



CITY OF PALO ALTO CITY COUNCIL FINAL MINUTES

Special Meeting
June 15, 2020

The City Council of the City of Palo Alto met on this date in Virtual Teleconference at 5:01 P.M.

Participating Remotely: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Absent:

Closed Session

A. CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Rumi Portillo, Molly Stump, Monique LeConge Ziesenhenné, Nick Raisch, Kiely Nose, Gina Roccanova)

Employee Organizations: Utilities Management and Professional Association of Palo Alto (UMPAPA); Service Employees International Union, (SEIU) Local 521; Service Employees International Union, (SEIU) Local 521, Hourly Unit; Palo Alto Police Officers Association (PAPOA); Palo Alto Fire Chiefs' Association (FCA) and Employee Organization: International Association of Fire Fighters (IAFF), Local 1319; Palo Alto Police Manager's Association (PAPMA)

Authority: Government Code Section 54957.6(a).

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

MOTION PASSED: 7-0

James Hindrey preferred the Council hold negotiations in open session.

Council went into Closed Session at 5:05 P.M.

Council returned from Closed Session at 6:33 P.M.

Mayor Fine announced no reportable action.

Agenda Changes, Additions, and Deletions

Council Member Kou noted the agendas for June 16, 22, and 23 were packed and hoped some items could be postponed to July or following the break.

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Ed Shikada, City Manager, recognized the number of items on upcoming agendas. If the Council wished to defer any items on the current agenda, Staff could discuss the impacts and options.

Mayor Fine commented regarding the pandemic, the challenging economic environment, systemic racism, COVID-19 cases and testing, childcare, the upcoming Budget hearing, Juneteenth, recent demonstrations, the Summer Streets program, the graduation car parade, access to Foothills Park, the Sustainability and Climate Action Plan (S/CAP), pension policy, development projects, and the November election.

Oral Communications

Onaiza asked the Council to move Agenda Item Number 10 forward.

Audrey Knox concurred with Onaiza's comments.

Winter Dellenbach inquired regarding the FBI investigation into Police personnel and requested Agenda Item Number 10 be moved forward.

Brent White, International Association of Fire Fighters (IAFF) Local 1319 President, listed the Fire personnel being laid off due to Budget cuts. Fire Department personnel had decreased 25 percent over the past five years while call volume had doubled. The Fire Department was underfunded and understaffed. Station 2 would be closed for periods of time.

Andrew Milne noted the potential for increased ambulance response times due to Budget cuts and urged the Council to reconsider its cuts to the Fire Department.

Lisa Chung, Senator Hill's office, recognized the Palo Alto Youth Council for its work on vaping.

Lawrence Magid was disheartened by the Council reducing the number of Human Relations Commission (HRC) members, which decreased the diversity of members. With ongoing racism and equity discussions, the HRC's work had increased. He encouraged the Council to reverse its decision.

Rebecca Eisenberg referred to the U.S. Supreme Court's decision in the Bostick case regarding discrimination. Calls for defunding the Police Department did not include the Fire Department.

James Hindrey concurred with comments regarding Agenda Item Number 10, the Fire Department's Budget, and the HRC. He was disappointed with the HRC's failure to act on review of Police Department policies.

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Bill Ross recommended the Council review the questions associated with the curfew and concurred with Mr. White's comments.

Jonathan Erman noted performing arts programming had been affected by the pandemic. Budget decisions should be reviewed in light of the pandemic.

Minutes Approval

1. Approval of Action Minutes for the May 11, 12, 13, and June 1, 2020 Council Meetings.

MOTION: Mayor Fine moved, seconded by Council Member Cormack to approve the Action Minutes for the May 11, 12, 13, and June 1, 2020 Council Meetings.

MOTION PASSED: 7-0

Consent Calendar

Council Member Kou requested the Mayor consider moving Agenda Item Number 10 forward.

Ed Shikada, City Manager, advised that the time for changing the agenda had passed.

James Hindery felt the Council was negligent in running the meeting because Oral Communications requested a change in the agenda.

Council Member Kou registered a no vote on Agenda Item Number 2.

Council Member Tanaka registered no votes on Agenda Item Numbers 3 and 4.

MOTION: Vice Mayor DuBois moved, seconded by Council Member Kniss to approve Agenda Item Numbers 2-5.

2. Approval of Contract Number C20176877 With Schaaf & Wheeler Consulting Civil Engineers in the Amount of \$789,918 for Design Services for the: 1) Corporation Way System Upgrades and Pump Station, 2) West Bayshore Road Pump Station, and 3) Trunk Line Improvement Projects; Capital Improvement Program Projects (SD-21000, SD-20000, and SD-23000).
3. Approval and Authorization for the City Manager or Designee to Execute the Following Three Utilities Public Benefits Program Contract Amendments: 1) Amendment Number 2 to Ecology Action of Santa Cruz

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(C15155144A), With no Increase in Compensation and Extending the Term for one Additional Year; 2) Amendment Number 2 to Enovity, Inc. (C15155144B), With no Increase in Compensation and Extending the Term for one Additional Year; and 3) Amendment Number 2 to BASE Energy, Inc. (C15155144C), With no Increase in Compensation and Extending the Term for one Additional Year.

4. Approval of Amendment Number 2 to Contract Number C17165394 With Genuine Parts Company, dba Napa Auto Parts, to Increase the Contract by \$781,013 to an Amount Not-to-Exceed \$3,777,087 and Extend the Term Through July 21, 2021.
5. Approval of Amendment Number 3 to Contract Number C18172676 With Dixon Resources to Extend the Term to June 2021 With no Additional Costs for the Downtown Parking Study.

MOTION PASSED FOR AGENDA ITEM NUMBER 2: 6-1 Kou no

MOTION PASSED FOR AGENDA ITEM NUMBERS 3-4: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBER 5: 7-0

Council Member Kou believed funds for Agenda Item Number 2 could be better used elsewhere as the contract was not urgent.

Council Member Tanaka opposed Agenda Item Numbers 3 and 4 because Staff had not negotiated a lower price and the contracts had increased. The City should pay mileage for use of personal vehicles rather than maintaining a fleet of sedans.

City Manager Comments

Ed Shikada, City Manager, reported free COVID-19 testing would be conducted the rest of the week in City Hall. Sidewalk services would be offered at Rinconada and Mitchell Park Libraries the following week. Summer camps would begin in early July. The household hazardous waste station would reopen on June 20. The Council packet for the June 22 meeting had been revised to include a cover memorandum and supplemental report regarding the Independent Police Auditor's report. The Summer Streets program for California Avenue was well received over the weekend. Seven small businesses had been identified for the Small Business Grant program.

Mayor Fine noted anyone could be tested at City Hall during the week.

Council Member Kou inquired regarding a Motion to Reconsider.

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Molly Stump, City Attorney, advised that a Council Member could offer a Motion to Reconsider, but the movant had to be a member of the majority vote for the original Motion. There was no vote for Agenda Changes, Additions and Deletions. A Council Member may appeal a decision of the Mayor, and four votes could override the Mayor's decision.

MOTION: Council Member Kou moved, seconded by Vice Mayor DuBois to move Agenda Item Number 10 to follow City Manager's Comments.

Council Member Kou felt the topic was too important to occur late in the evening.

Vice Mayor DuBois preferred to address Agenda Item 10 early in the evening.

Council Member Kniss commented that other members of the community could be planning to join the meeting at the scheduled time and would not be aware of the change.

Council Member Cormack concurred with Council Member Kniss.

Council Member Tanaka suggested other, less important topics could be postponed so that the Council could meet the stated agenda start times.

Council Member Filseth suggested the meeting could proceed faster if a motion was offered prior to discussion of an agenda Item.

Mayor Fine proposed proceeding with the agenda until 8:45, at which time the Council would proceed to Agenda Item Number 9.

MOTION FAILED: 2-5 Cormack, Filseth, Fine, Kniss, Tanaka no

Action Items

6. PUBLIC HEARING: Resolution 9892 Entitled "Resolution of the Council of the City of Palo Alto Confirming the Weed Abatement Report and Ordering the Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein."

Ed Shikada, City Manager, reported this was an opportunity for members of the public to be heard.

Public Hearing opened at 7:29 P.M.

Xander Koo found the policy to be stupid. Other topics were more important.

James Hindery concurred with Mr. Koo.

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Public Hearing closed at 7:32 P.M.

MOTION: Vice Mayor DuBois moved, seconded by Council Member Kou to adopt the Resolution confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

Vice Mayor DuBois explained that the program required homeowners to clean up their yards.

Council Member Kou noted the benefits of weed abatement in relation to wildfires.

MOTION PASSED: 7-0

7. Resolution 9893 Entitled, "Resolution of the Council of the City of Palo Alto Recommendation on the Proposed Fiscal Year (FY) 2020-2021 Community Development Block Grant (CDBG) Funding Allocation; Recommendation That the City Manager or Designee be Authorized to Execute Necessary Documents for the Fiscal Year 2020-2021 CDGB Application; and to Submit the 2020-2021 Action Plan and the 2020-2025 Consolidated Plan to the Department of Housing and Urban Development (HUD) by the Extended Deadline of August 16, 2020."

Jonathan Lait, Director of Planning and Development Services, reported Staff recommended the Council adopt a five-year Consolidated Plan and Annual Action Plan, endorse the proposed funding allocations, and authorize the City Manager to execute and file the appropriate applications and agreements. The Consolidated Plan provided the framework for identifying housing and community development priorities. Annual Action Plans identified the specific agencies and resources that would implement programs supporting low-income households. Approximately \$850,000 was available for disbursement through the program. The City had received approximately \$500,000 for rent relief, food assistance and COVID testing.

Steven Lee, speaking as an individual, recommended the Council publicly investigate and address sexual harassment allegations against the Downtown Streets Team and supported the Human Relations Commission's recommendation.

Prameela inquired about the reports the Downtown Streets Team's Director had indicated would be made available to the public and about the Council's review of the reports.

Michele Dauber opposed the Staff recommendation to fund the Downtown Streets Team because of the sexual misconduct allegations. The Council

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should require a redacted investigation report be made available to the Council and the public.

James Hindery concurred with placing conditions on the funding for the Downtown Streets Team and proposed the funding be reallocated to The Opportunity Center.

Rebecca Eisenberg suggested the Council reject the contract with the Downtown Streets Team.

Philip D., The Opportunity Center, encouraged the Council to approve funding for the rental assistance program. The Opportunity Center had raised private funds for the program, but the number of people needing assistance was increasing.

Owen Byrd, Downtown Streets Team Board Member, advised that an independent investigation into the allegations had concluded there were no gender bias in salary, promotions or opportunities and no rewards based on favoritism or socializing. Claims regarding behavior at a staff holiday party held six years ago had been partially substantiated and addressed through changes in governance. The Board had chosen not to comply with demands from former employees.

Prameela rejected Mr. Byrd's comments and wanted to review the reports.

Vice Mayor DuBois indicated Mr. Byrd had addressed the Finance Committee. The alleged behavior had occurred quite a while ago, and the organization had made changes to address the allegations. He expressed interest in addressing vehicle dwellers.

MOTION: Vice Mayor DuBois moved, seconded by Council Member Cormack to:

- A. Adopt the funding Resolution allocating Community Development Block Grant (CDBG) funding as recommended in the draft 2020-2021 Action Plan;
- B. Authorize the City Manager to execute the Fiscal Year 2020-2021 CDBG application and Fiscal Year 2020-2021 Action Plan for CDBG funds and any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds;

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- C. Authorize Staff to submit the 2020-2021 Action Plan to the Department of Housing and Urban Development (HUD) by the extended deadline of August 16, 2020; and
- D. Authorize Staff to submit the 2020-2025 Consolidated Plan to HUD by the extended deadline of August 16, 2020.

Council Member Cormack inquired about the lack of current data.

Mr. Lait believed Staff had received data more recent than 2015 for ACS.

Council Member Cormack asked if economic development trained individuals for jobs or created jobs.

Mr. Lait understand it was job training.

Erum Maqbool, Planner, explained that the Downtown Streets Team provided training to homeless people and connected them to potential employers. The correct year for ACS data is 2017.

Council Member Kniss related that an investigative report regarding the Downtown Streets Team should be made available. She inquired about Staff's access to the reports.

Mr. Lait advised that Staff did not have the report. Staff typically did not seek that type of information for this program.

Ed Shikada, City Manager, reiterated that Staff had not accessed or reviewed the report.

Molly Stump, City Attorney, reported the City could inquire into the organizational effectiveness of applicants. If the Council wished to pursue the report or questions, it should contact the organization. Confidentiality or legal privileges may be attached to documents.

Council Member Kniss suggested Mr. Lait discuss the issue with Mr. Byrd.

Council Member Kou noted a difference between LifeMoves' funding shown on packet pages 128 and 129.

Mr. Lait clarified that funding shown on page 128 reflected historical funding for LifeMoves, and the funding shown on page 129 reflected funding through the rent relief program.

Council Member Kou asked if applicants had to submit reports to the City.

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Mr. Lait indicated Staff followed up with agencies and conducted performance audits to ensure programs and services met expectations.

Council Member Kou asked if the Human Relations Commission (HRC) provided oversight of the agencies.

Mr. Lait explained that the HRC reviewed applications and made recommendations for funding. Because of the pandemic, Staff utilized the Finance Committee rather than the HRC.

Council Member Kou noted public concern about the allegations against the Downtown Streets Team.

Vice Mayor DuBois recalled the City Attorney's statements about the Downtown Streets Team providing information rather than specific reports.

Ms. Stump understood an HRC subcommittee had expressed interest in receiving several documents and encouraged flexibility in the language so that Staff could hold a dialog with the Downtown Streets Team.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "to direct Staff to ask the Downtown Streets Team for a report on the harassment allegations by the end of August." (New Part E)

Mr. Lait inquired whether the Council intended to tie the request for information to funding. Staff had to submit their reports to the Department of Housing and Urban Development (HUD) by August 15.

Mayor Fine replied no.

Council Member Kniss wanted to provide the Downtown Streets Team with an opportunity to end speculation.

MOTION AS AMENDED RESTATED: Vice Mayor DuBois moved, seconded by Council Member Cormack to:

- A. Adopt the funding Resolution allocating Community Development Block Grant (CDBG) funding as recommended in the draft 2020-2021 Action Plan;
- B. Authorize the City Manager to execute the Fiscal Year 2020-2021 CDBG application and Fiscal Year 2020-2021 Action Plan for CDBG funds and any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds;

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- C. Authorize Staff to submit the 2020-2021 Action Plan to the Department of Housing and Urban Development (HUD) by the extended deadline of August 16, 2020; and
- D. Authorize Staff to submit the 2020-2025 Consolidated Plan to HUD by the extended deadline of August 16, 2020; and
- E. Direct Staff to ask the Downtown Streets Team for a report on the harassment allegations by the end of August.

MOTION AS AMENDED PASSED: 7-0

- 8. Adoption of a Resolution 9894 Entitled, "Resolution of the Council of the City of Palo Alto Updating the City's Transportation Analysis Methodology Under California Environmental Quality Act (CEQA) to Comply With California Senate Bill 743; and Adoption of a Local Transportation Impact Analysis Policy to Evaluate Level of Service (LOS) and Other Local Roadway Impacts."

James Hindery requested a link to the Staff presentation.

Rebecca Eisenberg suggested the Council acknowledge and consider public comments and perhaps change their opinions based on public comments.

Xander Koo agreed with Ms. Eisenberg's comments and believed the Council had a responsibility to address the public's grievances.

Vice Mayor DuBois requested Staff comments regarding Staff's proposals in response to the Council's discussion during the Study Session.

Ed Shikada, City Manager, requested Staff review the recommended thresholds and criteria.

Sylvia Star-Lack, Transportation Planning Manager, reported Staff recommended adoption of all suggested thresholds for screening except the threshold for local-serving retail. Cities could identify and adopt criteria developed by staff as long as substantial evidence supported the criteria.

Vice Mayor DuBois asked if a 0.1 threshold for the Traffic Infusion on Residential Environments (TIRE) level of significance represented a 2 percent impact. He also requested the rationale for not utilizing the change in the TIRE index.

Rafael Rius, Traffic Engineer Lead, explained that 10 or more peak-hour vehicle trips was the threshold for including the street in the local traffic

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analysis (LTA). The TIRE methodology determined the factor using a 0.1 threshold.

Vice Mayor DuBois understood the addition of ten car trips would be significant for a low-volume residential street, but it would not trigger a review.

Mr. Rius clarified that an additional 11 car trips on a street would trigger an analysis. If the traffic volume for the street was extremely low, the additional car trips could trigger an impact.

Vice Mayor DuBois inquired regarding the meaning of "inconsistent with this Policy" as stated in the Level of Service (LOS) standard.

Ms. Star-Lack indicated Staff attempted to avoid "significant impact" so as not to confuse LTA with California Environmental Quality Act (CEQA) analysis.

Vice Mayor DuBois preferred the language of "significant local impact." He inquired whether the threshold of significance was 4 seconds for LOS E or F.

Mr. Rius explained that the increase in delay was 4 seconds for average delay at an intersection. The volume of conflicted movements increased by 1 percent. That was a stricter threshold than increasing the letter grade.

Vice Mayor DuBois inquired whether Staff had analyzed a different threshold of significance.

Mr. Rius advised that Staff did not analyze intersections with LOS E or F but did review the LOS standard. Menlo Park utilized the LOS D standard for arterial streets.

Council Member Kou asked if the LOS standard could ever improve.

Mr. Rius indicated Staff planned intersection improvements to increase safety rather than to improve LOS or capacity. LOS D was the generally accepted standard for intersections.

Council Member Kou asked if the Council could set the LOS standard for the City.

Mr. Rius responded yes, but Staff attempted to be consistent with regional practices.

Council Member Kou inquired about litigation around vehicle miles traveled (VMT) regulations.

Molly Stump, City Attorney, understood litigation had been resolved.

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Council Member Kou requested the City Attorney research the litigation.

Ms. Stump reported the VMT methodology provided CEQA thresholds, and CEQA was an informational process and did not regulate the conduct of residents or visitors.

Bob Grandy, Fehr and Peers, was aware of litigation but did not know its status.

Mr. Rius related that the TIRE scale of zero to five was not based on existing traffic volume and was not a direct linear scale.

Council Member Filseth understood the intent of the item was to incorporate State law into the Municipal Code and to develop a policy for LOS. The Council could review LOS thresholds and standards at a future meeting.

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

- A. Adopt a Resolution designating Vehicle Miles Traveled (VMT) as the metric for conducting transportation analyses pursuant to the California Environmental Quality Act (CEQA), establishing CEQA thresholds of significance related to VMT, and identifying screening criteria to limit review for projects presumed to have a less than significant VMT impact based on substantial evidence; and
- B. Adopt a Local Transportation Impact Analysis Policy establishing standards for conducting local-level transportation analyses, including Level of Service (LOS) consistent with Comprehensive Plan Program T2.3.1, and addressing identified deficiencies.

Council Member Cormack requested the timeframe for planned high-quality transit corridors.

Mr. Grandy advised that the timeframe would be the timeframe for the individual project subject to CEQA review.

Council Member Cormack asked if Attachment B had been provided to the Council previously.

Ms. Star-Lack answered no.

Council Member Cormack remarked that the language "major threat" seemed rather strong.

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Mayor Fine asked if the reason for not utilizing the State threshold for local-serving retail was retail in Palo Alto occupied a smaller footprint than State thresholds.

Ms. Star-Lack wanted to analyze projects containing more than 10,000 square feet when the State provided an exemption from additional analysis for these large projects.

Council Member Filseth inquired about a reasonable timeframe for Staff to return with a discussion of LOS standards.

Mr. Shikada reported a policy discussion would not require much Staff work.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "to direct Staff to return within 6-9 months with further review of LOS Standards." (New Part C)

Council Member Kniss commented that the current LOS standards were adequate, but additional discussion was warranted.

Council Member Cormack asked if the LOS standards could be presented to the Planning and Transportation Commission (PTC) prior to the Council.

Ms. Star-Lack indicated that was in Staff's plans.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part B, "to rephrase the Level of Service Standard, "The City of Palo Alto's Level of Service (LOS) standard is D, which is more conservative than the CMP LOS standard of E. If the LTA shows that a development project is anticipated to cause a transportation facility (intersection or roadway) to degrade below LOS D to LOS E or F, then the project will be deemed to have significant local impact." (New Part B.i)

Mayor Fine asked if the language change would affect other provisions of the analysis.

Ms. Star-Lack replied no.

Mayor Fine inquired about a scenario in which the language may be confused with CEQA.

Mr. Rius explained that Staff conducted LTA and the CEQA analysis in one traffic report for large projects.

Mr. Shikada asked if there was an error in the second paragraph.

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Ms. Star-Lack responded no.

MOTION AS AMENDED RESTATED: Council Member Filseth moved, seconded by Council Member Kniss to:

- A. Adopt a Resolution designating Vehicle Miles Traveled (VMT) as the metric for conducting transportation analyses pursuant to the California Environmental Quality Act (CEQA), establishing CEQA thresholds of significance related to VMT, and identifying screening criteria to limit review for projects presumed to have a less than significant VMT impact based on substantial evidence;
- B. Adopt a Local Transportation Impact Analysis Policy establishing standards for conducting local-level transportation analyses, including Level of Service (LOS) consistent with Comprehensive Plan Program T2.3.1, and addressing identified deficiencies;
 - i. Rephrase the Level of Service Standard, "The City of Palo Alto's Level of Service (LOS) standard is D, which is more conservative than the CMP LOS standard of E. If the LTA shows that a development project is anticipated to cause a transportation facility (intersection or roadway) to degrade below LOS D to LOS E or F, then *the project will be deemed to have significant local impact.*"; and
- C. Direct Staff to return within 6-9 months with further review of LOS Standards.

MOTION AS AMENDED PASSED: 6-1 Kou no

Council took a break at 9:06 P.M. and returned at 9:12 P.M.

- 9. Approval of two Lease Agreements Between Palo Alto Unified School District and the City of Palo Alto for: 1) Cubberley for 54 months, Not-to-Exceed Amount of \$2,733,280 per year, and 2) Extended Day Care.

Kristen O'Kane, Director of Community Services Department, reported the City leased 27 acres of the Cubberley campus from the Palo Alto Unified School District (PAUSD) for \$5.4 million annually. The City paid \$700,000 annually for extended daycare at elementary schools. In October 2019, the Council directed Staff to negotiate a lease with PAUSD for an additional five years. The proposed lease would grant the City use of both gyms, spaces G5 and G8 adjacent to gyms, the Pavilion, the theater, the modular structure occupied by the Friends of the Palo Alto Library, Building S, the auditorium temporarily housing the Junior Museum and Zoo (JMZ), the maintenance shop, fields, and

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the track. The lease term was July 1, 2020 to December 31, 2024. The City's annual lease payment was \$2.5 million, \$13,790 for the auditorium, and \$5,650 for Building S. The City would maintain and repair the property with PAUSD reimbursing the City for its share of the maintenance. Avenidas, Imagination School, and the Palo Alto Humane Society would relocate to the City's portion of Cubberley. Children's Preschool, Friends of the Palo Alto Library, HeartFit for Life, and Minority TV would remain in their spaces. Silicon Valley Karate was pursuing a lease with PAUSD. Genius Kids had terminated its lease. Community for Christ Church had not found a new location. PAUSD had offered rental spaces to some Cubberley renters. Staff was working with other renters to find new spaces. The lease term for extended childcare sites at 12 elementary schools was July 1, 2020 to June 30, 2022 with an annual rent payment of \$707,676.

Diane Reklis remarked that the proposed leases were disappointing and hoped the City and PAUSD could commit to working together.

Penny Ellson expressed disappointment with the City and PAUSD for allowing the underuse of Cubberley and for failing to maintain Cubberley. It would be more efficient for one agency to manage the facility.

Rebecca Eisenberg chastised the Council for failing to tax businesses and the City's wealthiest citizens to pay for social and community services. The City should pay PAUSD more so that vulnerable citizens did not have to pay.

James Hindery concurred with prior comments. One group should manage the property.

Jeremy Erman believed the process had contained errors. The lease would separate the theater from dressing rooms.

Ken Horowitz indicated the lease was a bad deal for the City. Cubberley needed repairs, and PAUSD was not interested in repairing it. The City should look for permanent sites for Cubberley tenants and renters.

Pat Burt commented that Staff presented a fundamental policy change in the guise of a budgetary decision. The month-to-month lease should continue while stakeholder engagement occurred.

Jonathan Erman remarked that splitting the theater was not logical. The Staff Report did not include information about tenant and renter payments to the City.

Council Member Cormack would not support a lease with the proposed lease term and inquired about options for a two-year lease term.

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Ed Shikada, City Manager, advised that 54 months was consistent with the prior lease term. PAUSD would probably not be enthusiastic about a shorter lease term.

Council Member Cormack inquired about the previous lease requirements for milestones, an ad hoc committee, and an existing conditions survey.

Mr. Shikada explained that the proposed lease terms were developed in response to the pandemic. A number of variables were discussed during negotiations. PAUSD and the City were suffering Budget cuts, and PAUSD needed to utilize space on the property.

Council Member Cormack asked Staff to address public comments about the theater.

Ms. O'Kane indicated rooms adjacent to the theater were used for dressing rooms and were suitable for rental spaces. Users of the theater could rent the rooms from PAUSD.

Council Member Cormack asked about inspections to document the current condition and the future condition of the facility.

Sonny Tong, Real Estate Manager, related that the landlord typically viewed the property at the beginning and end of the lease to ensure the condition had not changed. The City would be responsible for basic maintenance of the facility.

Vice Mayor DuBois asked if other lease terms had changed.

Mr. Shikada explained that the proposed lease was substantially different from the prior lease such that a redline version was not possible.

Vice Mayor DuBois asked if the recent one and five-year leases with PAUSD had been extensions of the original 1990 lease.

Ms. O'Kane replied yes.

Vice Mayor DuBois inquired whether PAUSD would be willing to lease the entire 35 acres for less money.

Mr. Shikada stated the lease terms were negotiated in response to the City's fiscal distress and the need to provide community access to specific facilities.

Vice Mayor DuBois requested the names of tenants and renters that would be displaced.

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Ms. O’Kane answered Community for Christ Church and the Palo Alto Humane Society. Staff continued to work with renters. One tenant had provided a time when another entity could utilize its space.

Vice Mayor DuBois asked which entity would have possession of building Q.

Ms. O’Kane replied the City.

Council Member Kniss noted a PAUSD representative was not present and presumed the proposed lease was a shared agreement.

Mr. Shikada described the proposed lease as a way to make the best of a bad situation.

Council Member Kniss remarked that the buildings had not been improved since 1978, but PAUSD did not have any plans for the property. The City would continue its annual \$2 million payment to the Cubberley Infrastructure Fund.

Council Member Kou felt the proposed lease represented a short-term solution and the loss of community space. She inquired whether PAUSD had offered to reduce the lease payment more.

Mr. Shikada explained that Staff offered the amount the City could afford for the space over which the City did not have control. That amount was the beginning of the negotiations. Staff wanted to maintain access to facilities with high community use.

Council Member Tanaka commented that reducing the payment to PAUSD was not a solution to the City's fiscal issues. He did not like the proposed lease because of its impact on PAUSD.

Council Member Filseth appreciated Staff finding new locations for tenants.

Mayor Fine inquired whether the Board of Education (Board) had approved the leases.

Ms. O’Kane responded yes.

Mayor Fine asked if the City could negotiate an extension of the lease in the future.

Mr. Shikada answered yes.

Mayor Fine requested the provisions for early termination of the lease.

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Mr. Shikada advised that written notice of termination had to be provided 120 days prior to the termination date.

MOTION: Council Member Kniss moved, seconded by Council Member Kou to authorize the City Manager to execute the Lease Agreements between Palo Alto Unified School District (PAUSD) and the City of Palo Alto (City) for Cubberley for 54 months and Extended Day Care premises for 24 months, Not-to-Exceed amount of \$707,676 per year.

Council Member Kniss suggested the proposed lease represented a cost-sharing agreement. The leases were appropriate for the current circumstances.

Council Member Kou suggested the City could find additional funding to retain use of the entire Cubberley campus, but the proposed lease accommodated many tenants.

Vice Mayor DuBois wanted to return to exploring creative solutions for the site that would be good for the community. The proposed lease was reasonable for a short-term solution. He preferred a lease term of 24 months.

Council Member Kniss proposed a lease term of three years or 30 months so that tenants could have time to settle.

Ms. O'Kane suggested 24 months was too short. Either party could terminate the lease with a 120-day notice.

Council Member Kou requested the number of tenants that had leases for 54 months.

Ms. O'Kane reported all tenants were using month-to-month leases. Many tenants probably preferred longer-term leases for stability.

Vice Mayor DuBois asked if the typical tenant lease had a one-year term.

Mr. Tong indicated most lease terms coincided with the City/PAUSD lease. Most tenants had been onsite for years.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the Motion to state "... for Cubberley for 30 months"

Mr. Shikada requested the Council think about reasons PAUSD should agree to a shorter lease term.

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Vice Mayor DuBois explained that a shorter lease term could be renegotiated sooner if the COVID situation resolved. The City may want to restructure the lease for construction on the City's portion of the property when the economic outlook improved.

Todd Collins, PAUSD Board of Trustees President, stated PAUSD did not seek a modification of the lease terms. The proposed lease was the only one presented to the Board, and the Board had reluctantly approved the lease. PAUSD would likely be open to other lease terms.

Council Member Cormack remarked that the City's constituents were not the same as the Board's constituents. The City's budget deficit was \$39 million compared to PAUSD's deficit of \$3 million. Cubberley should be part of the Infrastructure Plan.

SUBSTITUTE MOTION: Council Member Tanaka moved, seconded by Council Member XX to direct Staff to have a more collaborative negotiation with the Palo Alto Unified School District (PAUSD).

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION AS AMENDED RESTATED: Council Member Kniss moved, seconded by Council Member Kou to authorize the City Manager to execute the Lease Agreements between Palo Alto Unified School District (PAUSD) and the City of Palo Alto (City) for Cubberley for 30 months, Not-to-Exceed amount of \$2,733,280 per Year and Extended Day Care premises for 24 months, Not-to-Exceed amount of \$707,676 per year.

MOTION AS AMENDED PASSED: 6-1 Tanaka no

10. Review and Provide Initial Input on Options for a Framework and Workplan to Address Systemic Racism.

Ed Shikada, City Manager, reviewed the Council's June 8 motion. The proposed framework included elements to garner input from the Council and to guide next steps. Some items could be developed quickly, while other items would require an examination of existing conditions, community engagement, goal setting, and implementation. Transparency and accountability were critical to the process. The Council would regularly review progress in specific areas. The proposed framework included immediate review of current Police policies and use of force practices; community engagement and communications; organizational policies and decision-making; and community services and programs.

DRAFT ACTION MINUTES

Xander Koo supported defunding the Police Department. Police Officers were responsible for too many parts of public safety infrastructure when their only tools were weapons. Defunding would include establishing new roles for Police Officers.

Alicia Mies remarked that the proposed framework was incredibly broad, vague, and potentially useless. The element for accountability did not offer answers for the community's questions. The Council should seriously consider defunding the Police Department and allocating the funds to the Community Services Department.

Onaiza suggested the Police Department's Budget match public opinion. All police misconduct should be subject to independent audit, and all body camera footage should be released to the public. Police Officers with disciplinary and misconduct records should be fired.

James Hindery indicated *8 Can't Wait* should not be discussed but implemented.

Bill Ross believed the Council should take immediate action on use of force and request labor groups waive meet-and-confer requirements for this issue.

Allen Rankin recommended the Council appoint independent medical professionals and civil rights activists to police review boards.

Kevin did not agree with utilizing the Police Chief's advisory group. An advisory group should be independent of the City, the Council, and the Police Department. Police and prison abolition were the long-term goal.

Robert Vetter remarked that Palo Alto was built on systemic racism. The Council had to do better.

Hannah Waleh agreed with prior comments. An oppressive system could not be reformed. The Police Department should be replaced with currently unidentified community safety programs.

Lauren Cory, American Civil Liberties Union (ACLU), wanted to participate in the racism dialog. She inquired about bias training for Police Officers, compliance with Senate Bill (SB) 1421, and incorporation of community-based organizations for mental health and domestic scenarios.

Winter Dellenbach stated accountability must be the primary goal. Laws prohibiting the disclosure of personnel records should be eliminated. An advisory body must be independent and should be selected and answerable to the City Council.

DRAFT ACTION MINUTES

Cedric de La Beaujardiere recommended the City adopt the *8 Can't Wait* policies. Police Officers should be guardians and not warriors.

Laura Sieh noted the 2019 Council action to transfer personnel conflicts from the independent auditor to the Human Resources (HR) Department, which lessened transparency. Police reforms were being decided by the Council in consultation with the Police Department and labor union.

Warren Wagner stated the proposed framework was a local solution to a systemic problem. Certain changes could create safety and remove the capacity for police violence. The framework should remove tools of oppression and reduce the scope of policing.

Rev. Kaloma Smith, Human Relations Commission (HRC) Chair, advised that the HRC was willing and prepared to assist the Council and lead the discussion.

Hamilton Hitchings suggested the City adopt Supervisor Simitian's police reform proposal for the Santa Clara County Sheriff's Office. *8 Can't Wait* was a starting point only.

Mary Jane Marcus felt the Council was willing to implement incremental changes, but protestors wanted wholesale changes. The new Public Safety Building (PSB) could be a community space.

Dhara Yu referred to the Federal Bureau of Investigation (FBI) investigation into the Police Department and hoped the Police Department and Council were acting with urgency.

Council took a break at 11:24 P.M. and returned at 11:32 P.M.

Mayor Fine requested the City Manager reiterate the direction Staff sought from the Council.

Mr. Shikada listed method or form of engagement, use of an advisory group, use of Boards and Commissions, and content of the proposed framework.

Council Member Kniss noted Sunnyvale utilized a Public Safety Division to provide police, fire, and emergency services, and personnel could fulfill any of the three roles. Perhaps it was time to dramatically reform the Police Department.

Vice Mayor DuBois asked if funding for School Resource Officers (SRO) had been eliminated from the Budget.

Mr. Shikada responded yes.

DRAFT ACTION MINUTES

Vice Mayor DuBois asked if the Independent Police Auditor (IPA) would report on the Alvarez matter.

Mr. Shikada answered yes.

Robert Jonsen, Police Chief, advised that the administrative investigation was pending a decision in the criminal investigation. A decision had been rendered in the criminal investigation, and the administrative investigation would be finalized. The matter would be sent to the IPA probably by the end of the year. The January 2021 report would be the earliest date for a report from the IPA.

Vice Mayor DuBois proposed a short-term response be ready for Council consideration following the break. The Council may want to discuss a long-term response as a Study Session.

Council Member Cormack believed the Council should do the work. She inquired regarding data pertaining to racial profiling, traffic stops and other incidents.

Mr. Shikada related that some data was no longer collected, and other data could be compiled.

Council Member Cormack agreed with suggestions to work with partners. She inquired about a process to accept the IPA's recommendations.

Molly Stump, City Attorney, indicated the Council's practice was to receive the IPA's report as an information item.

Mr. Jonsen reported the Police Department accepted and incorporated all IPA recommendations. Policies and protocols had been adapted based on the recommendations.

Council Member Cormack requested the consequences for violation of the policies outlined in Attachment C.

Mr. Jonsen reported a use of force incident was investigated in depth. If the investigation determined a policy violation had occurred, an administrative investigation was opened. Disciplinary actions would be imposed based on recommendations.

Council Member Tanaka was intrigued by Sunnyvale's rotation of public safety roles. A more flexible workforce could aid budgetary constraints. He was interested in a Study Session on the topic. He questioned whether public safety should report to the Council rather than the City Manager. Access to data should be open.

DRAFT ACTION MINUTES

Council Member Filseth felt there was an extremely long delay between an incident and the IPA's report and asked if it was typical.

Mr. Jonsen advised that an internal investigation was typically provided to the IPA within 30 days of the incident. The Alvarez incident was reported a year after it occurred and was subject to a criminal investigation and a use of force investigation. Typically, the Council should have the IPA's report within 12 months of an incident.

Council Member Filseth asked if a year delay was too long.

Mr. Jonsen remarked that the IPA had the capacity to complete reports timely. The goal was to have the IPA report in the same year an incident occurred.

Council Member Filseth did not believe incidents such as the one involving George Floyd could happen in Palo Alto, but the City had to ensure those incidents did not occur. The *8 Can't Wait* policies may be the way to ensure that. The Council had to look at best practices for accountability, transparency, and oversight.

Council Member Kou inquired about ways to alter the culture of the Police Department.

Mr. Jonsen commented that time was needed to change culture. He set expectations when he joined the Police Department, and new hires began the transformation.

Council Member Kou inquired about ways for Police Officers to be part of the community.

Mr. Jonsen explained that officers interacted with the community in non-law enforcement capacities during National Night Out, Community Academy, or parent projects. With Budget constraints, fewer officers would be available for community interaction.

Council Member Kou asked if another model for community interaction was foot patrols.

Mr. Jonsen answered yes. Police Officers were assigned to foot and bicycle patrols.

Council Member Kou inquired about the labor contracts.

Mr. Shikada reported the City and the unions were the parties to labor contracts, which provide processes for compensation, grievances, and discipline.

DRAFT ACTION MINUTES

Mayor Fine asked about Palo Alto's response to an incident similar to the George Floyd incident.

Mr. Shikada expected Staff would focus on facts and circumstances.

Mayor Fine inquired about the role of a Community Service Officer (CSO) compared to the role of a Police Officer.

Mr. Jonsen advised that the CSO handled reports, non-injury traffic collisions, and special events.

Mr. Shikada suggested the Council consider scenarios to which non-armed personnel could respond. In the past, medical clinicians had responded with officers to specific situations.

Mayor Fine requested the rationale for redacting portions of the policy manual.

Mr. Jonsen indicated policies that had been redacted had tactical components.

Mayor Fine asked if race data was collected for traffic stops.

Mr. Jonsen replied no. In the past, one employee was responsible for collecting that data. Data collection ceased when the position was eliminated. The Police Department would have to begin collecting the data by April 2023.

Mayor Fine asked if the Police Department could obtain no-knock warrants.

Mr. Jonsen advised that the Police Department rarely obtained that type of warrant.

Mayor Fine asked if the Police Department utilized less-than-lethal munitions.

Mr. Jonsen responded yes.

Council Member Filseth asked if CSOs comprised about 10 percent of the patrol force.

Mr. Jonsen explained that the Department had two CSOs.

Council Member Filseth asked if the Police Department had any military-grade equipment.

Mr. Jonsen answered high-caliber rifles only.

Council Member Kou requested the circumstances for use of the Swat Team.

DRAFT ACTION MINUTES

Mr. Jonsen related that the Swat Team trained for high-risk situations such as an active shooter.

Council Member Kou inquired about protection for dignitaries.

Mr. Jonsen indicated a dignitary's security team may request assistance from the Police Department.

Council Member Kou inquired regarding laws that allowed the Council to receive reports of disciplinary actions.

Mr. Jonsen reported new laws required the Police Department to release information specific to certain incidents.

Council Member Kou inquired about the likelihood of officers intervening in inappropriate actions.

Mr. Jonsen explained that the policy manual stated a duty to intervene.

Council Member Kou inquired about the FBI investigation.

Ms. Stump could not comment.

Council Member Kou inquired about the possibility of Firefighters and EMTs responding to domestic violence calls.

Mr. Jonsen remarked that domestic violence calls historically were the most dangerous calls.

Council Member Kou asked if a psychiatrist or psychologist could respond to a situation such as the one on Tennessee the prior year.

Mr. Jonsen advised that a psychologist was on scene for the incident on Tennessee. However, civilians would not respond to calls of an armed individual.

Council Member Cormack wanted to create a stretch goal for best practices. She inquired if there was any data regarding the duty to intervene.

Mr. Jonsen did not have that information, and collecting the data would be quite difficult.

Council Member Cormack proposed the Council look at separating the many roles in which Police Officers serve.

DRAFT ACTION MINUTES

MOTION: Mayor Fine moved, seconded by Council Member Kniss to provide direction to Staff on a proposed initial framework and workplan to address police use of force and citywide issues related to race and equity to include the following:

- A. Direct the Human Relations Commission to lead the *8 Can't Wait Initiative* and to produce a report on the black community's history in Palo Alto;
- B. Expand community engagement to include private and public forums;
- C. Start Council Ad-Hoc Committees with monthly reports on: police hiring, data analysis, practices and policies, transparency, and accountability;
- D. Start a community-effort to paint "Black Lives Matter" or a similar message near City Hall;
- E. Direct the Public Art Commission to explore public art honoring diversity; and
- F. Direct Staff to evaluate which current police functions may be served by other public safety models.

Mayor Fine noted short-term and long-term topics for the Council. Some Police functions could be served by other public safety models.

Council Member Kniss remarked that the HRC was ready to work on the *8 Can't Wait* policies. Each of the subparts would require work and time.

Mr. Shikada believed work on the issues would displace other priorities. The role of the ad hoc committees and staff would have to be determined.

Council Member Kou preferred a commission other than the HRC take on the *8 Can't Wait policies*. The Black Lives Matter message should be painted soon.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part A, "and brown."

Council Member Cormack inquired about timeframes for each of the efforts.

Mayor Fine proposed Subparts A, B and D as short-term projects, Subpart C as medium-term, and Subparts E and F as long-term.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part A, "within 90 days" and to the Motion, Part B, "within 30 days".

DRAFT ACTION MINUTES

Mr. Shikada needed additional details to provide a timeframe for Subpart D.

Vice Mayor DuBois preferred a 60-day timeframe for Subpart A and appointing additional members to the HRC for greater diversity.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the Motion, Part A from 90 days to 60 days.

Council Member Tanaka proposed combining Subparts D and E.

Mayor Fine preferred to delegate the artwork to the community.

Mr. Shikada proposed a Council ad hoc committee work on the artwork.

Council Member Kniss commented that giving the Public Art Commission artistic control would ensure artwork met community expectations.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to combine Parts D and E in the Motion.

Council Member Tanaka suggested the Council focus on Subparts A and E as a starting point. He questioned whether the words "black" and "brown" included the Asian community.

Council Member Kou requested clarification of Subpart D.

Mayor Fine suggested the Public Art Commission, Staff, and the community prepare a proposal within the next two weeks.

Council Member Kou felt the artwork should focus on the letters and message. A Council ad hoc committee should work on the technical aspects of *8 Can't Wait*.

Mayor Fine suggested the Council Liaison to the HRC and alternate form the ad hoc committee.

Mr. Shikada looked forward to engaging Police Officers and the union in the effort.

Council Member Filseth remarked that Subpart C could involve a great deal of work and outside expertise.

Vice Mayor DuBois noted there was no alternate Council Liaison for the HRC.

Mayor Fine appointed Council Member Kou to the ad hoc committee.

DRAFT ACTION MINUTES

MOTION AS AMENDED RESTATED: Mayor Fine moved, seconded by Council Member Kniss to provide direction to Staff on a proposed initial framework and workplan to address police use of force and citywide issues related to race and equity to include the following:

- A. Direct the Human Relations Commission to lead the "8 Can't Wait" campaign and to produce a report on the black and brown history and current community in Palo Alto, within 60 days;
- B. Expand community engagement to include private and public forums, within 30 days;
- C. Start Council Ad-Hoc Committees with monthly reports on: police hiring, data analysis, practices and policies, transparency, and accountability;
- D. Direct the Public Art Commission to explore public art honoring diversity, and work with our community to paint "Black Lives Matter" or a similar message near City Hall, as soon as possible; and
- E. Direct Staff to evaluate which current police functions may be served by other public safety models.

MOTION AS AMENDED PASSED: 7-0

Council Member Questions, Comments and Announcements

Council Member Kou requested an update regarding a permanent noise monitoring station and the amount of membership fees the City paid to the Metropolitan Transportation Commission (MTC), the Association of Bay Area Governments (ABAG), and the League of California Cities.

Adjournment: The meeting was adjourned at 1:11 A.M.