeant in 1951-1955; thereafter, Mr. Hoover counseled and planned community organizations in civil rights work for the Student Nonviolent Coordinating Committee. He further developed supportive services and administration in the 1960s for minority students as the Director of the College Readiness Program at San Mateo College; and

WHEREAS, Mr. Hoover founded Nairobi College as its President in 1969, an Independent Black Institution serving 400 college students per year with programs for students from preschool to college. He spearheaded its administration in fundraising, facility procurement, policy, collaborating with accreditation commissions, and developing an upper-level literacy program for students; and

WHEREAS, Mr. Hoover continued to contribute greatly to the future of our youth and student communities by championing and promoting the importance of higher education as Director of East Palo Alto’s Youth Services Program; Dean of Student Affairs at Olive Harvey College; Dean of Student Affairs at Edward Waters College; Founder & Executive Director of the Youth Development Center in East Palo Alto; Director of Live In Peace Drop Out Prevention Program (Students With Amazing Goals, SWAG); and

WHEREAS, Mr. Hoover heavily impacted and supported community health and wellbeing throughout his years as the Director of Community Services at the City of East Palo Alto. He advanced his professional interest in community development as the Founder & Executive Director of Congress of Community Organizations and as the Community Safety Coordinator of the Enterprise Foundation; and

WHEREAS, Mr. Hoover founded and led the East Palo Alto Jr Golf Program since 1991 to serve the minority youth of the Mid and South Peninsula. The program uses the game of golf to teach respect for others, honesty, courtesy, patience, discipline, and a passion for learning, resulting in an exceptionally high proportion of the participants going on to college.

NOW, THEREFORE, I, Pat Burt, Mayor of the City of Palo Alto, on behalf of the entire City Council, do hereby recognize and proclaim the powerful and sustained contributions of Robert S. Hoover in his leadership and service to the community.

PRESENTED: March 7, 2022

Pat Burt
Mayor
Meeting Date: 3/7/2022

Title: Discontinuation of Vaccination/Testing Checks at City Meetings

From: City Manager

Lead Department: City Manager

Recommendation
Staff recommends that Council approve discontinuation of vaccination and testing checks at City meetings.

Background
At its September 27, 2021 meeting, the City Council approved the following actions related to virtual, in-person, and hybrid council and board and commission meetings:

A. Begin hybrid City Council meetings on November 1, 2021, and not requiring Standing Committees, Ad-Hoc Committees, Boards and Commissions to physically convene until January 2022;
B. Require the public, Staff and City Council Members to provide proof of vaccination or a negative COVID-19 test within 48 hours prior to the meeting;
C. Provide an option for City Council to attend in-person or virtually as long as the Santa Clara County maintains mandatory indoor masking for public meetings;
D. Upon the end of mandatory indoor masking, modify the City Council protocols to increase City Council’s teleconference participation to 5 meetings per year;
E. Request Staff to allow virtual attendees to participate by video, barring technical barriers in doing so; and
F. Upon relevant changes in Santa Clara County’s or the CDC’s guidelines, for City Council to revisit the guidelines, consider a default standard for in-person meetings if provided by the Santa Clara County, and discuss other in-person meeting requirements.

The City Council subsequently postponed the resumption of in-person and hybrid committee and board/commission meetings until March 1, 2022.

On March 1, 2022, the County of Santa Clara Public Health Department announced that all masking metrics have been met and therefore indoor masking will no longer be required beginning March 2. However, the Public Health Department and the California Department of Public Health strongly recommend that the public continue to wear
masks in all indoor public spaces. These requirements apply regardless of vaccination status.

**Discussion**
Based on part B of the City Council’s prior direction, staff is now implementing vaccination and/or testing status checks for members of the public attending city meetings. Now that indoor masking requirements applicable to city meetings have been removed irrespective of vaccination status, this raises the question of whether proof of vaccination or a negative COVID-19 test within 48 hours should discontinued as a requirement for attending a city meeting in-person.

**Resource Impact and Timeline**
Implementing vaccination/testing checks requires 1-2 staff members dedicated to this task for the duration of each meeting. Discontinuation could occur immediately upon City Council approval.
Meeting Date: 3/7/2022

Title: Joint Study Session With the Utilities Advisory Commission (UAC)
Regarding S/CAP Development, Implementation, and the UAC's Role in S/CAP Implementation Efforts

From: City Manager

Lead Department: Utilities

Overview
The Council and Utilities Advisory Commission (UAC) are holding a joint study session to discuss sustainability and utility related items. This report provides background on several relevant discussions of the Utilities Advisory Commission and Council Sustainability and Climate Action Plan (S/CAP) Ad Hoc Committee (S/CAP Committee), below.

This study session is intended to solicit Council input on the UAC’s roles and responsibilities with respect to the City’s S/CAP implementation efforts, with a few specific.

Q1) What are the roles and responsibilities of the City Council and the UAC regarding the S/CAP?
Q2) Would the City Council like a UAC representative to work with the S/CAP Committee in its working group meetings?
Q3) Does the City Council want the UAC in its full capacity engaged in the various aspects of the S/CAP for consideration by the City Council or the S/CAP Committee?

Council S/CAP Committee
The S/CAP Committee was constituted at the April 19, 2021 Council meeting at which staff presented the S/CAP update impact analysis (Agenda Item 7; Staff Report 12009; Memo with missing attachments; Minutes; Video; Webinar: S/CAP Impact Analysis Overview)

Below is the schedule of S/CAP Committee meetings focused on the City's S/CAP update. Meeting materials, including meeting recordings, can be found on the S/CAP Committee’s website.¹

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>MEETING TOPIC</th>
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AUGUST 12, 2021 | Kickoff Meeting
SEPTEMBER 9, 2021 | Residential Building Electrification
OCTOBER 14, 2021 | Non-residential Building Electrification
NOVEMBER 4, 2021 | Electric Vehicles
DECEMBER 9, 2021 | Mobility
JANUARY 13, 2022 | Wildfires and Sea Level Rise
FEBRUARY 10, 2022 | Funding and Financing

The S/CAP Committee has yet to discuss some topics assigned to it, such as reliability and resiliency, which was assigned to be discussed by the S/CAP Committee at the Council’s August 16, 2021 meeting (Item 4, Staff Report 12194, Minutes, Video).

In addition to its public meetings the S/CAP Committee has formed a working group of community members active in sustainability from in and around Palo Alto to inform its work. The working group has held two workshops on residential electrification (November 16, 2021 and January 5, 2022). The working group will break into teams to discuss the following topics: 1) Financing; 2) Engagement; 3) Technology; 4) Scaling up S/CAP activities.

The S/CAP Committee has also held a discussion regarding the electric distribution system and the impacts of electrification (including appliance fuel switching, EV charging, solar, and storage).

Utilities Advisory Commission
Over the last sixteen months the UAC has held several discussions relevant to the S/CAP, including:

- Impact of single-family residential electrification on the gas and electric systems (November 4, 2020; Staff Report 11639, Minutes; Video)
- Recommend the City Council Decline to Adopt Energy Storage System Targets and Receive the 2020 Energy Storage Report (December 2, 2020; Staff Report 11357, Minutes; Video)
- Projected Electrification Impacts on Gas Utility System Average Rates Impact of single-family residential electrification on gas rates (January 6, 2021; Staff Report 11751, Minutes; Video)
- Lifecycle Emissions for Gasoline, Natural Gas and Electricity Consumed in Palo Alto (January 6, 2021; Staff Report 11778, Minutes; Video)
- Discussion and Status Update on the 2020 Sustainability and Climate Action Plan Update (February 3, 2021; Staff Report 11867, Minutes; Video)
- Permit Processes for Various Energy Technologies:
  - April 7, 2021 initial presentation (Staff Report 12032, Minutes; Video)
• September 1, 2021 update (Staff Report 13530; Minutes; Video)
• January 5, 2022 update (Staff Report 13806; Minutes; Video)

• Utilities Wildfire Mitigation Plan (June 2, 2021; Staff Report 12190; Minutes; Video)
• One Water Plan Objectives, Scope and Community Engagement (July 7, 2021; Staff Report 12332; Minutes; Video)
• Impact of Decarbonization on the Resiliency of Single Family Homes in Palo Alto (November 3, 2021; Staff Report 13608; Minutes; Video)
• Discussion of Objectives and Scope of Energy Resiliency and Reliability Plan (January 5, 2022; Staff Report 13821; Minutes; Video)
• Discussion of electric distribution system impacts (February 2, 2022 meeting; Staff Report 13923; Video)

Attachments:
• Attachment1.3.a: Attachment A: Commissioner Memo on SCAP Grid Modernization
Objective
Our goal is to ensure that CPAU electric distribution grid modernization receives the urgency, attention, and resources needed to keep pace with Palo Alto’s Sustainability & Climate Action Plan (SCAP) implementation.

To that end, we recommend as a first step the immediate development of a high-level Roadmap for grid infrastructure modernization.

Such a Roadmap, in addition to underpinning SCAP implementation, will help reduce grid infrastructure upgrade cost and risk of technological obsolescence by anticipating opportunities to optimize energy demand.

Background
Accomplishing Palo Alto’s Sustainability & Climate Action Plan (SCAP) is a top priority for the City to achieve its sustainability and climate change objectives. Electrification of services now powered by fossil fuel, including personal transportation, domestic hot water, cooking and space heating, is core to SCAP success; SCAP outcomes needed by 2030 include “85% of all Palo Alto new vehicle purchases are EVs...virtually all single-family gas appliances and virtually all commercial rooftop HVAC units are electrified...significant additional multi-family and commercial building electrification...”. (2021 S/CAP Update Report, April 19, 2021)

As discussed in the February 2 UAC meeting, delivering those energy services electrically will require modernization of the CPAU electric distribution infrastructure: The existing infrastructure has insufficient capacity for a sufficient level of electrification of EV transportation and electrical heating to meet the SCAP goals, and the grid has other technical shortcomings that need to be addressed. But CPAU has “no staffing to manage Grid Modernization program and contracting”. (Discussion & Presentation on the Electric Distribution Infrastructure Modernization for S/CAP ID # 13923, February 2, 2022)
**Recommended Actions**

To address this challenge, we recommend as a first step development of a high-level Roadmap for grid infrastructure modernization and adoption of a timetable for each step.

1. Within days develop a plan and a cost estimate (currently funded or not) for hiring or contracting resources to develop a high-level Roadmap for CPAU distribution infrastructure modernization consonant with SCAP.
2. Within days hire or contract the resources to develop the grid modernization Roadmap.
3. Complete the Roadmap within months.

We suggest the Modernization Roadmap should include:

1. A high-level estimate of the fraction of the grid/generation/transformer/switch/storage components requiring upgrade
2. Key milestones and decision points
3. Specific links and coordination of grid modernization stages with the SCAP rollout
4. Ballpark capital and operating costs for grid modernization implementation
5. Approximate human resource requirements for modernization implementation
6. Top opportunities to mitigate, reduce, or delay grid modernization expenditures, especially ways to reduce future energy consumption or to reduce/shift peak demand:
   a. Increased use of high-efficiency space conditioning or water heating equipment
   b. Improved building envelopes or other energy efficiency initiatives
   c. Local energy generation and storage (on both sides of the meter), including EV storage
   d. Demand management

To ensure that the Grid Infrastructure Modernization Project receives continued emphasis, we would request that progress on the project be reported at least quarterly to the UAC.