



# CITY COUNCIL SUMMARY MINUTES

Special & Regular Meeting  
September 12, 2022

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

Present: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Present Virtually: None

Absent: None

## Special Orders of the Day

2. Appreciation for Congresswoman Anna G. Eshoo, United States Representative of California's 18th Congressional District, for advocating for the Historic Inflation Reduction Act and for securing \$7 million for a variety of projects through Community Project Funding to support Palo Alto

### **Action: Appreciation Given**

Mayor Burt discussed that Congresswoman Eshoo has supported Palo Alto priorities with great success, including securing community project funding for the Palo Alto Museum and for an alternative response mental health crisis program, and helping the Valley Transportation Authority get funding for grade separation planning. He expressed appreciation for her ongoing support for Caltrain moving forward on necessary grade separation projects as well as the Infrastructure Funding Act and Inflation Reduction Act.

Congresswoman Anna Eshoo offered thanks and spoke about the community funding projects. She was thrilled that the dollars were going to make a difference in the community and praised the City Council for their participation. She discussed changes in legislation that allow Medicare to negotiate the price of prescription drugs to reduce out-of-pocket costs, cap the price of insulin for Medicare beneficiaries, and lower the cost of healthcare premiums. She commended the Council for their efforts in climate change and discussed additional related legislation changes. She was pleased about progress related to grade separation. She stressed the

# DRAFT SUMMARY MINUTES

importance of partnerships in order to be successful and thanked the Council for their service.

Council Member Stone expressed his appreciation and gratitude to Congresswoman Eshoo for everything she has done for the city.

Council Member DuBois thanked Congresswoman Eshoo for representing the City so well and especially for the funding toward the history museum.

## 1. Appointment of Candidates for the Human Relations Commission

**ORIGINAL MOTION:** Mayor Burt moved, seconded by Council Member Stone to eliminate the lowest number of votes if there is no majority selected on the previous round.

**SUBSTITUTE MOTION:** Council Member Cormack moved seconded by Council Member Tanaka, when voting on the second round, there is N+1 candidates moving forward when there is not a majority selection the first round.

**SUBSTITUTE MOTION FAILS:** 2-5, Filseth, Burt, Stone, Kou, DuBois  
no

**ORIGINAL MOTION PASSES:** 7-0

**First round of voting for one position on the Human Relations Commission with term ending March 31, 2023 voting for:**

Donald Bar: Burt

Tracy Alejandra Navichoque: Cormack, Stone, DuBois, Kou

Chitra Sharma: Filseth

Kat Snyder: Tanaka

**Tracy Alejandra Navichoque with 4 votes was appointed to the Human Relations Commission with a term ending March 31, 2023.**

Mayor Burt stated that the Clerk had raised a procedural issue that if there was not a majority for a candidate on the first ballot, the candidate(s) with the lowest number of votes would be dropped for the second and subsequent rounds.

# DRAFT SUMMARY MINUTES

Council Member Cormack made a substitute motion to move N+1 candidates forward during the second round if there were not sufficient votes to appoint someone in the first round.

## Study Session

3. Report and Discussion on Valley Water's Purified Water Project Including Location of the Advanced Water Purification Facility at the Former Los Altos Treatment Plant Site, Reverse Osmosis Concentrate Management, Upcoming Agreements and Decisions

### **Action: No Action Taken**

Public Works Director Brad Eggleston stated the study session was intended to give an update on the work since the approval in 2019 of the partnership agreement to advance resilient water reuse programs.

Gary Cremin, Valley Water Board Chair, discussed the drought emergency in the state and looked forward to improving the agreement with Palo Alto and Mountain View. He reviewed the environmental and financial benefits of recycling and purifying water. He discussed the grants available for salt removal/conservation and wastewater removal. They will fund staff to work on the project and give Palo Alto and Mountain View the right to get additional water supply. He would like to come up with plan to get more money to cover some other challenges.

Mountain View Council Member Pat Showalter stated that what happens at the plant matters to Mountain View as well as Palo Alto. She discussed the use of recycled water and the recycled water use required by building codes in Mountain View. The quality of the recycled water has not been as good as hoped and combining the water from the planned plant will allow a very high-caliber product.

Kirsten Struve, Assistant Officer, Water Supply Division, Valley Water, discussed the project's benefits for water supply and sustainability as well as specific benefits to Palo Alto and Mountain View, including support for the salt removal facility, other financial benefits and helping meet sustainability goals. She discussed the impacts of droughts and land subsidence when groundwater is over-pumped and the importance of continuing to develop locally controlled water supplies, including recycled and purified water. The advanced purification center in San Jose uses microfiltration, reverse

# DRAFT SUMMARY MINUTES

osmosis, and ultraviolet disinfection to purify water. The same technology will be used for this project. The proposed site is the former Los Altos Treatment Plant site at the end of San Antonio Road. She believed the project was compatible with the recent Home Key Project grant. A draft Environmental Impact Report is nearly complete and evaluates the proposed project's environmental conditions, range of alternatives, potential environmental impacts with implementation and also provides mitigation measures. Outreach efforts are ongoing. The proposed project will utilize a public-private partnership model to use private sector innovation and financing while Valley Water retains ownership of the project. The price tag is over \$700 million. It is critical to the financial viability to finalize the provisions outlined in the 2019 agreement for the land lease of the site and the reverse osmosis concentrate discharge. The lease agreement and operations and maintenance agreements will be presented to the Council for consideration soon.

Assistant Public Works Director Karin North showed a slide detailing the variety of projects in the works and limited staffing available to complete the projects. She showed an aerial view of the water quality control plant showing the local salt removal facility and the future pumping plant for the larger-scale regional purification facility. A previously completed EIR determined the need to remove salt and improve the quality of the recycled water. Staff is working on a design for the local salt removal facility. The Valley Water Purified Water Project is proposed to be located at the LATP site adjacent to the Home Key Project. She discussed the responsibilities of Valley Water versus Palo Alto versus Mountain View.

Council Member Cormack requested staff to explain several questions for the students present. She stated that \$33 million on a \$20 million base was a shock and clarified that the approximately \$19 million was money that Palo Alto and Mountain View property owners have already paid and that Valley Water is retaining to be spent on a project like this and other ways that this might be used. She questioned any changes since 2019 and how many people this project would require.

Mayor Burt clarified the difference between the \$18.4 million in the agreement and the \$18.94 million, the guiding Principal 5 funding, which is related but outside of the agreement. Discussion about the use of that ensued. He questioned the additional cost of adding the oxidation process to the facility at Embarcadero and whether there would be space to do so. Assistant Director North stated the current facility was not looking at adding the oxidation step and that would require a change in design, which is already at about 90% design. Mayor Burt asked if staff had been reviewing the prospect of some portion of the Measure E land returning to the voters

# DRAFT SUMMARY MINUTES

to be allowed for needed purposes and the balance going into park land. Director Eggleston stated the current biosolids facility plan does not currently contemplate those uses on that site. Mayor Burt commented that he would like to reserve land for uses like advanced purification through oxidation and/or an additional technology like biowaste biochar. He questioned the plans related to potential sea level rise. He wanted to make sure not to lock in plans that will not allow adapting to new higher standards. He questioned if a public-private model was also considered for the plant on Embarcadero. Staff had not looked at the possibility.

Council Member DuBois had questions about how much the sea level rise contributed to the increase in cost, why the contingency is so large, if there is new funding available through the Inflation Reduction Act, how the RO concentrate would be pumped back to the regional plant, and the possibility of combining the 2 plants. Staff discussed these questions.

Council Member Stone continues to be concerned about the sea level rise impact. He asked if there had been discussion with Valley Water to see if they would increase their share of funding for the project to make it proportional to current inflation-related costs. He stated there were still a lot of unanswered questions and other ideas to be pursued further. He stressed evaluating the impacts on Project Home Key as they would on any other housing project.

Council Member Tanaka asked for a breakdown of different funding sources, how the costs are allocated between the different parties, and the operating costs. There was further discussion about the involved costs. He had questions about the rationale behind the majority of the tax split coming down on Palo Alto and about how the options for using the recycled water work. Staff discussed these questions. He suggested doing a fair market rent for this. He questioned the impact of Home Key on this project and any increased costs related to that.

Council Member Filseth questioned the confidence in the \$53 million since it had increased from \$20 million over several years. Staff stated that it was based on nearly a complete design with conservative cost escalation based on current market conditions; not all factors were included in the original estimate. Council Member Filseth stated the real value of the treated water appeared to be not just removing the salt but after the next step and questioned whether more investments would be required to derive significant value from that. He stated it is hard to make these decisions early in the process without accurate numbers.

# DRAFT SUMMARY MINUTES

Mayor Burt questioned the intended use of Palo Alto's share of the water from the \$52 million plant. Assistant Director North stated it is to use a higher quality of treated recycled water to be used on the greens at the Palo Alto Golf Course. Mayor Burt questioned the intention on how the business model will work, the difference between what it costs to produce the water versus paying for it, and which entity will get that difference. He would like to have these issues worked out when this returns for action. There has been discussion about whether this should be 2 projects or 1, and he asked about the process by which a decision will be made on that. He believed that combining the projects would reduce the capital costs.

Vice Mayor Kou was concerned about the potential for costs to continue to rise the longer it takes and looked forward to seeing the business plan.

## Public Comments:

1. Rebecca Eisenberg (in person) expressed gratitude for the work done by staff on fleshing out this program. She believed this type of sustainable programs needed to be prioritized and paid for on the part of the water district, which could be accomplished through the IRA and IA as well as defunding environmentally hazardous projects, such as the Pacheco Dam Expansion. She supported investment in these infrastructure projects, and because President Biden and Governor Newsome also have put water projects front and center, she was optimistic that more money would become available. She believed that Santa Clara County should be doing better than below the national average of 10% for water recycling.
2. Eileen McLaughlin, representing the Citizens Committee to Complete the Refuge, supported the need for recycled water and appreciated the work going into it. Related to the sea level concern, she stated the Los Altos Treatment Plant site and Home Key site are considered tidal marsh migration space, space where the marshes could grow into this land as water rose and give further protection inland. With Valley Water building there, that will not happen. The City needs to mitigate the loss of that potential, and she recommended including a wetland connection between Harbor Marsh and the Emily Renzel Wetlands to help assure the health and use of this wetland.
3. Winter Dellenbach commented that seawater rise goes hand in hand with groundwater rise and that no mention has been made of groundwater rise, which needs to be considered and included in further studies. She agreed with Ms. McLaughlin's suggestion for marshland mitigation. She commented that she understood that salt and other minerals and waste would be removed from the water but questioned if there would be an increase of salt discharge and minerals into the bay or if it would be taken out at the waste treatment plant.

# DRAFT SUMMARY MINUTES

4. Rani Fischer, representing the Santa Clara Audubon Society, had concerns about the location of the water purification facility at the termination of San Antonio. Restorable bay wetlands are critical to adaptation to sea level rise and critically important to bird life and biodiversity, and she also concurred with Ms. McLaughlin. She asked that a significant and meaningful investment in bay wetland habitat restoration in Palo Alto be included in the project and any grant application.
5. Aram James appreciated the complex discussion and was excited that Ms. Eisenberg was running for Valley Water District #7. He suggested visiting Ms. Eisenberg's website, [rebecca@rebeccaforwater.com](mailto:rebecca@rebeccaforwater.com), contributing to her campaign and speaking at City Council meetings on her behalf.

The Council Took a break from 7:05 to 7:15 P.M. The City Council adjourned the Special Meeting and called to order the City Council Regular meeting at 7:15 P.M.

4. 70 Encina Avenue (22PLN-00198): Request for a Prescreening to Consider Rezoning the Subject Property From Community Commercial (CC) to Planned Community (PC/PHZ) to Allow Development of a Building With Approximately 20 Dwelling Units and 28 Parking Spaces. Environmental Assessment: Not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review. Zoning District: CC (Community Commercial).

## **Action: No Action Taken**

Emily Foley, Planner, stated this application is for prescreening, which is required for legislative changes, in this case a rezoning to the PHZ zone. The purpose is to get some early feedback. She reminded the Council that they were not looking for a firm opinion on support or opposition at this time. The conceptual project is to rezone 2 Community Commercial zoned properties, currently part of the Town and Country parking lot, to be rezoned to Planned Home Zoning/Planned Community to allow for construction of 20 residential condominium units (12 one-bedroom and 8 two-bedroom). A Certificate of Compliance would be required to merge the 2 individual lots into 1 larger lot. PHZ cannot add more jobs than housing units, which is not anticipated here since it is 100% housing with no commercial component. The other requirement is at least 20% affordable units to a variety of income

# DRAFT SUMMARY MINUTES

levels. Four units would be affordable, but the distribution of income is to be determined. The project would be on a lot 100 feet wide and 120 feet deep on Encina Avenue and meet the parking requirement. Each unit is proposed to have a balcony as its available outdoor space. The proposed structure is 55 feet tall and 5 stories; the typical zoning allows a structure up to 50 feet. This property is within the Town and Country Shopping Center, although not owned by Town and Country. Per the base zoning, housing is limited to 15% floor area, which is one of the reasons the applicant is interested in pursuing a PHZ. Since the existing use until recently was parking, there would not be conversion of retail to housing. A cursory review of the new objective design standards was completed. The project deviates from these standards in that it proposes ground-level as opposed to underground parking. It also does not comply with the contextual setbacks in daylight plane or the requirements for building modulation. Staff recommends that Council conduct a prescreening and provide informal comments regarding the rezoning to the text amendment necessary to move forward with a PHZ proposal.

Applicant Ken Hayes, Hayes Group Architects, spoke about his client Ed Storm with Storm Land, LLC, as an experienced developer in the San Francisco Bay area and Northern California. Palo Alto targets over 6000 housing units in the next 9 years, over 650 units per year. The PHZ is a great start but solutions presented always seem to be too tall, too close to R1 zones, too remote to transit, too dense, and under-parked. With no R1 zones nearby, several 50-foot neighboring buildings, and plenty of amenities, this is a logical site for higher-density housing opportunities and the employment of the PHZ zone.

Applicant Jeffry Galbraith, Hayes Group Architects, discussed that this project is different from many applications over the last 2 years. He demonstrated the zoning map showing the property surrounded on 3 sides by CC zoned properties and all of the lots across the street on the north of Encina are all CS zoned with the exception of the Opportunity Center. There are no R1 parcels within 150 feet of the site. The proposed program is 100% residential project with a mix of 20 one- and two-bedroom condos and 20% affordable per the PHZ requirements. Mr. Galbraith discussed the setbacks and the 5-foot planted buffer between the parking lot and sidewalks. The lobby is located on the most visible corner of the project, and there is as much greenery in the front as possible. Most of the ground floor is for parking, bike storage, and utilities and there is trash access concealed through the façade as well as a secondary stair. He described the configuration of the building and showed 2-dimensional renderings.



# DRAFT SUMMARY MINUTES

Council Member Filseth questioned if this site is in the housing inventory and asked how high the Opportunity Center is. Planning and Transportation Director Lait responded that at 5 stories, it would be close to 50 feet.

Council Member DuBois asked if PHZ was necessary or if they could convert the commercial to residential use. There was no analysis of this completed yet. He questioned if the elevator tower was included in the height. The code provides for 15 feet above the height limit, and the elevator tower is effectively mechanical equipment, which is included in that exception. Council Member DuBois asked if there is a daylight plane against commercial properties, and there was discussion on that. He asked if the project met the open space requirements, and the building would meet both the common space and per-unit private space requirements.

Council Member Stone asked for clarification that the proposed conversion is not prohibited at Town and Country because it is not conversion of retail space but of parking. Planning and Transportation Director Lait stated the finding may ultimately rest with the Council, but the staff's initial review found this was not conversion of retail or commercial space as this replaces surface parking. There was further discussion of these considerations. Council Member Stone discussed whether the 4 BMR units would be a mix of 1- and 2-bedroom apartments.

Mayor Burt asked if the selection of income level options for affordable housing in PHZ was at the discretion of applicant or something the City can tie to the level of up-zoning benefit. He stated he would welcome clarification from the Council. He believed Encina was a good place for housing and appropriate for density. The concerns he had for this project were around setbacks and modulation. He believed this was an area to consider embracing housing but also wanted to respect the unique character of Town and Country.

Vice Mayor Kou agreed that this appears to be a good location for housing. She wanted to see deeper affordability with the extra height of this project if PHZ was granted. She wanted there to be loading and unloading that did not take away from ingress and egress of Town and Country as well as Encina. She was concerned that the residential units might end up being Airbnbs versus actual people living there. Town and Country has parking issues already and taking parking away is not supportive of economy recovery or wellbeing.

Public comments

# DRAFT SUMMARY MINUTES

1. Dean Robinson (in person), Director of Development for Ellis Partners, which has owned and operated Town and Country Village since 2005, stated they have gone to great lengths to preserve and celebrate its historic character and have worked extensively with the City on the improvements undertaken. He stated they have never tried to maximize development potential of the site out of respect. Given the history of the site, they are concerned about the proposed project. Placing an isolated, 5-story, 55-foot development on a quarter-acre site that might measure to 70 with mechanical and elevator equipment is wholly out of context for a site adjacent to a historic and primarily single-story structure. He demonstrated renderings of potentially more harmonious 2- or 3-story options versus the proposed 5-story building.
2. Melinda Ellis Evers (in person), Co-Founder and Managing Principal of Ellis Partners, stated Ellis Partners is very supportive of housing throughout the Bay Area and on this Encina site and would support a thoughtfully designed project at this location. She believed what is currently proposed is too tall and too dense. She asked for considerations in reducing the height and mass, improving the aesthetics to better integrate with the surrounding context, and changing to underground parking. She believed it was an unfair impact on Town and Country and that a reduction to a 2- or 3-story project was a reasonable approach.
3. Roger Smith (in person) was concerned about the proposed 5-story project of up to 70 feet with mechanical. It does not align with Palo Alto's standards for development. He supported new housing but proposed projects need to fit in with the character of the surrounding area. If the project moves forward, he would like to see a reduction of the height, an improved building design, and a better plan for the first floor of something more than just parking.
4. Rebecca Eisenberg (in person) believed the proposal was amazing and found it hard to imagine a more sustainable option than transforming a parking lot to housing. She pointed out that environmentalists and scientists agree that building up is preferable to building out. She felt it was absurd to expect property developers to decrease from 20 to 10 units in the building as it would not be profitable. Ms. Eisenberg stated this would fit in on that street and would be more in line with buildings on Encina than at Town and Country. This was one of the few home ownership opportunities before the Council in a long time, and this project should be embraced.
5. Aram James supported this project and believed it was realistic to go between 7 and 10 floors to enable not just below market rate but very low-income units. The additional tenants would give business to Town and Country. He would like to see murals painted on the side facing

# DRAFT SUMMARY MINUTES

Town and Country and a garden park on top of the complex. He felt it was a win-win for the community but felt the developer should do more.

6. Winter Dellenbach stated this is a heat island and that this project could be the poster child for how not to design a residential building on a heat island. There is an overhang on the top floor and none below that, reflective glass, metal decoration. The air conditioning will be going 24/7, and she felt there was no consideration of how hot this site would be. She stated she was not against a housing development in this area but felt a better design was needed.
7. Evelyn Shen (in person) stated she was in favor of the general idea and that it was better environmentally to build up than out. She felt it was more important to conserve the environment than the aesthetic of the surroundings and that this project may support Town and Country by bringing in more revenue.

Council Member Filseth discussed that Ellis Partners had brought in a lot more people and shops to Town and Country than there were before. He felt this was a reasonable location for housing for all the reasons mentioned and that if Ellis Partners were in support of it, he would have no concerns. He would like to have consensus between the applicant and Ellis Partners.

Council Member Tanaka liked that the project was fully parked but felt the ground floor would be better used for retail. He suggested smaller units to reduce the amount of square footage and agreed that collaboration with Town and Country would be important.

Council Member DuBois agreed that this was a good location for density and was generally supportive of the project. He suggested going 5 feet underground with partially submerged parking to keep the height at 50 rather than 55 feet and that keeping the look and feel of Town and Country would help it fit in better. He believed the City would have to consider adding density in a commercial site like this.

Council Member Cormack stated that the concerns from Ellis Partners were more aesthetic than financial. She had no concern about people seeing parked cars on the first floor since this would be replacing a parking lot. She believed there would be demand for these units and disagreed with making the units smaller.

5. 4333 and 4345 El Camino Real [22PLN-00210]: Request by Toll Bros. for Prescreening of Their Proposal to Rezone the Subject Properties from CS to PHZ to Allow Redevelop the Two Sites with 12 Dwelling

# DRAFT SUMMARY MINUTES

Units and 55 Dwelling Units, Respectively. Environmental Assessment: Not a Project. (7:30 – 8:30 PM)

## **Action: No Action Taken**

Claire Raybould, Planning, stated a prescreening is required for legislative changes, including rezoning, and is intended to solicit early feedback and cannot result in any formal action. She reminded the Council to refrain from forming firm opinions supporting or opposing the project. This a prescreening to change 2 CS-zoned properties to change them to PHZ to allow construction of 12 units on one site and 55 condominium units in the other. This would replace 6500 square feet of retail and personal service space as well as 18,000 square feet of hotel space. The net loss of revenue would be roughly \$100,000 to \$200,000; there would be an additional 1% property tax for the new development. The project would meet basic requirements, including at least 20% below market rate, and no net increase in jobs. They are proposing 6 ADUs; code currently allows 1 new ADU per site. Site B proposes a height of 60 feet for most of the development, 69 feet for the elevator and rooftop access. Neither site proposes to replace retail. Some of the mature trees are proposed to be removed, and it is presumed that a number of the trees are considered protected. Staff recommends the Council conduct a prescreening and provide informal comments regarding this proposal.

Applicant Nick Kosla, Toll Brothers, described similar projects taking place nearby. He discussed different aspects of the project, including the benefits of adding ADUs along with townhomes. There are 1-, 2-, and 3-bedroom units from approximately 800 to 1800 square feet. The plan allowed for saving as many existing trees as possible and would include planting new trees.

Council Member DuBois asked about the height of adjacent properties and how far this is from the R20 zone. He questioned the air rights for the condos.

Council Member Cormack clarified that it is an actual ADU with a separate entrance and not a JADU.

Council Member Stone questioned if there are locations along El Camino for residents to place trash for pickup and whether it would create traffic or aesthetic problems. Staff would review this to find a solution that was least impactful for vehicular traffic. Council Member Stone asked about loading spaces for either site and the height without the rooftop deck.

# DRAFT SUMMARY MINUTES

Mayor Burt questioned the applicant on the choice of ADUs rather than separate units with separate ownership; the applicant stated it would mean selling microunits of 400 square feet, which they do not do. Mayor Burt was interested in hearing from colleagues about potentially accepting a higher FAR in exchange for standalone units.

Vice Mayor Kou questioned TOT revenues from the current hotel.

## Public Comments

1. Bob Moss (in person) felt there were a lot of problems with this proposal. He believed the project should be scaled back to meet the 55-foot height limit, meet the 0.6 FAR, have adequate onsite parking, and have landscaping.
2. Aram James believed building up to 7 or 8 floors was realistic to be able to house people. He suggested going up to 60 feet here and going higher on the previously discussed property would allow more units that could be very low-income housing.
3. Rebecca Eisenberg (in person) stated that housing adds to quality of life, adds to stability of the neighborhoods, helps public schools. It is not an option to force hotel owners to stay in business if they are interested in selling. Replacing it with housing is better in the public interest than replacing with commercial office use. She disagreed that trees would be able to be transplanted and preferred to see older trees preserved.

Council Member Cormack believed the concept of the ADU bringing in rental income opened homeownership to a different group. She preferred the larger building include some type of retail that would be an amenity for residents. She was generally supportive of the project.

Council Member Stone believed this was a good location for housing but agreed that including retail on site B would be a good opportunity. He was not concerned about the building height and felt it fit in with surrounding buildings but felt that preserving the trees was important. He stated that having an area for loading and deliveries would be important for a building this size.

Council Member DuBois suggested combining the 2 sites into a single condition association, consider dropping the ADUs and adding more units, and considering reducing the height.

Council Member Kou felt there were problems with removing mature trees, the potential loss of revenue for TOT, and the height. She was concerned about the traffic on El Camino and Cesano Court. She suggested on site being developed as a park for more open space in the area.

# DRAFT SUMMARY MINUTES

Council Member Filesth thought the project was fine.

Mayor Burt clarified the height of the building and whether the street was being used to calculate FAR. He preferred providing additional separate units to ADUs.

Council Member Tanaka liked the location but agreed adding retail would be good in this area. He liked smaller, more affordable units and also the flexibility of ADUs.

## Agenda Changes, Additions and Deletions

No additional comments beyond the amended agenda.

## Public Comment

1. Reshma Valame (in person) and Mathew Tsien (in person) spoke about mental health at the high school level. Mr. Tsien stated that the lockdowns of 2020 have caused a wave of apathy amongst high school students in Palo Alto. Ms. Valame stated that community is an important way to affect mental health and kids of high school age are not considered when planning and organizing city events. Mr. Tsien added that making it clear to these kids that they have a community that supports them can make a big impact.
2. Aram James stated he received a rejection for his request for the camera footage of the canine attack on October 10, 2021, involving Palo Alto dog handler Nick Enberg. He stated that it feels like a coverup. He also discussed tasers and requested the cost of having tasers each year for the last 5 years to get idea of whether it is worth keeping tasers in the City.
3. Ken Horowitz (in person) was looking forward to hearing what the candidates plan to do about Cubberley Community Center. He questioned if there would be a meeting on Monday, September 26, on the first night of Rosh Hashanah and suggested moving it to that Tuesdays after sundown.
4. Rebecca Eisenberg (in person) spoke about the UN's 17 sustainable development goals and suggested having a youth representative on the City Council.
5. Katie Reuff thanked the City Council for their support on the National Day of Service. She stated she was lucky to work with various groups and leaders to plan a service event at Cooley Landing in East Palo Alto,

# DRAFT SUMMARY MINUTES

bringing together volunteers to pick up trash and learn about the significance of the site.

6. Toni Minion, member of the Palo Alto Student Climate Coalition, stated that Palo Alto is behind on climate action. More programs like the water pump heater initiative are needed.
7. Mora Oommen, Executive Director of Youth Community Service, thanked those who volunteered for the National Day of Service and discussed this event.
8. Julia Zeitlin, Co-Founder of the Palo Alto Student Climate Coalition, spoke about the environmental and public health issues posed by gas stoves and supported the electrification of gas stoves.

## Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 7

Council Member Cormack, DuBois registered a no vote on Agenda Item Number 9.

Council Member Stone, DuBois, Tanaka requested to pull item 11.

**MOTION:** Council Member Cormack moved, seconded by Mayor Burt to approve Agenda Item Numbers 6-10, 12 and 13 and pull Item 11 for discussion.

6. Approve Minutes from the August 8, 2022 , August 10, 2022, August 15, 2022, and the August 22, 2022 City Council Meetings
7. Approval of Amendment Number 1 to Contract Number C20177684 with SCA for Street Sweeping Services, for Modification and Increase of Contract by \$1,080,674 to Include Prevailing Wages for a Revised Not to Exceed amount of \$6,688,906 for the Remaining Three Years of a Five-Year Contract; and Approval of Budget Amendment in the Refuse Fund
8. Adoption of the Amended Community Development Block Grant (CDBG) Citizen Participation Plan
9. Adoption of **Resolution 10069** Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency
10. Adoption of Park Improvement Ordinance for Renovation of the Mitchell Park Dog Park as Recommended by the Parks and Recreation Commission

# DRAFT SUMMARY MINUTES

11. Recommendation from the Human Relations Commission on the naming of the holiday on the second Monday in October (**Pulled for discussion**)
12. Approval of Contract No. C23183740 with StreetSense CA, LLC for Economic Development Consulting Services for a Term Expiring December 31, 2025 and a Total Amount Not-to-Exceed \$261,995; and Approval of a Budget Amendment in the General Fund
13. QUASI-JUDICIAL. 215/217 Alma Street {22PLN-00164}: Ratification of Director's Approval of Waiver From the Retail Preservation Ordinance for an Alternative Viable Use to Allow for an Animal Care Provider (Modern Animal) to Occupy a 4,200 Square Foot Portion of the Site. Zone District: Commercial Downtown Neighborhood with a Pedestrian Combining District (CD-N[P]). Environmental Assessment: Exempt from CEQA in Accordance With Guidelines Section 15061(b)(3) and 15301.

## MOTION SPLIT FOR THE PURPOSE OF VOTING

**ITEM 6, 8, 10, 12 and 13 MOTION PASSED:** 7-0

**ITEM 7 MOTION PASSED:** 6-1, Tanaka no

**ITEM 9 MOTION PASSED:** 5-2, Cormack, DuBois no

## Public Comments

1. Floyd Neesen (in person) discussed history related to Christopher Columbus and believed that his name should not be used for the holiday on the second Monday in October.
2. Sophia Howell (in person) also discussed history related to Christopher Columbus and suggested that the date in question should be recognized exclusively as Indigenous People's Day.
3. Rebecca Eisenberg (in person) agreed with the previous comments regarding the naming of the holiday and stated it was illogical to celebrate both Columbus Day and Indigenous People's Day.
4. Aram James agreed with previous comments about not coupling Indigenous People's Day and Columbus Day and also spoke about celebrating Frederick Douglas rather than Independence Day each July.



# DRAFT SUMMARY MINUTES

Council Member Cormack stated she still cannot make the findings for item 9.

Council Member Dubois stated he no longer thinks there is an emergency.

Council Member Tanaka stated he voted no on item 7 because there is a substantial increase beyond the rate of inflation and takes away money reserved for emergencies. He believed the Council needed to start saying no to things in order to stay within budget.

## City Manager Comments

Ed Shikada, City Manager, gave an update on COVID and the availability of the bivalent booster and isolation procedures. He acknowledged the significant power outages over the last week and appreciated the community's patience with the issues. He discussed the use of Twitter and the City's webpage as a means of providing information on outages. He also noted the City's recent blog on additional information related to the 340 Portage Avenue site and steps looking forward. The upcoming California Avenue Farmer's Market will include an event entitled Small Gestures as part of the ongoing ArtLift Program. City Manager Shikada discussed an upcoming event at the Junior Museum and Zoo open exclusively to families with children with disabilities on Sunday, September 18. An upcoming Council item for a prescreening on series of addresses on El Camino Real at the Creekside Inn Side will be deferred until October 17. Much of the meeting in 2 weeks will be dedicated the Sustainability and Climate Action Plan, also with potential for Council positions on ballot measures to be discussed and a series of upcoming items relating to sustainability and climate action.

## Action Items

14. PUBLIC HEARING: Adoption of a Resolution Confirming the Weed Abatement Report and Ordering the Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein

**MOTION:** Council Member Cormack moved, seconded by Council Member Burt to adopt **Resolution 10070** confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

# DRAFT SUMMARY MINUTES

## MOTION PASSED: 7-0

Fire Chief Geo Blackshire stated there is a contract with the county who runs the weed abatement program. First the Council adopts a resolution saying that weeds are a nuisance and then the County does an assessment of properties and the fines that would be allocated if not resolved in the determined time period.

Mayor Burt asked Staff to respond to some of the concerns expressed in emails from the public.

Fire Chief Blackshire discussed questions about whether there was a hazard, the time frame, and the process. Typically there was a commencement report and an assessment report, and in 2021, the timeline did not reflect when the fines were applied and came across as if the fines were a late fee.

Moe Kumre, County Weed Abatement Manager, stated that last year the City Council had a commencement hearing, declared weeds a public nuisance, and authorized the department to inspect and correct any properties in which the owners failed to meet the compliance standards. The hearing was missed last year and the cost recovery fees for last year and this had to be rolled into this year's hearing. The fees were for inspections done properties, work orders, and contractors' charges plus a county administrative fee. Mr. Kumre was prepared to answer the specifics of any properties as necessary.

## Public Comments

1. **Kate Bellairs** asked if there is an appeals process for fine assessment regarding a property that is under construction.
2. Aram James discussed an unoccupied property on Los Robles that is very overgrown and seems to be a fire hazard. He also wondered if there was a way for the City to provide free counsel to assist in resolving these issues without accumulating a fine that may result situations like a low-income resident becoming unhoused.

Council Member Cormack questioned if the inspectors take photos and whether that is available to the property owners. Mr. Kumre stated that pictures are taken by the inspectors as well as by any contractors performing abatement work, and the property owners may see those photos by request. Council Member Cormack questioned how long owners remain on the list and how it affects new owners. Mr. Kumre stated they remain on the list until they show 3 consecutive years of voluntary compliance and typically the program follows the property and not the owner. A new owner

# DRAFT SUMMARY MINUTES

may let the department know they have taken mitigating actions and potentially be removed from the program.

15. Adoption of an Ordinance Approving the Police Department's Military Equipment Use Policy Under AB 481

**MOTION:** Mayor Burt moved, seconded by Council Member DuBois to adopt the draft ordinance approving the Palo Alto Police Department Military Equipment Use Policy in accordance with AB 481.

**MOTION PASSED:** 7-0

Police Chief Andrew Binder discussed that AB 481 was enacted January 1, 2022, and requires the ordinance be implemented by November 1, 2022. The spirit of the bill is to increase community awareness surrounding local police agencies' possession of certain types of specialized equipment. This requires City Council to adopt a use policy that contains equipment inventory, authorizes uses, fiscal impacts, rules for use training, and compliance measures and requires reauthorization every year. Police Chief Binders stated they were not seeking to acquire any new equipment. He listed the equipment affected. He was also seeking to use allied agency equipment if necessary.

Council Member Cormack inquired if tasers are included; they were not required to be listed. She asked for a description of the 37-mm less lethal launcher and kinetic energy munition.

Police Acting Captain James Reifschneider described that the equipment is referred to as a Sage and fires a rubber round. It is designed to be used against armed subjects, specifically armed with other than a firearm, like a knife or a bat.

Council Member Stone inquired if there had been any incidents in the past year in which an officer pulled an AR-15 out of a vehicle. There was discussion about the uses of various types of equipment.

Council Member Tanaka questioned what happens if there is an incident that something more is needed.

Acting Captain Reifschneider stated that the statute requires they disclose not only what they have but what they could reasonably anticipate needing. In that case, it would have to be borrowed from a neighboring agency.

# DRAFT SUMMARY MINUTES

Council Member DuBois questioned the equipment amounts listed and whether they were seeking new equipment. There was discussion about some of the equipment.

Vice Mayor Kou was concerned reassurance that listing the equipment the department has available could put the department at a disadvantage.

Acting Captain Reifschneider stated there was nothing cutting edge or proprietary and felt confident that it would be able to be used without a problem.

## Public comment

1. Rebecca Eisenberg discussed the legislative history of this legislation and that these weapons need to be approved by the community. She stated she did not approve of the use of military grade weapons in the local police force.
2. Aram James stated this act requires a public forum before it becomes an action item. He objected to every weapon listed without more information.
3. Winter Dellenbach was glad this information was out in the open so that the public is aware of this information.

Council Member Cormack clarified when the annual report will be provided. She felt this was an opportunity to come up with better alternatives to the equipment currently available.

## Pulled From Consent for Discussion

11. Recommendation from the Human Relations Commission on the naming of the holiday on the second Monday in October

**MOTION:** Council Member Stone moved seconded by Mayor Burt to name the second Monday of October as Indigenous People's Day and Italian Heritage Day.

**MOTION PASSED:** 7-0

Council Member Stone believed it was appalling to consider naming the holiday both Indigenous People's Day and Columbus Day. He read excerpts from an email from Dr. David Stannard supporting his opinion.

# DRAFT SUMMARY MINUTES

Mayor Burt concurred with Council Member Stone and wanted to recognize a more accurate history while embracing the rich history of Italian immigrants in America.

Council Member Tanaka supported the idea of Indigenous People's Day but questioned Italian Day as opposed to something more encompassing like Immigrants' Day.

Council Member Stone stated that many Italian Americans unofficially celebrate their own heritage on Columbus Day with the belief that Columbus was Italian.

Council Member DuBois spoke about the history involving hate crimes against Italians in New Orleans.

Council Member Kou agreed with the idea of Immigrants' Day but not on Italian Heritage Day.

## Council Member Questions, Comments and Announcements

Council Member Cormack spoke about the recent Cal Cities conference and shared some notes she had taken.

Mayor Burt spoke about recent events, including the National Day of Service.

Adjournment: The meeting was adjourned at 11:10 P.M.

ATTEST:

APPROVED:

---

City Clerk

---

Mayor

NOTE: Action minutes are prepared in accordance with Palo Alto Municipal Code (PAMC) 2.04.160(a) and (b). Summary minutes (sense) are prepared in accordance with PAMC Section 2.04.160(c). Beginning in January 2018, in accordance with Ordinance No. 5423, the City Council found action minutes and the video/audio recordings of Council proceedings to be the official records of both Council and committee proceedings. These recordings are available on the City's website.