



CITY COUNCIL SUMMARY MINUTES

Special Meeting
February 6, 2023

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

Present In Person: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

Present Remotely: None

Absent: None

Mayor Kou called the meeting to order.

City Clerk called the roll and noted six were present.

Study Session

1. Study Session on Palo Alto Link, the City's New On-Demand Transit Service

Transportation Director Philip Kahmi commented that he was being joined by Manager Transportation Planning Nathan Baird and that Garrett Brinker from Via was in the audience. He presented a PowerPoint and provided a background of the vision for the service. Maps were provided of the 2017 quarter-mile walkshed and a map of the new service area, which would cover approximately 100% of residents. A decision would have to be made at the end of the pilot as what type of service (the shuttle service or the Link service) should be continued. He explained the Palo Alto Link service.

Manager Transportation Planning Nathan Baird indicated the chosen operator of the service was Via. Their service features were outlined. He discussed how the service would be evaluated. There would be opportunity to have conversations with the community and constituents as the program was rolled out, and there would be opportunity for feedback from the driver partners and customers. He referenced the importance of marketing and outreach and the steps they had been taking. He declared the next steps were finalizing the marketing and operations details. The pilot program would launch March 7 and be in place for 18 months. They were putting together a grant application for additional funding to expand the hours of service. Monthly information would be published, and there would be meetings along the way to analyze data to make decisions about the future of the program. He remarked that Via staff was present to answer any questions about their operations.

Public Comments

SUMMARY MINUTES

Aram James discussed the contract stating drivers would be paid minimum wage, not prevailing wage, with no benefits, which he suggested be changed.

Jonathan Erman was disappointed and upset about the on-demand transit service and thought it could be done in addition to the free shuttle system. He addressed the cost of Link to individuals and wished Link to be abandoned and the free shuttles brought back. He wanted the City to invest in bus service.

Herb Borock had sent a letter that staff responded to in regard to discounts for seniors and cash fare. He thought the cost of Link with a half-hour shuttle should be compared and the population served be considered.

Winter Dellenbach wanted and was excited about Link and hoped it could be expanded into the evening hours.

Council Member Burt arrived at 5:17 P.M.

Vice Mayor Stone asked when the two reserve vans in the fleet would be used; if it was possible to add veterans to the list of those receiving discounted fares; who would determine the need for door-to-door service; if the only way to receive service was through calling in or through the web and if someone on the street could flag down the shuttle; and if over the course of the first 15 months all funding would be coming from Measure B and Ride Fare.

Director Kahmi answered that the use of the reserve vehicles was intended to be flexible but was really to be used if a vehicle needed repair. He was not sure if veterans could receive discounted fares for the pilot due to the funding and the grant criteria, which he would look into, but it could be incorporated into future service. The rider would determine the need for door-to-door service. The shuttle was by reservation only, and the shuttle could not be flagged down by someone on the street. Currently all funding was coming from VTA and/or in-kind match and the funding from Fare revenue. They were trying to seek additional funding partners to expand the service.

Via Partnership Principal Garrett Brinker voiced they would keep a vehicle on reserve in case of issues with active vehicles, and more vehicles could be brought onboard if needed during busy commute times.

Council Member Lauing asked what the hours of service would be; who would be the best target partners for future funding; and if other shuttle opportunities in general were being considered.

Director Kahmi noted the current hours of service were 8 A.M. to 6 P.M. Monday through Friday. He thought Stanford was a good target partner, but ideally there would be many partners. There was a potential to look at other shuttle opportunities if it was found that Link would not meet Palo Alto's needs.

SUMMARY MINUTES

Council Member Burt questioned what types of vehicles would be used; if the budget of the grant would limit EV funding; and if there was a sustainability element to the program from the standpoint of vehicle emissions. He requested information regarding sustainability be provided following the meeting and wanted to see it as part of the report-back system, specifically evaluating where the City was in transitioning to zero-emission vehicles. He discussed funding and thought there were funds within Measure K to bring back a traditional shuttle or to strengthen Link and make it more sustainable. There was a risk for high school and middle school students using the low-cost service instead of riding their bikes, and he requested to see in the reporting back what was going on in terms of student utilization and how this initiative meshed with the commitments to the Safe Routes to School Program.

Director Kahmi remarked there would be three EVs and six hybrid vehicles initially. A goal was to switch to a full EV fleet, which they were seeking additional grant funding for. It may have been impossible to switch to a full EV fleet due to funding constraints. The grant would limit EV funding. He believed there was a sustainability element to the program from the standpoint of vehicle emissions, and they would strive for vehicles that lessened the impact on the environment. As for high school and middle school students using the service, they would be collecting a lot of data of to-and-from trips, and potentially the school district could be a partner in the future if there was high utilization. He noted at least six of the vehicles would have bike racks. He thought a lot of students had figured out how to get to school with the shuttle service. He thought some would utilize this new service, but they hoped it would be the ones needing it.

Council Member Lythcott-Haims was concerned the service was only Monday through Friday 8 A.M. to 6 P.M. and opined that a 7 A.M. start time was needed. She was not sure peak hours aligned with Caltrain's peak hours of 6 to 9 A.M. and 4 to 7 P.M. She inquired if the shuttles as presented on the map were scattered randomly or if each shuttle would be housed in the nine areas on the map; what the staffing customer support plan was for seniors; and if there was a goal to reduce the rate and to promote the shuttle to drive usage and bring the cost down.

Director Kahmi expressed the shuttle locations on the map were random. Concerning staffing, he suspected the telephone line would not be overly inundated with calls. He discussed how the fare schedule was set up. They could evaluate the fares as the pilot progressed and feedback from customers was received. He addressed the public comment regarding the minimum wage and noted the minimum wage was standard contract language requiring at least the minimum wage be met, but competitive market analysis would be done to determine wages.

Partnership Principal Brinker voiced there was dedicated call support.

Mayor Kou queried if Via was used by VTA for the seniors; what cities Via operated in; and where the vehicles would be parked when not in use. She saw a potential for high telephone usage. She believed marketing needed to also be in Chinese. In a previous PAUSD meeting,

SUMMARY MINUTES

speakers said they needed bussing services, so it was an opportunity for the City/School Liaison Committee to consider Link.

Director Kahmi indicated Via was not used for the paratransit service. He noted other cities Via operated in. They were trying to negotiate where the vehicles would be parked when not in use, but it would likely be in one of the City's parking garages in the off hours. Marketing being in Chinese was a great point.

Council Member Tanaka asked when the program would start; how the provider was selected; if Uber or Lyft had been approached; and what happened to the Scooter Share Program. He would like to see the service free for everyone but at least for students. He asked what the response time was. He opined the hours of Link needed to be expanded.

Director Kahmi indicated the program was slated to start March 7. They went through a competitive bid process to choose the provider. As far as Uber or Lyft being approached, he would need to consult with contract staff for that information. He explained why the Scooter Share and Bike Share programs were put on hold during the pandemic. Staff resources were needed to roll those programs out and was something they would seek in the future. He noted that the service would be free the first month, and there would be multiple promotions ran throughout the year. The response time would have to do with demand, which they did not fully understand yet, and the pilot would evaluate that.

Partnership Principal Brinker spoke of there being a balance between supply and demand, but they were working with City Staff to model out the service. Response time was probably better than most fixed-route busses and a few more minutes than private rideshare.

Mayor Kou requested to be reminded of the difficulties with the free shuttle. She queried if Via would ensure the rides would continue and that drivers would be in place.

Director Kahmi outlined the difficulties with the free shuttle.

Partnership Principal Brinker commented that they had a strong pool of drivers, and Via had never had a challenge in launching or maintaining a service over time.

Council Member Lythcott-Haims suggested there be a contest for elementary school students to name the vans to enhance marketing.

Agenda Changes, Additions and Deletions

City Manager Ed Shikada stated it was a challenging agenda. He expected community members would speak to the leaf blower enforcement, and if the Council needed more extensive discussion, it could be referred to the P&S Committee. Number 8 was not critically time sensitive, so it could be heard next week. He suggested the order be switched to Item 7, AA1, and then 8.

SUMMARY MINUTES

Mayor Kou proposed to the Council first hearing AA1 before Item 8 and then a check-in be done at 10:00 to see if Item 8 would be deferred to another day.

Council Member Burt was supportive of moving AA1 forward. He did not think the agenda was well considered as far as scheduling an item for 10:30 P.M., which could be a two-hour discussion. He was not sure the priority setting item could be completed and thought Item 8 should be moved to next week.

City Manager Shikada mentioned that Item 8 was recommended unanimously by the Finance Committee.

Mayor Kou declared Item 8 would be deferred to next week.

Items would be reordered to move AA1 to follow Item 7.

MOTION: Council Member Burt moved, seconded by Mayor Kou to Postpone Item 8 to the February 13, 2023 meeting.

City Manager Shikada recommended, if Item 8 was postponed, deferring the Committee Work Plans scheduled for February 13 in order to provide sufficient time next week.

MOTION PASSED: 7-0

MOTION: Mayor Kou moved, seconded by Council Member Veenker to move "Council Member Comments, Questions and Announcements" to take place after "City Manager Comments" for this agenda only.

City Manager Shikada asked if this was a one-off or it was anticipated to happen every week.

Mayor Kou answered it was a one-off.

Council Member Tanaka asked if was voted unanimously at the Policy Manual meeting that this was not the way to order the agenda.

City Manager Shikada remarked that staff was redrafting the procedures portion of the handbook and would bring it back within the next few weeks. Staff concluded it would be best to bring it back on consent and that the changes would be effective at that point.

MOTION PASSED: 7-0

Public Comment

Andrea Gara (speaking on behalf of Katie Rueff, Hilary Glann, Alex Campos, Susan Chamberlain, Kat Snyder, Larry Klein, Willa Bednarz, Phoebe Motar-Judges, Talya Schube) spoke as co-chair of 350 Palo Alto and on behalf of a coalition of local groups, including leading environmental organizations, passionate student groups, worship groups, physicians, and parents. All urged

SUMMARY MINUTES

City Council to adopt a date for ending the flow of natural gas. She provided slides that specified the organizations that had signed their request; staff findings for reaching the 80 x 30 goal; and the trajectory of greenhouse gas. She alleged there was a public-awareness problem of gas appliances having an impact on the climate and outlined what a sunset date could accomplish. They asked that Council engage in an effort to attract talent to develop a roadmap to a sunset date and that staff begin the process this year. She opined the financial burden needed to be removed and that work needed to continue with the State to ensure Palo Alto had the electrification workforce needed. It needed to be ensured that the grid was ready, that the effort would be adequately funded, and that residents' worries of blackouts would be eased through education. She spoke of the Federal Inflation Reduction Act, the California Air Resource Board, and the Bay Area Air Quality Management District.

Maureen Bard believed the city needed to reconsider the ADU height allowance as there was an inequality of homes that would be affected. She offered two options how that could be addressed, which she hoped Council would act on.

Bruce Karney, a resident of Mountain View, Chair of Carbon Free Mountain View, and a member of the Board of Carbon Free Silicon Valley, stated these groups were inspired by the example of the residents who founded Carbon Free Palo Alto. He thought an environmental holocaust would be experienced if it was not stopped before it started and hoped stopping the flow of natural gas would be adopted as soon as possible.

Ken Horowitz, a resident of Palo Alto, commented on the report of Item 10, Page 3, which indicated there were 65 major projects for 2022 and 14 were completed. He was disappointed and suggested priorities be prioritized.

Matt Schlegel remarked that burning fossil fuels caused problems of climate collapse, etc. He and Fridays for Future Palo Alto fully supported Palo Alto establishing a sunset for the end of fossil fuel flow.

Geoff Ball, Chair of the Climate Action Committee of Palo Alto Rotary Club, speaking on his own behalf supported a gas sunset date and asked Council to support and create a context for climate action work, which would help in acting with urgency and collaboration to transform into a green future.

Sydney Ernest spoke on behalf of Fridays for the Future and the Sunrise Movement. She addressed the impacts of inaction regarding carbon regulation being a safety risk. She opined that a sunset bill was vital.

John Kelley associated himself with the remarks of 350.org and the other organizations who had previously spoken about a sunset date for the use of methane. He suggested reading the studies of the health aspects and requested a sunset date certain before January 1, 2027. There was a sign stating a mask needed to be worn in the chamber, and he urged that be enforced or the language on the sign changed. He quoted part of an editorial by Dave Price in the *Daily Post* and thought the Finance Committee and the Council should respond to it and urged it be at the

SUMMARY MINUTES

top of the agenda for the next Finance Committee meeting. If he was not present at the meeting later to speak to the priorities, he would write a letter.

Aram James thought it would be irresponsible if Lift was to be a minimum-wage job with no benefits or collective bargaining. He expected an apology in reference to comments made by staff last week that he thought were directed at him in reference to tasers and K9s.

Debbie Mytels was in favor of setting an end date for the use of methane gas. She was an active member of the 350 Palo Alto Steering Committee and the founder and co-chair of PICA.

Julie Zietlin was the co-founder of the PASCC and supported the gas flow sunset date proposal letter from 350 Palo Alto. She urged Council to set a date and declare a definitive time line phasing out the use of gas.

Robert Gould, a pathologist, professor, member of the Santa Clara County Medical Association, and President of San Francisco Bay Physicians for Social Responsibility, strongly urged support for an expedited plan to sunset natural gas. He spoke of the health risks of gas into homes.

Sven Thesen thanked Palo Alto for providing carbon-free electricity. He strongly supported a sundown date certain for natural gas use and asked Council to take action. He challenged those with a natural gas stove to try a conduction stove and invited Council to tour his all-electric home to see the benefits.

Consent Calendar

City Manager Ed Shikada noted that he failed to comment under agenda comments regarding an agenda change, which was staff had a revised recommendation for Item 4, which was to recommend the contract be awarded for an initial one-year term.

Public Comments

There were no public comments.

Council Member Burt, Mayor Kou, and Vice Mayor Stone requested to pull Item 4 from the Consent Agenda.

Council Member Tanaka registered a no vote on Agenda Item Number 5.

MOTION: Council Member Burt moved, seconded by Council Member Lauing to approve Agenda Items 2, 3, 5 and to pull Item 4 from the Consent Agenda.

2. Approval of Minutes from the January 23, 2023 City Council Meeting
3. Adopt Revised Retiree Benefit Funding Policy (Formerly 'Pension Funding Policy') for the Financial Planning of Employee Pension and Other Post-Employment Benefits (OPEB)/Retiree Healthcare Plans Consent Questions

SUMMARY MINUTES

4. Approval of Professional Services Agreement with Townsend Public Affairs, Inc. (C23183770) in the Amount Not-to-Exceed \$558,000 for State and Federal Legislative Advocacy Services and Grant Consulting and Compliance Services for a Period of Three Years with the Option to Renew for Two Periods of One Year Each; CEQA status—not a project Supplemental Report, Consent Questions – ***Removed From The Agenda***
5. Adoption of Memorandum of Agreements with International Association of Firefighters, Local 1319 and Service Employees International Union, Local 521; CEQA status—not a project

MOTION PASSED FOR ITEM 2, 3: 7-0

MOTION PASSED FOR ITEM 5: 6-1, Tanaka No

Council Member Tanaka stated Item 5 was basically a compensation increase, and with the community facing layoffs and not getting raises, he did not believe there should be a blanket raise across the board. He suggested the City implement focus pay increases.

City Manager Comments

City Manager Ed Shikada thanked City Council for approving the agreements with the International Association of Firefighters and the Service Employees International Union as well as the bargaining units and the roughly 660 employees. He provided updates on coronavirus and increased utility bills. Staff would return to the Finance Committee next month with follow-up actions that would reinforce policy direction to reflect the limits on the gas transfer to the General Fund and the hydro adjuster made to the electric rates. He addressed upcoming traffic signal work in relation to the Charleston/Arastradero construction, upcoming registration for 2023 summer camp, and recruitment deadlines for open seats on boards and commissions. Upcoming Council items included study sessions for Economic Development and the Buena Vista Mobile Home Park, the Mid-Year Budget Review, and the Long-Range Financial Forecast scheduled for February 13. Council Committee Work Plans would be scheduled for a future date. There would be no Council meeting on February 20. Discussion of the Parklet Program and E-bike policies in parks and open spaces would be on February 27. There were a number of items in March and beyond.

Council Member Burt questioned regarding the report of Item 10 if 10 of the projects were behind schedule and 55 were on schedule. He queried if the utility rates easing returned the City to a normal level. The public needed to know if the City was back to about what was normally paid for gas and when it would show up in their bills.

City Manager Shikada stated the projects were established as multiyear projects and were not designed to suggest they should be completed by the end of the calendar year. He did not have the statistics in front of him, so he could not confirm the numbers Council Member Burt cited. Regarding the utility rates easing, he did not have comparisons for prior years and could not

SUMMARY MINUTES

comment on expectations going forward. He would ask staff to follow up on gas prices and when the public could expect decreases in their bills.

Council Member Questions, Comments and Announcements

Council Member Lythcott-Haims announced that Melissa Baten-Casewell passed away. She was sorry for those hearing of this for the first, but the Council wanted to recognize the passing of a colleague and a friend. She took a moment of silence. She commended the students at Gunn High School, who put on their 13th TEDx Gunn High School event.

Council Member Veenker thanked Council Member Lythcott-Haims for the remembrance of Melissa Baten-Casewell. She noted there was a shoutout to Palo Alto Animal Control Officer Washington on Nextdoor, and every comment was positive, so she offered kudos to Officer Washington. She was grateful to sit in the chamber and listen to so many thoughtful and passionate public comments.

Council Member Lauing noted there was a horrible fire in Midtown this week, which resulted in the loss of four vibrant retailers. He had expressed his condolences to two of the owners using his City Council title because he wanted to express it for all on the Council. He hoped they could be helped in any way possible to get back in business ASAP.

Council Member Burt shared sentiments with Council Member Lythcott-Haims regarding the loss of Melissa Baten-Casewell. He also acknowledged the loss of Walt Hayes. He voiced that there had been major developments in the regional transportation transit programs. Caltrain received \$367M in funding from their major grant source and an additional \$43M, which filled the gap on completing the electrification of Caltrain, which they believed would still be operational by the end of 2024. VTA received \$375M toward the BART Project, which completed BART II of downtown San Jose and Santa Clara. They were awaiting response on additional federal funds. He outlined negotiating guidelines that had been adopted at the Caltrain Board meeting for the San Francisco and the extension of the undergrounding of Caltrain to a DTX terminal.

Council Member Tanaka liked having Council member questions, comments and announcements earlier in the meeting versus late at night. He did not believe it was appropriate for the City Manager to reply to public or Council comments that had been made on items not on the agenda. He did not know what the mask policy was, and it needed to be clarified. He requested a CSV file of the survey results.

Mayor Kou announced there would be a Stanford Ad Hoc Committee. She would have more information after discussion with the City Manager.

RECESS CITY COUNCIL MEETING AND CONVENE PUBLIC IMPROVEMENT CORPORATION MEETING

SUMMARY MINUTES

Mayor Kou declared there would be a brief adjournment of the Special Council Meeting and a meeting of the Public Improvement Corporation called to order. The City Council served as the Board for the Public Improvement Corporation and would meet for the purpose of approving the FY2022 Palo Alto Public Improvement Corporation annual financial statements. All members of the Public Improvement Corporation were present.

ACTION ITEM

6. Approval of Fiscal Year 2022 Palo Alto Public Improvement Corporation's Annual Financial Statement

Assistant Director of ASD Christine Paras outlined the purpose of the Public Improvement Corporation. She spoke of the three outstanding COPs the PIT had. Staff was seeking approval from Council with respect to the financial statements.

Public Comment

There were no requests to speak.

Mayor Kou queried if Fire Station 1 being collateral for the Palo Alto Municipal Golf Course had changed since completion of the golf course.

Administrative Services Director Kiely Nose explained the process of the City putting up collateral for debt obligations.

MOTION: Chair Kou, seconded by Board Member Lythcott-Haims to approve the Fiscal Year (FY) 2022 Annual Financial Report for the Palo Alto Public Improvement Corporation.

MOTION PASSED: 7-0

Mayor Kou adjourned the Public Improvement Corporation Board meeting and reconvened the City Council meeting. She declared all members of City Council were present.

[The Council took a 10-minute break]

RECONVENE CITY COUNCIL MEETING

Action Items

7. Discussion Regarding Gas Powered Leaf Blower Enforcement and Possible Direction to Prepare an Amendment to the Noise Ordinance (PAMC 9.10) and Resolution to Adjust Financial Penalties for Violations in Residential Neighborhoods to Facilitate Compliance. (Environmental review: not a project)

SUMMARY MINUTES

Planning and Transportation Director Jon Lait introduced Amy French as the Chief Planning Official and Craig Hartley as one of two code enforcement officers. He commented on what was included in the Staff Report. They were before Council to get direction on some of the strategies included in the report to improve effectiveness in implementing the leaf blower ban. He referenced three areas that could be adjusted to improve effectiveness. In the couple months needed to advance the leaf blower ban, public outreach would be increased before the issuance of citations. He there were suggestions that the City go further with an all-out ban of gas-powered leaf blowers citywide, which policy considerations could be presented by Council, but they were currently presenting discrete changes to improve effectiveness in residential areas. He shared a slide representing the formal recommendation included in the Staff Report.

Public Comment

Shannon McEntee addressed noise and proposed simply asking the big companies to switch to electric. She requested all neighborhoods be included in the ordinance.

Aram James encouraged using rakes and supplying compensation or assistance to pay gardeners additional funds for using rakes instead of blowers. He did not think there was much difference in gas blowers versus electric blowers in terms of noise.

Rebecca Sanders believed the leaf blower ban should be extended to businesses, not just residents, and was also in favor of using rakes. She wanted all work-arounds outlawed, such as pairing an electric leaf blower with a gas-powered generator. She supported strengthening the ordinance to include decibel levels. She would love to see code enforcement prevail in many areas.

David Coale had written in earlier supporting the staff recommendation but aligned himself more with comments that had been submitted by Jeffrey Hook. He requested banning all electric and gas leaf blowers, which would make enforcement easier.

Jeffrey Hook asked that gas blowers be banned and to consider why use blowers at all. He presented a slide of what he was asking of Council. He addressed issues with the 311 app. He presented a brochure he developed regarding blowers.

Helene Grossman opined it would be best to not use blowers at all. She believed the changes under consideration would help in continuing to reduce noise and pollution from gas leaf blowers. She supported allowing citations to gardeners and property owners upon first-observed violations by a code enforcement officer. She urged the ban be expanded to all residential and commercial properties. She requested updates to the 311 app and that there be means to send text messages.

Lynn Chiapella thought rakes were a good idea; however, she supported electric leaf blowers and thought it should apply to all Palo Alto commercial and multifamily residential areas. She

SUMMARY MINUTES

spoke of the original ordinance and the inequity of fining gardeners but not those who hired them.

Matthew Lennig supported the recommendations in the staff report. He urged City Council to build on the success in regulating leaf blowers and to consider expanding the noise ordinance to include other gas-powered garden tools. He was pro-leaf and in favor of eliminating blowers completely.

Council Member Veenker stated the law should be enforceable as it had been on the books for 18 years, but it seemed to not be practically enforceable with the notice requirement. She supported revising the code and applying it to owners as well. She noted there was funding available to those switching over to electric leaf blowers. She was not ready to ban electric blowers but was interested in future discussion. She agreed with Items 1A and B, 2, and 3 of the motion. She requested consideration of issuing a warning in the first year upon a first violation and penalties starting with second and subsequent violations.

Vice Mayor Stone believed the current enforcement tools were inadequate and needed revision. He inquired if under the current rules a code enforcement officer had to observe a violation occurring and why gas-powered leaf blowers had not been outlawed on City property and nonresidential zones. He was in favor of expanding the ban to City property and nonresidential zones and extending citations to property owners but was concerned about the language of property owners knowingly hiring or allowing a person to use a gas-powered leaf blower, that it was too easy to evade. The requirement that the property owner had knowledge should be removed or should include constructive knowledge. He was in favor of some lead time giving people notice of penalties occurring but thought a year was too long.

Code Enforcement Officer Craig Hartley noted the violation typically had to be observed twice, and he outlined the process.

Director Lait noted gas-powered leaf blowers were banned in residential zones and explained that citywide it was typically a different project operationally, and they had begun to make changes from a City operational standpoint. The majority of Community Services and Public Works were using electric leaf blowers. Large nonresidential areas did not lend itself to other means of rakes, etc. They had not had direction to consider a citywide ban.

Council Member Burt discussed the environmental impacts of gas-powered leaf blowers and the progression of electrical landscaping equipment compared to when the issue was presented 18 years ago. He concurred that there should be a warning period and that maybe it should be more than 90 days but less than a year, which would allow everybody to receive individual warning letters and opined the letters needed to be bilingual and questioned if it should require a signature of receipt. He was considering mechanisms that created self-enforcement and engagement of the property owner. There needed to be a warning to the gardener coupled with a warning to the property owner and then fines instituted. He was glad to see the California Core Grants laid out because he was going to be promoting looking at a

SUMMARY MINUTES

City subsidy and maybe supplementing the State subsidy. He noted that eliminating gas-powered leaf blowers did not eliminate spreading of pesticides, etc., which needed to be recognized, and an interim approach could be to say blowers could not be used on public property in the streetscape. If gardeners were to be registered as a way to promote compliance, he would like to see a no-charge business registry, which could be coupled with the subsidies. If there was such a registry, he wanted to see mandatory bi- or trilingual placards on gardeners' vehicles with a number to call if there were violations. Regarding the motion, in addition to the staff recommendation, there were additions he wanted to add to refer to the P&S Committee.

Council Member Lauing agreed with Vice Mayor Stone on the issue of knowingly hire. He inquired if the first phase would be citations only to the property owner; he was not sure the language was clear. He expressed the goal was to make it regulatory and get compliance, not to create a revenue stream, and the fines seemed large. He was in favor of starting with lower fines. He did not think comparing fines to littering and smoking, as on Packet Page 362, was a fair comparison. He agreed with a short time frame for public education but keeping it flexible. He favored enforcement. He agreed with wide circulation in at least two languages and maybe Chinese as well.

Director Lait answered that enforcement would be to the leaf-blower operator and the property owner unless the Council directed otherwise. The language in the motion would give the code enforcement officer discretion in terms of the situation. They contemplated that it would be written as having the ability to pursue an operator and a property owner as violating the code, although it could be dictated by Council policy. The language could be clarified upon the ordinance coming forward. He specified that the property owner may not be aware of the violation and that a warning letter may need to be issued first and then subsequent violations could be issued.

Assistant City Attorney Tim Shimizu explained what notice meant operationally. They did not want to issue citations before a notice as a homeowner may not be aware of the violation, yet they did not want people being excluded just by saying they did not know a gas-powered leaf blower was used.

Council Member Lythcott-Haims was generally in favor of the Item. As far as going blower-free, the Council may get there eventually. Where the ban would be enforced was a matter of equity, and she wanted a gas leaf blower ban enforced citywide and suggested extending it to commercial and industrial now. She agreed with Vice Mayor Stone on the "knowingly" issue and appreciated Council Member Burt's idea to think creatively about self-compliance mechanisms. She was concerned that a third-party individual or company that may have hired the leaf blower was missing from the proposed revisions to the ordinance and suggested language be added to address that. She found it odd that leaf blowing was banned on Sundays, as Saturdays were a sacred day for some.

SUMMARY MINUTES

Mayor Kou agreed with holding the property owner responsible but was not sure if the landscapers should be and opined that they should be provided a warning and education. She suggested reaching out to property managers. She thought the ordinance should be broadened to include gas-powered generators, etc., providing power to electric leaf blowers. She suggested providing electric extension cords to the gardener, which would enable them to use the electricity at the property. She inquired if the Microbusiness grants could provide education to gardeners or property owners as to how they might access the grants; how much time staff would need to collect information for the use of electric leaf blowers at City facilities; if there had been calls to measure noise related to leaf blowers; and how it came about that the Chief of Police would approve the certificate for the commercial leaf blower operators.

Director Lait did not have an answer as to how gardeners or property owners might access the Microbusiness grants for education, but they would explore it. Related to the City using electric leaf blowers, he believed the Public Works transition would be fulfilled upon getting more battery chargers and equipment. For the Parks and Community Services Department, there was a concern operationally in regard to wet leaves, and there were areas where gas-powered leaf blowers may have been needed for safety reasons. He specified why measuring noise was typically a difficult standard to measure and enforce.

Code Enforcement Officer Hartley stated they not been asked to measure noise, and generally they were enforcing gas versus electric.

Assistant City Attorney Shimizu remarked the municipal code noise ordinance had a section from 2005, which said commercial operators should get a certificate from the Chief of Police, that they had been certified in the City's regulations regarding commercial leaf blowers in general, not just gas-powered leaf blowers. He had been told that practice had faded out since 2005; however, it was still on the books. The City could choose to bring it back or remove it to match current practice. The law said approval was needed for nonresidential operators, but the City did not have a program to do that.

Mayor Kou thought consideration should be given to either removing or enforcing that the Chief of Police would approve the certificate for the commercial leaf blower operators.

Council Member Tanaka asked the purpose of 1D originally having the five-day notice, which implementation was an issue for this item as well as others, which may need to be addressed. He did not agree with banning blowers overall. He asked who would be fined if there was a violation and why the property owner would be responsible and not the person procuring the service, which could be a renter. He provided hypotheticals as far as one gardener being employed by a number of homes on one block and the issuing of citations. The fines seemed high, and he thought a self-regulated approach would be better. For practicality reasons, he did not know if gas-powered leaf blowers could be banned altogether for large public spaces. He worried how low-income people could be impacted. He thought the logistics of the proposal needed to be figured out.

SUMMARY MINUTES

Assistant City Attorney Shimizu, in regard to 1D, referred to a global provision in the City's code giving administrative citations for violations of any section of the Municipal Code, and he specified what the code said and how it was implemented.

Director Lait stated regarding fines that the property owner would be sent a notice on the first violation and a fine issued the second time.

Assistant City Attorney Arellano remarked that staff was trying to address the difficulty in enforcing the ordinance on the books. The proposed amendment did not address the hypotheticals Council Member Tanaka presented as far as citations and one gardener being employed for a number of homes on one block or the larger spaces. They were trying to address issuing administrative citations when violations were observed. He explained the rationale behind the property owner being the responsible party rather than the one who hired the gardener. They were asking Council for direction on the three proposals to amend the ordinance. The Council could recommend additional issues they would like staff to undertake, which would be taken up by the appropriate Council Commission.

ORIGINAL MOTION: Vice Mayor Stone moved, seconded by Council Member Burt to:

- 1) Direct staff to prepare an amendment to the Noise Ordinance (PAMC 9.10) to:
 - a) Clarify that citations may be issued to the leaf blower operator, leaf blower operator's employer, the property owner, manager, renter or other person authorizing or employing the use of gas-powered leaf blower on their property, or all for violations of the ban; and,
 - b) Remove the existing requirement to provide a five-day notice of violation warning the operator of a gas-powered leaf blower and/or property owner in advance of issuing a citation for violating the ban;
 - c) Include "Constructive knowledge" of property owner or property manager to section 9.10.060(f)
- 2) Direct staff to prepare a resolution updating the municipal penalty schedule for violation of the gas-powered leaf blower ban to \$250 for the first offense, \$500 for the second offense and \$1,000 for the third and subsequent offenses within a three-year period; and direct staff to update the municipal penalty schedule effective September 1, 2023
- 3) Endorse the leaf blower enforcement public engagement strategy presented in this report
- 4) Refer to Policy & Services Committee discussion considering ban on gas powered leaf blower city-wide and evaluate replacement of internal combustion engines for residences and commercial properties maintenance based on available replacement technologies; evaluation of decibel levels for equipment

Vice Mayor Stone stated everything could not be captured in the motion regarding enforcement but thought it would allow the City to enforce the ban better than in the last 18 years.

SUMMARY MINUTES

Council Member Burt did not think the operator should be a candidate to be fined, and he was more concerned with the employer. He asked if the business owner were focused on how that entity would be identified. He suggested the code enforcement officer request to know the identity of the employer, and if the information was not provided, then the operator be cited. He asked if a universal warning/marketing program should be adhered to or if there should be a more specific warning. He stated maybe the motion should reflect that staff would return with a time frame and mechanism for a single individual warning to operators, businesses, and property owners.

Vice Mayor Stone provided examples of an employee being cited but with the hope it would then fall back on the employer. Maybe there should be a compromise that within the first six months or a year there would be a warning and after that the universal educational campaign should be sufficient.

Director Lait stated he had enough guidance to capture in the ordinance that when a citation was issued for the operator with the focus being on the business down the line eventually to the operator if that was the last course of action they had. He did not understand the distinction or the nuance of staff returning with a time frame and mechanism for a single individual warning to operators, businesses, and property owners, but they wanted to start the public outreach component soon. They were going to be speaking with property owners at neighborhood meetings and town halls the Council initiated, and Code Enforcement Officer Hartley would be out in the residential neighborhoods.

Council Member Burt indicated it covered what he was looking for if Code Enforcement Officer Hartley would be providing warning notices in that period.

Director Lait remarked Code Enforcement Officer Hartley would be providing warning notices in that period, and they were also thinking about providing doorhangers advising property owners.

Council Member Veenker generally supported the motion. She offered two friendly amendments, the first to add to 1A the property owner, manager, renter, or other person and the second, if there was to be a grace period, putting an effective date of September 1, 2023, in Number 2, which would mean the penalties would become effective at that point and would allow time for the public engagement strategy that would include the individual warnings.

Vice Mayor Stone asked staff when this would come back to Council.

Director Lait hoped to have it back for Council adoption before summer break.

Vice Mayor Stone accepted the first friendly amendment.

Assistant City Attorney Shimizu addressed the second friendly amendment and stated there were existing penalties for the violation and the proposed penalties were increases, so he asked

SUMMARY MINUTES

for clarification if there was to be a grace period with no penalties or if the penalties would not increase until September 1.

Vice Mayor Stone indicated the current penalty schedule would remain in effect.

Council Member Burt asked Code Enforcement Officer Hartley if he wanted the current penalty system to be in force during the six-month marketing and grace period.

Code Enforcement Officer Hartley believed some type of penalty needed to be in place.

Discussion ensued regarding maintaining the current penalty schedule, updating the Municipal penalty schedule effective September 1, leaving in place the five-day notice process, and having a timing element to 1B.

Council Member Veenker suggested for Number 1B removing the five-day notice requirement effective September 1 and for Number 2 updating the Municipal penalty schedule effective September 1, which would mean staying in the current state until September 1, and on September 1, the five-day waiting period would no longer be in effect and the fines would increase.

Director Lait indicated the five-day notice of violation was a significant limiting factor in enforcement ability, which concerned him.

City Manager Shikada understood the Council desired a phase-in period. The process could be slowed by defining dates. He understood the ordinance and that there were simply some definition changes. He asked for a sense of the phase-in period, which would allow staff to move as quickly as they could to bring it back and hopefully beat the September 1 date. Number 4 was a significant body of work that would need to be reconciled with other priorities of P&S and the staff work plan. He requested the flexibility to quickly move the ordinance as there had been an interest of time.

Council Member Veenker stated the intent was to slow down the date of effectiveness of the higher penalties, and if it were up to her, she would remove the five-day notice period.

Vice Mayor Stone did not accept the friendly amendment in Number 1B of September 1. It made sense to slightly delay the increase in penalties for those who might not be fully aware of the updated ordinance, and hopefully it could be made clear in the notifications that starting September 1, fines would increase. The ordinance would accomplished that without further delaying the process.

Council Member Lauing inquired why the language “consider a ban on gas-powered leaf blower citywide” in Number 4 could not be added and voted on tonight and the rest referred to P&S. He was concerned about delaying the process.

SUMMARY MINUTES

Assistant City Attorney Shimizu answered that the agenda item was only noticed as proposed amendments to the ban on gas-powered leaf blowers in residential zones. If broader actions were taken, he would be concerned of a potential Brown Act violation but also fairness to folks who might have an interest in their commercial operations or other aspects beyond residential users.

Council Member Burt emphasized that in addition to legal noticing requirements there were things not known about existing technologies. He referenced ramifications that were not considered 18 years ago when the initiative was put forward, and current barriers needed to be studied to accomplish what Council wanted to accomplish.

Council Member Tanaka supported Council Member Veenker's friendly amendment. He asked what the fine was for littering and what the penalty schedule was before this change. He did not think he could support the increase in penalties as the penalty was not commensurate with the offense. He asked what constructive knowledge meant in 1C and if a property owner would be responsible if they had provided written notice to a gardener instructing them to not use a gas-powered leaf blower but one was used. He asked if the maker and seconder would be interested in fines being 10% higher than the current fees, not 10 times higher. He stated that Number 4 seemed broad and queried if it included a ban on cars, and unless it was changed to read it did not refer to cars, he could not support it. Regarding cost enforcement, he asked how much staff thought this would cost to enforce.

Director Lait recalled the littering fine was \$250 for first violation, then \$500, then \$1,000, and he would let him know if that was not correct. He explained that cost enforcement was one FTE. They were trying to follow through on the Council's direction. They were hampered by the existing code, and they were suggesting changes that would improve efficiency.

Council Member Veenker stated the Staff Report indicated the previous penalty schedule was \$100, \$150, and \$300.

Assistant City Attorney Shimizu understood constructive knowledge to mean one had received notice by mail when a violation was observed. He saw going further than that and citing without notice. It would have to be looked into how that would be operationalized. It gave them something to consider in drafting the ordinance.

Attorney Arellano mentioned the ordinance as currently written stated no person shall operate, which made it difficult to hold anyone other than anyone holding the leaf blower responsible for the violation. Staff proposed an amendment to expand liability to those who knowingly hired or allowed a person to use a leaf blower. Council had expressed concern of how to know if a person knew their gardener was using a gas-powered leaf blower, so it was suggested relaxing the proposed amendment from knowingly hiring to anyone with constructive knowledge, meaning if a property owner was told through notice that their gardener was observed using a gas-powered leaf blower they could not say they did not know one was used. The issue of constructive knowledge addressed how the City would prove a violation had

SUMMARY MINUTES

occurred. The five-day requirement was a procedural requirement of sending notice via certified mail to the property owner stating a violation was observed. A property owner would be responsible if they had provided written notice to a gardener instructing them to not use a gas-powered leaf blower but one was used.

Vice Mayor Stone did not accept Council Member Tanaka's suggestion that fines be 10% higher than the current fees.

Council Member Burt expressed Number 4 was in the context of the entirety of this discussion, which had no reference whatsoever to vehicles.

City Manager Shikada expressed cost enforcement was cost of the staff handling the program, so the inspector and any indirect cost for the outreach that had been described. A dollar figure was not currently available.

Council Member Lythcott-Haims acknowledged that renters were situated differently than property owners and asked if the maker would entertain a friendly amendment to Item 3 to direct staff to provide renters with a confidential method of reporting violations to guard against retaliatory behavior or threat of eviction.

Vice Mayor Stone supported that but did not know if it was necessary.

Director Lait noted that anonymous complaints were accepted.

Council Member Lythcott-Haims withdrew the friendly amendment after Director Lait's explanation. She hoped that renters being differently situated would be taken into account for renter protections going forward.

Council Member Veenker did not see knowledge as a requirement in 9.10.060(f) or in the motion. It was in the Staff Report. She questioned if knowingly could be taken out altogether, constructive or otherwise. It appeared that a constructive knowledge requirement was being added and she thought the intent was to take away the knowingly provision. She questioned if the operator would be fined immediately and the property owner fined after the first violation.

Vice Mayor Stone voiced that the intent of Item C was it would be knowledge or constructive knowledge.

Council Member Burt remarked that staff indicated Item C would be based upon a property owner/manager's acknowledgement of notice. He did not want to fine those who did not know there was a violation occurring on their behalf.

Assistant City Attorney Shimizu noted the motion did not contain the knowledge requirement stated in the staff recommendation. They would read 1C of the motion as a wordsmithing of the recommendation Part 1A; however, they could use the type of language of Packet Page 367, Code 9.10.030, Subsection A.

SUMMARY MINUTES

Director Lait explained the knowledge would be conveyed from the City to the property owner. A property owner would be cited after the notice. It was correct that the operator would be fined immediately and the property owner fined after the first violation.

Council Member Burt asked if the warning period applied to the operator and the property owner. He was concerned that the only one that could be cited immediately was an employee operator.

Director Lait stated it was intended that citations could be issued upon observation of a violation when the five-day notice was eliminated.

Council Member Veenker was also concerned that the only one that could be cited immediately was an employee operator and thought notice should be consistent between the owner and the operator. She wanted the six-month warning period so everybody understood fines would be instituted after that time.

Council Member Burt asked if providing notice to operators was precluded in the staff proposal. He questioned the direction that needed to be taken.

Director Lait declared that providing notice to operators was not precluded, but the City would have the ability to cite at first violation. They received a lot of direction from Council and understood the equity concern, and they could continue to explore how that might evolve. They could write the ordinance but also get direction on how the regulations might be enforced in a manner consistent with the Council's interests related to who could be cited. After return of the ordinance, enforcement could be discussed.

Vice Mayor Stone intended that constructive knowledge would mean one knew or should have known there was a violation. He explained how a person could have known. He stated the time line with enforcement and public engagement needed to be clarified when this came back to Council.

Mayor Kou declared this would be returning to Council and would not be enacted now.

Council Member Tanaka could not support 1B or 2 and requested the motion be split.

MOTION SPLIT FOR THE PURPOSE OF VOTING:

- 1) b) Remove the existing requirement to provide a five-day notice of violation warning the operator of a gas-powered leaf blower and/or property owner in advance of issuing a citation for violating the ban;
- 2) Direct staff to prepare a resolution updating the municipal penalty schedule for violation of the gas-powered leaf blower ban to \$250 for the first offense, \$500 for the second offense and \$1,000 for the third and subsequent offenses within a three-year period; and direct staff to update the municipal penalty schedule effective September 1, 2023

MOTION PASSED: 5-2, Tanaka, Veenker No

SUMMARY MINUTES

FINAL MOTION: Vice Mayor Stone moved, seconded by Council Member Burt to:

- 3) Endorse the leaf blower enforcement public engagement strategy presented in this report
- 4) Refer to Policy & Services Committee discussion considering ban on gas powered leaf blower city-wide and evaluate replacement of internal combustion engines for residences and commercial properties maintenance based on available replacement technologies; evaluation of decibel levels for equipment
- 5) Direct staff to prepare an amendment to the Noise Ordinance (PAMC 9.10) to:
 - a) Clarify that citations may be issued to the leaf blower operator, leaf blower operator's employer, the property owner, manager, renter or other person authorizing or employing the use of gas-powered leaf blower on their property, or all for violations of the ban; and,
 - b) Remove the existing requirement to provide a five-day notice of violation warning the operator of a gas-powered leaf blower and/or property owner in advance of issuing a citation for violating the ban;
 - c) Include "Constructive knowledge" of property owner or property manager to section 9.10.060(f)
- 6) Direct staff to prepare a resolution updating the municipal penalty schedule for violation of the gas-powered leaf blower ban to \$250 for the first offense, \$500 for the second offense and \$1,000 for the third and subsequent offenses within a three-year period; and direct staff to update the municipal penalty schedule effective September 1, 2023
- 7) Endorse the leaf blower enforcement public engagement strategy presented in this report
- 8) Refer to Policy & Services Committee discussion considering ban on gas powered leaf blower city-wide and evaluate replacement of internal combustion engines for residences and commercial properties maintenance based on available replacement technologies; evaluation of decibel levels for equipment

MOTION PASSED: 7-0

Mayor Kou asked Council members if the meeting should be deferred and add a weekend day.

City Manager Ed Shikada recognized a special session would likely need to be scheduled or a meeting starting earlier on a Monday.

The Council decided they would coordinate offline and public comment would be taken with regard to AA1.

8. Review and Accept the FY 2024 - FY 2033 Long Range Financial Forecast (LRFF) and FY 2024 Budget Development Guidelines (8:30 – 10:30 PM)

ACTION: Item Continued

SUMMARY MINUTES

AA1. Approval of the 2023 City Council Priority Focus Areas, and Objectives Areas, Objectives, and Respective Major Projects for Calendar Year 2023

ACTION: Item Continued

Public Comments

John Kelley highlighted issues he raised in a letter he had sent, which included public speaking, global warming, and housing, and asked that the letter be read before the next session.

Jennifer Landesmann applauded the item for an establishment of an airplane noise committee. She asked for clarification how the 2023 Work Plan for airplane noise connected to the airplane noise committee. She hoped the objective for the 2023 Work Plan would not be narrowed solely to the SFO Roundtable.

Kerry Yavkin expressed why she hoped an airplane noise committee would be formed. She believed the FAA and SFO should be accountable to Palo Alto because of routes over Palo Alto. She thought particulate matter should be measured. She spoke of Caltrain using diesel and compressed natural gas and Palo Alto Airport using leaded fuel. She asked the skies be restored to be quiet, healthy, and clean.

Mark Shull spoke of SFO and the air traffic growth over Palo Alto and thought the City should take assertive action to gain a seat at the SFO Roundtable as to matters related to SFO traffic over Palo Alto.

Rebecca Ward addressed concentrated SFO traffic over Palo Alto, particulate matter, and noise. She opined that the City needed legal and technical expertise for knowledge and proposals and an overarching plan to deal with the problem on multiple fronts.

Karen Porter appreciated one of the proposed objectives was the implementation of a strategy for the provision and promotion of unleaded fuel at Palo Alto Airport. She discussed lead emissions at Palo Alto Airport harming people and the environment. She remarked that the language of the proposed objective left open the possibility that aircraft operators could decline to switch to unleaded. She commented on a letter by California's Attorney General. She asked that the proposed objective be amended to specify a definitive plan and timeline for ending the sale of leaded fuel at Palo Alto Airport and that the City report registration numbers and owners of aircraft continuing to use leaded fuel. She supported a committee being formed to address jet noise and emissions, and opined it should include Palo Alto Airport.

Dashiell Leeds, a conservation organizer for the Sierra Club at Loma Prieta Chapter, was speaking on behalf of Sierra Club's Bay Alive Campaign. He thanked Council for adding the natural environment to the 2023 priorities and outlined five objectives for consideration for the 2023 climate change and natural environment priority.

SUMMARY MINUTES

Aram James spoke of top priorities needing to be police reform, antisemitism, and the building of nuclear weapons.

Ken Horowitz deferred his comments to the next meeting.

Adjournment: The meeting was adjourned at 10:28 P.M. in memory of Melissa Baten-Casewell.