



CITY OF PALO ALTO CITY COUNCIL FINAL MINUTES

Special Meeting
August 24, 2020

The City Council of the City of Palo Alto met on this date in Virtual Teleconference at 5:04 P.M.

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

Absent:

Agenda Changes, Additions and Deletions

None.

Oral Communications

Steven Lee hoped the Council would respond to the call to action regarding gender inequality and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Minutes Approval

1. Approval of Action Minutes for the August 10, 2020 City Council Meeting.

Council Member Cormack requested the City Clerk verify the vote on the Motion in Agenda Item Number 5A.

MOTION: Council Member Cormack moved, seconded by Council Member Kniss to approve the Action Minutes for the August 10, 2020 City Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Kniss moved, seconded by Mayor Fine to approve Agenda Item Numbers 2 and 3.

2. Approval of Contract Number C21179389 With Teichert Construction in the Amount of \$1,904,325 for the Page Mill Road Safety Improvements Project (HSIPL-5100(029), Capital Improvement Program Street Maintenance Project (PE-86070).

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3. Ordinance 5504 Entitled "Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code Chapters 18.52 and 18.54 Adjusting Parking Requirements to Facilitate EVSE Installation, Compliance With Accessibility Laws, Parking Substitutions, and Parking Lot Re-striping and Maintenance. Environmental Assessment: This Project is Exempt From the California Environmental Quality Act (CEQA) in Accordance With CEQA Guidelines Section 15301, 15302, 15303, and 15061(b)(3) (FIRST READING: August 10, 2020 PASSED: 7-0)."

MOTION PASSED: 7-0

City Manager Comments

Mayor Fine requested Council Members limit their comments and questions to clarification of the City Manager's comments.

Ed Shikada, City Manager reported Staff was monitoring wildfires in the region. There were no wildfires in or evacuation orders for Palo Alto. The Police Department, Fire Department and Office of Emergency Services (OES) were on heightened alert. Limited Fire personnel responded to mutual aid requests to ensure Palo Alto's needs were sufficiently staffed. The webpage cityofpaloalto.org/firestatus was active and provided real-time information.

Geo Blackshire, Fire Chief advised that two units were deployed with Santa Clara County strike teams to the LNU Lightning Complex Fire in Sonoma County and the SCU Lightning Complex Fire in Santa Clara County. The CZU Lightning Complex Fire was currently a minor threat to Palo Alto. The red flag warning for Palo Alto was cancelled. Poor air quality was alarming but did not warrant a call to 9-1-1. Citizen participation was critical to evacuation response.

Mr. Shikada related that a Cooling Center and refuge from poor air quality was offered the following day at Mitchell Park Community Center. Residents were able to register for Emergency Alerts and updates at cityofpaloalto.org/firestatus. A number of City employees were impacted by fires and Evacuation Orders.

Council Member Kou inquired regarding the timeframe for the project in Agenda Item Number 2 as Page Mill Road was an evacuation route.

Mr. Shikada indicated the project would not begin in the next month.

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Action Items

- 3A. Staff and Utilities Advisory Commission Recommend the City Council Adopt a Resolution 9913 Entitled "Resolution of the Council of the City of Palo Alto Amending the City's Electric Supply Portfolio Carbon Neutral Plan and Electric Utility Reserves Management Practices (Continued from August 17, 2020).

Jim Stack, Senior Resource Planner Utilities Department reported the Carbon Neutral Plan governed electricity purchases to meet the City's load. Staff believed the proposed changes would allow the Electric Utility to lower its supply cost and help the community reduce Greenhouse Gas (GHG) emissions. The recommendation contained three components: the exchange of in-State renewable energy (Bucket 1 Renewable Energy Certificates (REC)) for out-of-state renewable energy (Bucket 3 RECs); Council direction regarding allocation of savings from the REC exchanges; and a change in the annual Carbon Accounting Methodology. The Renewable Portfolio Standard (RPS) mandate required electric utilities to use renewable energy for 33 percent of retail sales. The State also required utilities to fulfill RPS requirements through renewable energy generated predominantly in-State. Once a utility satisfied its RPS requirement, they were able to purchase energy without restriction. Ignoring the cost of electricity, the market price for an in-State REC was approximately \$14-\$15 versus \$2 for an out-of-state REC. Research papers from the Electric Power Research Institute (EPRI) supported the exchange of in-State RECs for out-of-state RECs because an exchange had little to no impact on carbon emissions. The City's Carbon Neutral Plan currently required the use of only in-State renewable energy. The Electric Utility was far exceeding its RPS requirements. In-State RECs that exceeded the RPS requirement were able to be exchanged for lower-costing out-of-state RECs. Through an exchange, the Electric Utility was able to reduce expenses and remain carbon neutral. The State considered energy generated from hydroelectric projects to be non-renewable. Selling renewables that exceeded the annual load, selling renewables that exceeded the RPS requirement for in-State generation and purchasing out-of-state renewables resulted in a net cost savings of approximately \$3 million per year over the current year and the next four years. The Utilities Advisory Commission (UAC) chose not to recommend an explicit sunset date for the strategy but, instead, recommended the Council direct Staff to return prior to the end of 2022 to discuss continuation or modification of the strategy. If the Council chose to retain the current strategy, the Electric Utility's Power Content Label (PCL) for calendar year 2021 was going to show electric resources of predominantly hydroelectric and solar energy. If the Council approved Staff's recommendation for an exchange strategy, the PCL was going to show out-

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of-state renewable energy purchases as "unspecified" power rather than renewable power. In calendar year 2022, the PCL was going to have to report an average emissions intensity metric, and the emission intensity for the Electric Utility was going to increase from approximately 6 kilograms of carbon per megawatt hour (kg CO₂/MWh) to 102 kg CO₂/MWh. The statewide average for emissions intensity was 250-300 kg CO₂/MWh. Staff was concerned that the PCL would cause customers to believe the Electric Utility was not meeting its carbon-neutral supply goals. Footnotes on the PCL was able to explain the unspecified power designation and advise that the Electric Utility believed their electric supply was carbon neutral. Messaging was able to explain the cost savings and the reporting requirements for out-of-state renewable energy. The UAC and Staff recommended the potential cost savings be used to reduce electric rates or to fund building electrification and decarbonization programs. After considering the effects of the COVID-19 pandemic, Staff updated their recommendation to split the cost savings: from the first two years two-thirds to reducing rates; one-third to building electrification and decarbonization programs; and to allocate all cost savings from years 3-5 to building electrification and decarbonization programs. Changing the accounting methodology was going to have a fairly small financial impact but a significant impact on decisions regarding the supply portfolio. While there was no time sensitivity to changing the methodology, Staff recommended a change now in order to evaluate their impacts and to avoid making the change while making decisions about the supply portfolio. An hourly accounting caused the electric supply to appear less clean. To neutralize this effect, Staff was going to purchase additional Bucket 3 RECs at a cost of approximately \$140,000 per year. Staff believed hourly accounting would be a more accurate and honest method for assessing the electric supply and determining carbon neutrality. Staff was currently selling the Electric Utility's surplus renewable energy for 2020. If approved, Staff planned on selling Bucket 1 RECs and purchase Bucket 3 RECs in the second half of 2020.

Rebecca Eisenberg urged the Council to craft a strategy that reduced rates for small and medium commercial and residential customers but not large commercial customers. She opposed increasing carbon emissions.

Council Member Filseth believed the priority was not to heat up the planet. The location of the solar panel did not matter. He thought the State's priority could be divided into not heating up the planet, politics, stakeholders and financial interests. He supported the exchange strategy as a no-brainer recommendation. The State's definition of carbon neutral would be different from the City's definition because the State had more interests than not heating up the planet. The Electric Utility was able to report the State's carbon emissions number and the real number.

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Vice Mayor DuBois noted the City was very proud of their carbon-neutral electric supply and wanted to maintain it. Communication regarding out-of-state purchases was critical. He concurred with reporting two numbers and requested details of decarbonization programs.

Jonathan Abendschein, Assistant Director of Resource Management in Utilities advised that the definition of decarbonization programs had not been firmly set. Additional funding sources was designated for decarbonization. In the past, Staff presented the Council with Policies governing the use of those funds, and often those Policies delegated some discretion to the City Manager or his designee. The programs were anything from building to vehicle decarbonization.

Vice Mayor DuBois preferred a general definition so that funding could be used for a smart grid or a second transmission line.

Council Member Cormack asked if solar was the best example of a Bucket 3 REC.

Mr. Stack related that a wind generator from Wyoming or New Mexico would be a good example.

Council Member Cormack asked if the exchange strategy could be considered a method to encourage construction of clean energy projects elsewhere.

Mr. Stack replied yes. The price of out-of-state renewables was relatively low; therefore, the purchase of Bucket 3 RECs was a smaller incentive.

Council Member Cormack recalled the UAC discussing specific decarbonization programs and advised the Council to obtain the UAC's input before making decisions about programs. She inquired whether funds would be included in the Budget and rate-setting processes.

Mr. Abendschein indicated a report of the use of funds could be added to Staff's Report on the Carbon Neutral Plan or another appropriate Report.

Council Member Cormack agreed that Staff should return to the Council regarding the strategy prior to the Council's discussion of the Western contract.

Council Member Tanaka asked if the cost of transmission loss was factored into the cost savings.

Mr. Stack explained that out-of-state generation was delivered into California through transmission lines or used out of state. With Bucket 3 RECs, the

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energy was used outside California, and the paper REC was transferred to Palo Alto.

Mr. Abendschein stressed that carbon reduction benefited the climate no matter where it was generated.

Council Member Kniss was not sure the general public would understand the exchange strategy.

Council Member Kou asked if the purchase of a Bucket 1 REC was the purchase of energy and the certificate for a renewable resource.

Mr. Stack answered yes.

Council Member Kou understood a Bucket 3 REC was unbundled such that the energy and certificate could be sold separately. She inquired whether the Electric Utility would purchase the energy or the certificate.

Mr. Stack responded the certificate.

Mr. Abendschein clarified that the certificate determined the entity allowed to claim the carbon reduction associated with the renewable energy. The Electric Utility exchanged the right to claim carbon reductions in California for a right to claim carbon reductions outside California. The price of the two certificates was different but exchanging Bucket 1 RECs for Bucket 3 RECs was going to have little or no impact on the carbon emission of the electric portfolio. By purchasing the certificate, the Electric Utility was able to claim the carbon reduction.

Council Member Kou questioned whether the Electric Utility needed to be purchasing electricity rather than certificates because of the rolling blackouts.

Mr. Abendschein indicated the exchange was not going to change the amount of energy for the California grid. The Electric Utility held long-term contracts for electricity generated in California, and those resources were going to continue to feed the California grid. Purchasing out-of-state RECs was going to have no effect on energy generation in California.

Council Member Kou requested the UAC's recommendation for use of the cost savings from the exchange of RECs.

Mr. Stack reported the interest was in funding building electrification.

Council Member Kou remarked that there had to be more specific uses for this amount of funding.

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Mayor Fine commented that the exchange would be a change in accounting. He asked if Bucket 1 RECs were more expensive because of a series of California regulations.

Mr. Stack replied yes.

Mayor Fine inquired whether Staff believed this kind of arbitrage would not be competitive in the future.

Mr. Stack related that in the next ten years other states could increase their renewable energy requirements, which increased the cost of out-of-state renewables. The energy in excess of RPS requirements was expected to decrease as the RPS requirement increased over time.

Mayor Fine asked if rates would have to increase without the change in strategy.

Mr. Abendschein explained that the potential savings would reduce the economic impacts of COVID-19 on the Electric Utility. Reduced electric load and delinquent accounts were impacting the Electric Reserve Fund. Allocating some of the cost savings to the Electric Utility was going to offset those impacts. He said the decarbonization programs could include building electrification, vehicle charging and programs in support of the Sustainability and Climate Action Plan (S/CAP), all of which had an additional carbon reduction value. The exchange strategy was not going to change the Electric Utility's carbon emissions, but the funds resulting from the exchange could be used to reduce carbon emissions.

Mayor Fine inquired regarding programs and projects for which the cost savings could not be used.

Mr. Abendschein indicated any program or project for which ratepayer funds could be used would be a valid use of the cost savings.

Mr. Stack added that projects and programs would have to benefit Electric Utility customers.

Council Member Kniss read UAC Commissioner Johnston's comments regarding his support of the exchange strategy.

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

A. Adopt a Resolution amending the Carbon Neutral Plan to:

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- i. Modify the definition of carbon neutrality to use an hourly carbon emissions accounting standard;
 - ii. Minimize electric supply portfolio costs by authorizing the exchange of bundled RECs from the City's long-term renewable resources (Bucket 1 RECs) for Renewable Portfolio Standard (RPS) eligible, unbundled RECs (Bucket 3 RECs), to the maximum extent possible, while maintaining compliance with the state's RPS regulations ("REC Exchanges");
 - iii. For calendar years 2020 through 2024, authorize the purchase of RPS-eligible, unbundled RECs (Bucket 3 RECs) as needed to neutralize any residual emissions resulting from the difference between emissions calculated under an annual accounting and hourly accounting methodology; and
- B. Direct Staff to return to Council in 2022 to review the authorization to minimize electric supply portfolio costs via REC Exchanges.

Council Member Filseth asked if the Council would decide on the use of the cost savings.

Mr. Stack reiterated that over the next two years a third of the cost savings would be devoted to Decarbonization Programs.

Council Member Filseth asked if Staff had any comments on other topics mentioned for Decarbonization Programs.

Mr. Abendschein advised that Staff was not opposed to suggestions for use of the cost savings and had provided the UAC's recommendation, which aligned with Staff's recommendation.

Council Member Kou proposed the Motion include use of the cost savings to offset rate increases.

Mr. Abendschein suggested the Council could add direction to Staff regarding the use of funding.

Council Member Kou wanted the Motion to indicate the purpose of the exchange was to ensure Electric Utility rates did not increase.

Dean Batchelor, Utilities Director reiterated that the recommendation included utilizing two-thirds of the cost savings to offset rate increases for two years.

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Council Member Kniss asked if Council Member Kou felt the Motion needed to state when Staff planned to return to the Council in 2022.

Council Member Kou answered yes.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add a new Part C, "that for the first two years, two-thirds of proceeds go to electrical rate relief and one-third toward emission reduction programs."

Council Member Kou referred to the article "What the Heck is a REC?" and requested reassurance that Staff would not purchase Bucket 3 RECs for fossil-fuel generated electricity.

Mr. Abendschein explained that the article described a scenario in which an electric utility utilized electricity that was solely generated with fossil fuel and used the purchase of a REC to make that electricity appear green. Staff wanted to exchange renewable energy RECs for renewable energy RECs. This was an entirely different scenario.

Council Member Cormack commented that the cost savings would reduce the likelihood of electric rate increases but not necessarily reduce rates.

Mr. Abendschein concurred.

Council Member Cormack clarified that the cost savings would replenish operating funds rather than increase revenues.

Mr. Abendschein agreed.

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

- A. Adopt a Resolution amending the Carbon Neutral Plan to:
 - i. Modify the definition of carbon neutrality to use an hourly carbon emissions accounting standard;
 - ii. Minimize electric supply portfolio costs by authorizing the exchange of bundled RECs from the City's long-term renewable resources (Bucket 1 RECs) for Renewable Portfolio Standard (RPS) eligible, unbundled RECs (Bucket 3 RECs), to the maximum extent possible, while maintaining compliance with the state's RPS regulations ("REC Exchanges");

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- iii. For calendar years 2020 through 2024, authorize the purchase of RPS-eligible, unbundled RECs (Bucket 3 RECs) as needed to neutralize any residual emissions resulting from the difference between emissions calculated under an annual accounting and hourly accounting methodology;
- B. Direct Staff to return to Council in 2022 to review the authorization to minimize electric supply portfolio costs via REC Exchanges; and
- C. For the first two years, two-thirds of proceeds go to electrical rate relief and one-third toward emission reduction programs.

MOTION AS AMENDED PASSED: 7-0

Council Member Filseth noted the Electric Utility utilized natural-gas-generated electricity during the night hours of winter months and offset that with solar energy produced during the day. From a "do not heat up the planet" perspective, an annual accounting was more accurate. Sooner or later, everybody was going to generate enough solar energy to displace fossil-fuel generated energy. The real issue was when to switch to hourly carbon accounting.

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

- A. Direct Staff to return to Council with a review of the Carbon Neutral Plan by the end of 2024 to evaluate the effectiveness of these policy changes and to modify them if necessary (with a particular focus on reviewing the use of Bucket 3 RECs to neutralize any residual emissions resulting from the switch to an hourly emissions accounting methodology); and
- B. Create a Cap and Trade Program Reserve in the Electric Fund which will hold revenues from the sale of carbon allowances freely allocated to the electric utility under the State's Cap and Trade Program.

Council Member Kniss noted the complexity of the Cap and Trade Program and REC exchanges. Carbon accounting was not always the answer in the long-term consideration of the Cap and Trade Program.

Lisa Forssell, UAC Chair reported the Electric Utility contributed to reduced grid emissions by dispatching hydroelectric resources in the afternoon when the grid was pretty dirty. The use of hourly accounting was to guide future decisions regarding procurement of energy sources.

MOTION PASSED: 6-1 Filseth no

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Council took a break at 6:25 P.M. and returned at 6:35 P.M.

4. Recommendation to Accept the Human Relations Commission Report on Their Review of *8 Can't Wait* Policies in Relation to Current Palo Alto Police Department (PAPD) Policies, and Direction to the City Manager Regarding Revisions to Police Policies.

Ed Shikada, City Manager noted Agenda Item Numbers 4 and 5 were related, and an At-Places Memo was distributed for Agenda Item Number 5. The Human Relations Commission (HRC) had delved deeply into the *8 Can't Wait* initiatives.

Kaloma Smith, Human Relations Commission Chair appreciated the Police Department's work with the HRC. While the HRC and the Police Department did not always agree, the conversations were open and honest. In June 2020 the Council charged the HRC with exploring *8 Can't Wait*, and the HRC held a discussion with a panel of experts in July 2020. After hundreds of hours of work, the HRC realized *8 Can't Wait* Policies were the minimum changes needed. Decreasing Police Officer involvement in certain situations benefitted the public and the officers. He reviewed the HRC's recommendations for implementation of *8 Can't Wait* Policies.

Andrew Binder, Assistant Police Chief reported the Palo Alto Police Department never authorized the use of chokeholds and strangleholds. Police officers required the ability allowed by law to use reasonable force to adapt to the ever-changing dynamics of a force encounter. Staff's proposed policy revision distinguished between an unscripted, unpredictable situation and a deliberate tactic that restricted air flow and/or blood flow to the head or neck. Assembly Bill (AB) 1196 affected the language proposed by the HRC and Staff. The Police Department agreed that the policy regarding de-escalation needed to be more comprehensive. Senate Bill (SB) 230 required the use of de-escalation techniques effective January 2021. Staff's proposed revision required de-escalation through a multi-tiered response. Staff agreed with and recommended the incorporation of language that provided clear explanation and guidance for officers related to de-escalation techniques. Staff's proposed revision "requiring officers to evaluate each situation and to use resources and techniques other than deadly force when reasonably safe and feasible to do so" was inconsistent with the HRC's recommendation, it was consistent with California Penal Code 835a, it captured the spirit of the HRC's recommendation and it required the use of deadly force as a last resort. Implementation of policy changes were dependent on process and review by the Palo Alto Police Department, Palo Alto Police Officers Association and the City Attorney.

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Mayor Fine noted Police Use of Force Policies were an administrative or operational item. Therefore, the Council Action was to direct the City Manager to revise Policies.

Mr. Shikada explained that the language of Police Department Policies was critical because failure to adhere to Policies was possible grounds for disciplinary action.

Jamie O'Connell supported the HRC's proposals and strongly urged the Council to adopt them without changes. The differences between Staff's and the HRC's proposals were not enormous. The Police Department was unnecessarily but not unreasonably attempting to provide more protection for officers. The Police Department's modifications were unnecessary.

Rohin Ghosh remarked that the Police Department was trying to water down the *8 Can't Wait* Policies, which were already watered down. Policing needed to be reimagined and transitioned away from the existing violent situation. Adopting the HRC's recommendations was the least the Council could do. Policing as an institution needed to be dismantled.

PJ Singh did not understand why a police officer was not charged with a crime for assaulting citizens of color. The Council needed to dismantle the Police Department and fund community policing.

Steven Lee, speaking as an individual, implored the Council to adopt the HRC's recommendations fully.

James Hindery urged the Council to accept the HRC's recommendations as presented. The Police Department's changes significantly reduced the City's ability to discipline police officers.

Lauren Cory, American Civil Liberties Union (ACLU) Chapter Chair supported the HRC's recommendations. Implementing the *8 Can't Wait* Policies was only the beginning.

Jeff Conrad, ACLU did not believe banning chokeholds and strangleholds was sufficient. Some of the language regarding shooting at vehicles needed to be mandatory. Reporting needed to be required when a police officer drew his firearm.

Kevin Ma supported the HRC's recommendations with revisions to strengthen the requirements. The Policies needed to be actionable rather than discretionary.

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Rebecca Eisenberg commented that there was no reason to weaken the HRC's recommendations. Addressing white supremacy, segregation and violence required significant structural change. Police officers needed to be required to comply with the laws they enforced.

Emily Lacroix concurred with earlier comments.

Hamilton Hitchings commended the HRC for their work and the Police Department for being open to feedback. In some instances, language of "when feasible" was important. In other instances, discretion was something that should not be allowed.

Cari Templeton supported the HRC's recommendations and encouraged the Council to accept the recommendations.

Aram James remarked that the City Council and Police Department had covered up the continued employment of a racist police officer. Cultural change and discipline were needed. He suggested a provision that allowed a citizen to intervene when it was obvious a police officer was about to kill someone.

Winter Dellenbach provided written comments regarding de-escalation and the use of firearms. The Use of Force Policy needed to be revised as Staff recommended.

Madhumita Gupta wanted the Council to do more than accept the *8 Can't Wait* Policies and defund the Police Department.

Mayor Fine proposed the Council accept the HRC's Report and review each of the Use of Force Policies before acting on them.

Council Member Cormack asked if the Police Department's recommendations permitted the use of tactics that blocked blood and air flow to the head and neck under certain circumstances.

Mr. Binder clarified that the Police Department's response distinguished between an officer deliberately blocking air and blood flow and an officer inadvertently blocking air and blood flow during an altercation.

Council Member Cormack requested the specific language recommended by the Police Department.

Mr. Binder indicated subparts a, b, and c and the Staff Report provided verbiage the Police Department felt should be included.

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Mayor Fine noted the Council would provide direction rather than wordsmith the Policies.

Mr. Smith clarified the HRC's intention was to set a standard that strangleholds and chokeholds not be used.

Council Member Cormack requested clarification of the HRC's recommendation regarding deadly, verbal and mental force.

Mr. Smith clarified that the HRC wanted to prevent an officer from using his authority to bully or intimidate citizens.

Vice Mayor DuBois commented that the Police Department was highly professional over the summer. The Palo Alto Police Department was not known for extreme racism. An independent analysis of demographic data from ten years of traffic stops found no bias. State law superseded Police Department Policies. Language from State law needed to be used without hesitation in Police Department Policy.

Mr. Binder concurred. The language was also consistent with updates from the City's policy provider, Lexipol.

Mr. Smith added that State law provided the minimum requirement. The HRC felt Palo Alto's Policy exceeded State law and was able to serve as a model policy.

Vice Mayor DuBois believed the Council needed specific policy language to consider.

Mayor Fine asked if policy language prohibited any tactic that reduced the flow of blood or oxygen except in accidental circumstances.

Mr. Binder suggested the Council await the Legislature's adoption of AB 1196 before considering language that prohibited chokeholds and strangleholds.

Mayor Fine inquired regarding incidents of police officers shooting at moving vehicles.

Mr. Binder was not aware of any incident in the past 25 years.

Mayor Fine understood the existing policy allowed that to occur if a police officer feared for his or a bystander's life.

Mr. Binder concurred.

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Mayor Fine asked if shooting at a vehicle incapacitated the driver and saved lives.

Mr. Binder advised that the policy addressed the ineffectiveness of shooting at moving vehicles. The two circumstances in which it was allowed involved saving the life of a bystander or the police officer.

Mayor Fine inquired regarding the differences in the recommendations for the Use of Force Continuum.

Mr. Binder reported in the Use of Force Continuum, a police officer began with the lowest level of force and worked up to the level of force appropriate to the circumstances. The Police Department currently utilized the reasonable officer standard, which allowed a police officer to determine the most effective force based on the totality of the circumstances. The Police Department Policy Manual restricted the use of certain types of force in specific circumstances.

Mr. Smith clarified that the critical issue was the police officer's judgment. Research on bias in policing found both White and black police officers were more likely to shoot a black suspect within 4 seconds as opposed to within 7 seconds for a White suspect. The HRC believed standards should be implemented to guide actions.

Council Member Kniss inquired whether the HRC agreed with Staff's recommended policy for chokeholds and strangleholds.

Mr. Binder related that the HRC had recommended policies, Staff had responded to those recommendations and offered revised language, and Lexipol drafted policy language that was awaiting review.

Council Member Kniss asked who reviewed the Lexipol language.

Mr. Binder replied the Police Department, the Peace Officers Association (POA), and the Police Managers Association (PMA).

Council Member Kniss asked if the Council would see that language.

Mr. Binder indicated the Council reviewed policies prior to their implementation.

Council Member Kniss felt the Council should begin with the policy for chokeholds and strangleholds. She was unsure whether the recommendation regarding de-escalation was sufficient, but de-escalation was quite nuanced.

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Mr. Binder reported the policy was outdated and should require de-escalation when feasible in order to be consistent with SB 230. The policy needed to incorporate language that provided clear guidance for de-escalation tactics. Police academies were training recruits in de-escalation, and the Police Department provided de-escalation training to police officers.

Mr. Smith indicated the HRC wanted the policy to contain de-escalation tactics and to require police officers to consider de-escalation.

Mr. Binder agreed that the policy should contain specific tactics.

Council Member Filseth commented that the HRC's recommendations and Staff's responses generally agreed, but the differences were nuanced. He wanted to understand the points or the specific language about which the two disagreed. Including specific de-escalation protocols in the Policy Manual proved beneficial. He inquired regarding incidents of a police officer accidentally blocking the blood or air flow to an individual's head or neck.

Mr. Binder did not know because an analysis of use of force incidents had not been conducted for that circumstance. The Police Department was attempting to comply with the spirit of the HRC's recommendation and the *8 Can't Wait* Initiative.

Council Member Filseth asked if the HRC intended to prohibit that.

Mr. Smith wanted to set a standard to prohibit the obstruction of blood and air flow in any form. Video from body-worn cameras and police vehicles clearly showed any accidental obstruction. Therefore, he agreed to the Police Department's proposed language.

Council Member Filseth suggested the policy include language about accidental or incidental obstruction to which the HRC and Police Department were able to agree.

Mr. Binder reiterated that AB 1196, if adopted, provided that language.

Council Member Tanaka inquired regarding the techniques used prior to shooting.

Mr. Binder indicated a non-law enforcement person could provide some assistance on a grander scale. The policy specifically referred to the use of all available techniques prior to discharging a firearm, and all available techniques encompassed a number of options. There was not likely sufficient time to bring in a third party.

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Council Member Tanaka asked if the Police Department should consider more transparency for training on the Use of Force Continuum so that its effectiveness was able to be analyzed.

Mr. Binder clarified that the recommendation was to continue the discussion of the Force Options Policy.

Council Member Tanaka requested the impact of the Council adopting the HRC's recommendations rather than the Police Department's modifications.

Mr. Binder reported the two disagreed with respect to some nuances. The Police Department's perspective was based on State Law and Policies provided by Lexipol.

Council Member Tanaka asked if adopting the HRC's recommendations would limit the Police Department's ability to enforce laws.

Mr. Binder was not able to provide an answer prior to reviewing the actual Policy language and reviewing the language with employee organizations.

Council Member Tanaka inquired whether the Council would provide policy language for Staff to analyze and then return with recommendations.

Mr. Shikada noted the Staff recommendation reflected some concern that the HRC's recommendations limited police officers' ability to perform their jobs in some situations. The issue for the Council was balancing that concern with the HRC's recommendations.

Mr. Smith did not believe the HRC's recommendations endangered officers or limited their ability to enforce laws. These Policies were adopted by several different police departments. The HRC did not recommend a policy that caused a public safety issue or place a police officer at risk of physical or mortal harm.

Mayor Fine reiterated that the Council would give direction to Staff, and the City Manager, the City Attorney and the Police Department were able to implement the direction in the form of regulations. The final Policies were then to be returned to the Council for review.

Council Member Tanaka preferred to understand the impacts of the HRC's and Staff's recommendations before giving direction to Staff.

Mayor Fine noted the Staff Report contained policy implications of the recommendations.

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Robert Jonsen, Police Chief stated implementing policies that were outright bans were possibly going to have a detrimental effect on officers' safety and the public at large. The Police Department attempted to balance policy with protecting officers and the community. The public discussion was a wonderful opportunity for Police personnel to engage the public and the Council.

Council Member Kou believed a policy was applied generally and was not able to apply to all foreseeable situations. Accountability, transparency, and trust were needed. The Policy needed to return to the Council for final approval.

Mr. Smith did not believe drug issues, which were not a community issue, were needed to drive revisions to the Policies.

Council Member Kou remarked that the public in calling for service was capable of creating racial incidents. Community members of all ages had to be educated about racism. She inquired whether SB 230 was to be implemented through the Policies sooner than January 2021.

Mr. Binder indicated that was the goal.

Council Member Kou inquired whether a change to the Charter required voter approval.

Molly Stump, City Attorney, replied yes. The note regarding the Use of Force Continuum was intended to alert the Council by giving direction to the City Manager.

Mayor Fine expressed confusion regarding the differences between the HRC and Staff's recommendations for banning chokeholds and strangleholds, banning shooting at moving vehicles, de-escalation and the Use of Force Continuum.

Council Member Filseth concurred with the recommendation to continue discussion of de-escalation. The HRC and the Police Department mostly agreed on the Policies, at least the intentional consequences of the Policies. The difference with respect to strangleholds and chokeholds was intention. Perhaps methods needed to replace tactics to reflect an intent to harm.

Mr. Binder advised that an officer who was focusing on not compressing the back, neck or chest during a fight was not concentrating on the most important task of taking the person into custody in the safest manner possible.

Mr. Smith did not oppose the word "accidental" to describe actions. The HRC wanted a list of intentional tactics in the Policy.

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

- A. Accept the Human Relations Commission (HRC) report on their review of *8 Can't Wait* policies in relation to current Palo Alto Police Department (PAPD) practices; and
- B. Review and accept the Palo Alto Police Department response, and direct the City Manager to revise Use of Force policies including ideas such as:
 - i. Chokeholds, strangleholds, lateral vascular neck restraints, chest compressions, or any other intentional tactics that restrict blood flow to head or neck be explicitly prohibited.

Council Member Kniss felt most of the language would be nuanced and was going to return to the Council.

Vice Mayor DuBois indicated the Council needed to determine the Policies that would exceed the requirements imposed by State laws.

Mr. Shikada noted AB 1196 utilized the term techniques. Staff was able to utilize language from AB 1196 for the Policy.

Council Member Cormack asked if the Police Department believed inserting the word "intentional" captured the difference between intentional and accidental actions.

Mr. Binder replied yes.

Council Member Kou proposed adding the de-escalation tactics listed in the second paragraph on Packet Page 62, Page 4, Subsection Bii.

Council Member Filseth requested the HRC's and Police Department's comments regarding proposed Subsection Bii.

Mr. Binder indicated proposed Subsection Bii was the Police Department's response and incorporated AB 230 language, including San Francisco's and Mountain View's policies.

Mr. Smith wished to ensure the policies of San Francisco and Mountain View were included as they set the ground bar for De-escalation Policy.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add more comprehensive use of force language with respect to de-escalation and to add de-escalation tactics as listed.

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Vice Mayor DuBois liked the clarity and process of San Francisco's policy regarding de-escalation. He inquired whether the Police Department had any concerns regarding use of the San Francisco policy.

Mr. Binder responded no. He indicated Palo Alto was unique in many respects, and any language taken from the San Francisco policy was be applicable to Palo Alto.

Council Member Cormack recalled Mr. Smith's reference to forceful and bullying by means of language, with respect to verbal and/or mental force. Perhaps the word "respectful" was able to be incorporated to describe language.

Mr. Smith appreciated the word "respectful."

Mr. Binder concurred. Respect was an important component of any interaction between police officers and the community. Existing Policies already addressed respectful interactions.

Mayor Fine requested Staff's interpretation of Staff Recommendation 2.c.

Mr. Shikada reported the Police Department planned on crafting language for Recommendation 2.c in consultation with bargaining units, and Staff was going to present it to the Council for review.

Mayor Fine inquired whether the policy regarding shooting at moving vehicles needed to be a last resort or prohibited.

Mr. Binder related that it should be a last resort. He noted that someone could decide to drive a vehicle into a crowd, and police officers had little recourse if the Policy was banned.

Vice Mayor DuBois requested the Police Department's rationale for not recommending shooting as a last resort.

Mr. Binder explained that the Police Department's recommendation in effect described shooting as a last resort and utilized language from the Penal Code.

Vice Mayor DuBois proposed a new subpart to the Motion, which was to require an officer to exhaust all alternatives before shooting and to only shoot as a last resort.

Council Member Filseth asked if there was a situation that was considered consistent with the Police Department's recommendation but not consistent with the HRC recommendation.

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Mr. Binder indicated intentionally and functionally the two recommendations were the same. The HRC recommendation also referred to exhausting all alternatives.

Mr. Smith advised that the HRC favored the San Francisco policy language because it set a clear bar and standard and was unambiguous.

Council Member Filseth preferred to allow only a minimal amount of ambiguity in the Policy.

Mr. Binder cautioned the Council not to force officers to utilize a Use of Force Continuum. In some situations, a deadly threat required an immediate response, and consideration of reasonable alternatives was not feasible.

Council Member Filseth asked if the intention was to mirror language from State law in case of an investigation.

Mr. Binder related that he could not speak to the City's exposure to liability based on the use of language from Lexipol or State law.

Vice Mayor DuBois clarified his proposal as including shooting as a last resort and exhausting all alternatives when reasonably feasible.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to revise the deadly force application to require officers to evaluate each situation in consideration of the circumstances in each case and to use other available resources and techniques when reasonably safe and feasible to do so, including that an officer must reasonably believe the use of deadly force is necessary to justify its use.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that the policy include the concept of shooting as a last resort, consistent with the HRC and PAPD objectives.

Council Member Kniss did not believe designating shooting as a last resort was practical.

Mr. Binder reported the HRC and the Police Department agreed on the sanctity of life. A life was only to be taken when necessary.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to return to Council with the final Police Department Policy, including all *8 Can't Wait* policies and department feedback

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Mr. Smith noted the HRC believed Chief Jonsen and Assistant Chief Binder were developing a culture that addressed some of the issues.

Council Member Cormack remarked that the most recent Amendment was a direction rather than an idea. She requested the distinction between "as a last resort" and "when necessary."

Mr. Binder believed the two were very similar. The Penal Code utilized "as necessary."

Council Member Cormack asked if the Police Department was able to agree to incorporating "as a last resort" into the Police Department's recommendation.

Mr. Binder stated equivocating between "last resort" and "necessary" was not going to place an individual's life in danger.

Council Member Cormack requested the initiative correlating to deadly force.

Mr. Binder answered the fourth initiative.

Vice Mayor DuBois noted the deadly force language was contained in the Staff regarding de-escalation.

Mr. Smith clarified that the HRC concurred with the Police Department that a Use of Force Continuum was outdated but he wanted common language regarding decisions pertaining to Use of Force.

Mr. Binder advised that separate initiatives pertained to a Use of Force Continuum and exhausting all alternatives before shooting.

Council Member Cormack suggested the combination of the subparts for deadly force and shooting as a last resort needed to capture all language for the fourth initiative.

Council Member Filseth requested the difference between the HRC's recommendation and the Police Department's recommendation regarding shooting at moving vehicles.

Mr. Binder believed the Police Department's recommendation captured the HRC's recommendations.

Mr. Smith concurred.

Council Member Kou asked if the subpart for deadly force needed to list reasonable alternatives and if the San Francisco policy included a list.

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Mr. Smith stated the San Francisco policy provided a good concept but few details to clarify expectations.

Mr. Binder read the San Francisco policy regarding use of deadly force as a last resort.

Council Member Kou noted the San Francisco policy did not list the options.

Mr. Binder advised that all scenarios could not be considered, and the police officer needed to be allowed to act appropriately for each situation.

Mr. Smith read Section 122116 of the San Francisco Code regarding factors for evaluating the Use of Force.

Mr. Binder reported those factors were contained in the existing Policy for Use of Force.

Council Member Kou recalled that the Police Department proposed only two circumstances in which an officer was able to shoot at a moving vehicle.

Mr. Binder noted the two circumstances dealt with protecting lives.

Council took a break at 9:46 P.M. and returned at 9:56 P.M.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to return with proposed language to be included in the Use of Force Policy.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to consider moving the pointing of a weapon or the discharge of a weapon to the use of force section of the policy manual.

Council Member Kniss requested the frequency of policy officers pointing or discharging a firearm.

Mr. Binder was aware of one shooting in 2015 and perhaps another in 2000 or 2001.

Council Member Kniss felt the more important issues were respect and understanding different cultures.

Mr. Binder agreed that the bigger issues were implicit bias and cultural diversity training, de-escalation and crisis intervention training.

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Council Member Tanaka asked if the Police Department was going to provide their assessment of the impacts of policy changes when the Policy returned to the Council for review.

Mr. Binder advised that Staff work with bargaining units to craft language that met the Council's criteria and that was acceptable to the Police Department and bargaining units. The bargaining units were able to disagree with some provisions.

Council Member Tanaka asked if the assessment needed to be included in Subpart C of the Motion.

Mr. Jonsen was confident the bargaining units would work collaboratively with Staff, and Staff was able to return with Policies that were in the best interests of the public and Police personnel.

Council Member Tanaka proposed including the Police Department's assessment in Subpart 3.

Council Member Filseth concurred.

Council Member Kniss concurred.

Council Member Tanaka suggested the Council direct the HRC to develop metrics for the Police Department's performance with respect to these Policies.

Council Member Filseth advised that the Ad Hoc Committee was able to work on that.

Mr. Smith offered the HRC's services to the Council.

Mr. Shikada indicated Agenda Item Number 5 addressed performance.

Council Member Tanaka inquired regarding a timeframe for the Policies to return to the Council.

Mr. Shikada indicated Staff was motivated to implement these Policies. With the direction given to Staff, an Item was able to be placed on the Consent Calendar.

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

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- A. Accept the Human Relations Commission (HRC) report on their review of *8Can'tWait* policies in relation to current Palo Alto Police Department (PAPD) practices, and
- B. Review and accept the Palo Alto Police Department response, and direct the City Manager to revise Use of Force policies including ideas such as:
 - i. Chokeholds, strangleholds, lateral vascular neck restraints, chest compressions, or any other intentional tactics that restrict blood flow to head or neck be explicitly prohibited;
 - ii. Add more comprehensive use of force language with respect to de-escalation and to add de-escalation tactics as listed;
 - iii. Revise the deadly force application to require officers to evaluate each situation in consideration of the circumstances in each case and to use other available resources and techniques when reasonably safe and feasible to do so, including that an officer must reasonably believe the use of deadly force is necessary to justify its use;
 - iv. The policy include the concept of shooting as a last resort, consistent with the HRC and PAPD objectives;
 - v. Direct Staff to return with proposed language to be included in the use of force policy;
 - vi. Direct Staff to consider moving the pointing of a weapon or the discharge of a weapon to the use of force section of the policy manual; and
- C. Direct Staff to return to Council with the final Police Department Policy, including all *8 Can't Wait* policies and department feedback.

MOTION AS AMENDED PASSED: 7-0

- 5. Update and Potential Direction on City of Palo Alto's Race and Equity Work.

Ed Shikada, City Manager reported the Council had established Ad Hoc Committees and monthly check-ins with the Council. Staff provided an At-Places Memorandum with supplemental information.

Mayor Fine advised that the Citywide Diversity and Inclusion Ad Hoc Committee attempted to identify their mission. The timeframe for the Ad Hoc

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Committee was able to be extended to address hiring and training best practices and professional groups. The Ad Hoc Committee was going to conduct some community engagement, they were looking at some data reporting mechanisms and at joining the Government Alliance for Race and Equity (GARE). The At-Places Memo contained a calendar of the Ad Hoc Committee's work.

Council Member Cormack noted work had to be performed on two levels, the organization and the community. Working with Boards and Commissions was a very important component of the Ad Hoc Committee's work. While the Ad Hoc Committee's work began with race, diversity covered many additional dimensions.

Council Member Kniss indicated one of the most important aspects was collaboration with nearby cities. The question was whether Staff and the Ad Hoc Committee were able to commit to completing the vast amount of work.

Mayor Fine read a proposed mission statement for the Ad Hoc Committee.

Vice Mayor DuBois reported Staff and the Police Department had briefed the Police Policy Manual, Data and Hiring Ad Hoc Committee. The Ad Hoc Committee was reviewing the Policy Manual, labor agreements and hiring practices and were going to review best practices and obtain input from thought leaders. A next step was to create a timeline for work.

Council Member Kou added that the Ad Hoc Committee received necessary information and was interested in obtaining additional information from union representatives.

Council Member Cormack indicated the Police Department discussed their work with respect to the Racial and Identity Profiling Act (RIPA) and data collection. Ad Hoc Committees' work was going to overlap. The Ad Hoc Committee had reached out to Jennifer Eberhard as a thought leader.

Council Member Filseth reported the Police Accountability and Transparency Ad Hoc Committee was reviewing a number of things, in particular the appropriate use of force and the benefits of traffic stops. The Ad Hoc Committee was focusing on the existing Policies and processes. The Police Department was not designed to provide public information.

Vice Mayor DuBois related that the Police Department stopped collecting detailed demographic data, but the data was going to be collected again to comply with RIPA. Next steps included understanding the public records process and the role of the Independent Police Auditor.

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Council Member Filseth believed the Police Department would release public information to comply with laws but not exceed those requirements. The public seemed to want the Police Department to release all non-sensitive data. The Ad Hoc Committee was going to have to balance the two.

Council Member Tanaka reported the Public Safety Alternative Models the Ad Hoc Committee was reviewing was alternative policing models. The challenge was determining whether alternative models were merely different or better. He thought the Ad Hoc Committee should probably craft a mission, some goals and a timeline. The Council was maybe better served by delegating some of the work to the Human Relations Commission (HRC).

Council Member Kniss stated the Ad Hoc Committee had a long discussion with Sunnyvale Mayor Klein. She suggested Police and Fire personnel participate in ride-alongs offered by other cities' Police and Fire Departments.

Geo Blackshire, Fire Chief indicated personnel being considered for promotion participated in internal and external ride-alongs.

Council Member Kniss believed Palo Alto residents were happy with the Fire Department.

Niccolo De Luca, Townsend Public Affairs, State Lobbyist reported the legislative session would end at midnight on August 31, 2020. The Legislature introduced a series of Police Reform Bills and Public Safety Bills. He suspected many of the bills were going to be carried into the next session. The current session was focusing on police reform, use of force and crowd control measures. As the Legislature considered ten active Police Reform Bills, he promised to provide updates.

Cherrill Spencer, Women's International League for Peace and Freedom supported the Citywide Diversity and Inclusion Ad Hoc Committee's mission statement and hoped it would be fulfilled. She thought the Ad Hoc Committee should focus on gender inequities as well as racial inequities.

Winter Dellenbach requested an update regarding Senate Bill (SB) 776 or 766 and thoughts on the chances of it becoming law.

Kevin Ma asked the Council to provide the steps and commitments it was going to undertake to implement reforms.

Rebecca Eisenberg wanted to demilitarize the Police Department and reallocate much of its funding to community projects. The proposed Agendas needed to be accompanied by Monetary Fiscal Policy.

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Kelsey Banes suggested the Ad Hoc Committee review the policy for terminating employees and the consequences for bad behavior. Fair housing was an issue for the next Housing Element.

Kat Snyder requested Mr. De Luca discuss Assembly Bill (AB) 2054.

Mayor Fine requested an update regarding SB 776 and AB 2054.

Mr. De Luca reported SB 776 expanded the categories of police and custodial personnel records subject to disclosure under the California Public Records Act, including use of force complaints; eliminated the five-year minimum retention period; and allowed disclosure of records related to dishonesty and sexual assault. The bill was likely to become law. AB 2054 was about creating a pilot grant program for three years from appropriation. The program provided community-based organizations with funding to reimagine non-emergency police response. It was likely to become law, but funding was questionable.

Mayor Fine indicated developing goals for the Ad Hoc Committees could be challenging. The Ad Hoc Committees prepared work through the end of the calendar year. The Ad Hoc Committees' work was expected to overlap most likely on reporting and transparency. Sourcing data was able to be considered a component of policy while sharing data was considered a component of transparency and accountability.

Vice Mayor DuBois inquired regarding a Bill containing a "three strikes" clause for Use of Force.

Mr. De Luca advised that a handful of bills addressed Use of Force, and some were progressing while others were being refined. SB 731 prohibited a police department from hiring an officer who was fired from another police department. The bill began advancing through the process earlier in the day. Several municipalities and many police reform organizations supported the bill.

Vice Mayor DuBois asked if any of the bills might be combined.

Mr. De Luca related that any combination of bills would have occurred that day as it was the final day for amendments.

Vice Mayor DuBois remarked that the Black Lives Matter Art Project was successful and served its purpose of uniting the community. Permanent artwork for race and equity was a good idea. He supported some permanent artwork in King Plaza. He asked if the first Ad Hoc Committee was focusing

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on the City as an employer, if Ordinances applied to private companies, if the mission applied to the Ad Hoc Committee, and if the Ad Hoc Committee was looking at existing City Policies.

Mayor Fine explained that the Ad Hoc Committee was looking at the City as an organization and a municipality. The mission currently applied to the Ad Hoc Committee but was able to be adopted by the City in some sort of diversity capacity. The Ad Hoc Committee had not begun reviewing hiring practices.

Council Member Cormack added that the Ad Hoc Committee needed to understand the City's workforce. Multiple cities were ahead of the City in terms of gathering data and ensuring employees were hired without bias and prejudice.

Council Member Cormack suggested the Public Safety Alternative Models Ad Hoc Committee consider opportunities to partner with the County of Santa Clara (County) or nearby jurisdictions.

Mayor Fine proposed the Public Safety Alternative Models Ad Hoc Committee consider the ease and impacts of implementing alternative models as pilot programs.

Council Member Tanaka asked if some of the work should be delegated to the HRC.

Mayor Fine indicated this was an opportunity for the Council to discuss issues such as overlapping work, timelines and goals.

Council Member Tanaka stated an overarching goal was to make the Police Department more effective, but a metric was needed to measure the effectiveness. Determining a method to compare alternative models was helpful.

Council Member Cormack believed objectives would have to be established prior to metrics. Evaluation was not able to occur prior to identification of the problem. The Ad Hoc Committees needed additional information. Rather than establishing metrics, the Council was possibly going to need to define success. She was not ready to delegate work to the HRC.

Council Member Tanaka stated the Ad Hoc Committees may need to establish goals, but the Mayor was going to need to coordinate the Committees' efforts.

Mayor Fine noted the topics were an artificial division of City functions but addressed the community's main concerns.

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Council Member Kniss cautioned Council Members about taking on too much work with the ongoing COVID-19 pandemic, wildfires and air quality issues. Changes were not going to occur overnight.

Mr. Shikada reported Staff had information to share with the Ad Hoc Committees in the next week.

Council Member Kou concurred with a suggestion from the public to invite the Independent Police Auditor (IPA) to provide some insight.

Robert Jonsen, Police Chief welcomed a discussion with the IPA.

Molly Stump, City Attorney advised that a presentation was possible, but the contract may have to be amended.

Vice Mayor DuBois added that the transparency Ad Hoc Committee had talked about a conference call with the IPA.

NO ACTION TAKEN

Council Member Questions, Comments and Announcements

Council Member Kou reported the Santa Clara/Santa Cruz Roundtable sent letters to the Federal Aviation Administration (FAA) regarding San Francisco arrivals, the Big Sur overlay procedure and rulemaking for supersonic aircraft. She requested an update regarding the permanent noise monitor in Palo Alto.

Council Member Kniss advised that the County of Santa Clara (County) was considering levying fines on Kaiser and Palo Alto Medical Foundation (PAMF) if they failed to administer COVID-19 testing. She inquired when the next pop-up testing was going to occur in Palo Alto.

Ed Shikada, City Manager answered August 28, 2020.

Adjournment: The meeting was adjourned at 11:32 P.M. in deep gratitude of the firefighters and first responders fighting the wildfires in the area.