



CITY COUNCIL SUMMARY MINUTES

Special Meeting
Monday, April 03, 2023

CALL TO ORDER

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

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

Present Remotely: None

Absent: None

SPECIAL ORDERS OF THE DAY

1. Appointment of Applicants for Board and Commission Openings on the Utilities Advisory Committee, the Planning and Transportation Commission and the Historic Resources Board

Annual recruitment for openings on boards and commissions closed February 28. We received a record number of applications. Tonight, Council will digitally vote for candidates to fill the open positions. They will appoint the first candidate to receive four Council votes. Discussion ensued regarding the voting process for full terms versus unexpired terms.

MOTION: Council Member Burt moved, seconded by Mayor Kou to proceed as presented to vote first for full term, then a subsequent vote for unexpired terms.

SUBSTITUTE MOTION: Council Member Veenker moved, seconded by Council Member Lythcott-Haims to vote for all positions in the first round, with the top vote getters getting the full terms and the candidate with the next number of votes getting the unexpired terms. If there are ties, then a second round of voting will commence.

MOTION FAILED: 3-4, Lauing, Kou, Burt, Stone no

ORIGINAL MOTION: Council Member Burt moved, seconded by Mayor Kou to proceed as presented to vote first for full term, then a subsequent vote for unexpired terms.

MOTION PASSED: 5-2, Lythcott-Haims, Tanaka no

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Public Comment

Herb Borock believed the Council was required to have available a physical copy of letters received from the public on agenda items. He noticed the Action Minutes did not specify whom each council member voted on each ballot. The City Clerk will follow up with Mr. Borock after the meeting.

Historic Resources Board

First round of voting for three vacancies on the Historic Resources Board ending March 31, 2026:

Samantha Joy Rodman: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

Christian Pease: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

Alisa Eagleston-Cieslewic: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

Candidate Samantha Joy Rodman receiving seven votes is appointed to a full term expiring March 31, 2026.

Candidate Christian Pease receiving seven votes is appointed to a full term expiring March 31, 2026.

Candidate Alisa Eagleston-Cieslewic receiving seven votes is appointed to a full term expiring March 31, 2026.

Planning and Transportation Commission

First round of voting for two full terms ending March 31, 2027 on the Planning and Transportation Commission:

George Lu: Lythcott-Haims

Scott O'Neil: Tanaka

Allen Akin: Kou, Burt, Stone, Lauing

Cari Templeton: Burt, Lythcott-Haims, Stone, Lauing, Veenker

Arthur Keller: Kou

Alex Comsa: Tanaka

Forest Olaf Peterson: Veenker

Candidate Allen Akin receiving four votes is appointed to a full term expiring March 31, 2027.

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Candidate Cari Templeton receiving five votes is appointed to a full term expiring March 31, 2027.

Utilities Advisory Commission

First round of voting for three full terms ending March 31, 2026 on the Utilities Advisory Commission:

Jason Titus: Burt, Veenker

Max Rayner: Tanaka

Robert Phillips: Burt, Kou, Lauing

Benjamin Piiru:

Greg Hood:

Chris Tucher: Tanaka

Meagan Mauter: Burt, Kou, Lauing, Lythcott-Haims, Veenker

Claude Ezran: Kou

Siyi Zhang: Lythcott-Haims, Stone

Greg Scharff: Lauing, Stone, Tanaka

Rachel Croft: Stone

Natalie Geise: Lythcott-Haims, Veenker

Bob Wenzlau:

Candidate Megan Mauter receiving five votes is appointed to a full term expiring March 31, 2026.

No other candidate received four votes required to be appointed to the full term expiring March 31, 2026. A second round of voting is required.

Planning and Transportation Commission

First round of voting for one unexpired term ending March 31, 2025 on the Planning and Transportation Commission:

George Lu: Burt, Lythcott-Haims, Tanaka

Scott O'Neil:

Arthur Keller: Kou, Lauing, Stone

Alex Comsa:

Forest Olaf Peterson: Veenker

No candidate received four votes required to be appointed to the un-expired term expiring March 31, 2025. A second round of voting is required.

Utilities Advisory Commission

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Second round of voting for two full terms ending March 31, 2026 on the Utilities Advisory Commission:

Jason Titus: Burt, Veenker

Max Rayner: Tanaka

Robert Phillips: Stone, Burt, Kou, Lauing

Benjamin Piiru:

Greg Hood:

Chris Tucher:

Claude Ezran:

Siyi Zhang: Lythcott-Haims, Tanaka

Greg Scharff: Stone, Kou, Lauing

Rachel Croft:

Natalie Geise: Lythcott-Haims, Veenker

Bob Wenzlau:

Candidate Robert Phillips receiving four votes is appointed to a full term expiring March 31, 2026.

No other candidate received four votes required to be appointed to the full term expiring March 31, 2026. A third round of voting is required.

Planning and Transportation Commission

Second round of voting for one unexpired term ending March 31, 2025 on the Planning and Transportation Commission:

George Lu: Burt, Tanaka, Lythcott-Haims, Veenker

Scott O'Neil:

Arthur Keller: Stone, Lauing, Kou

Alex Comsa:

Forest Olaf Peterson:

Candidate George Lu receiving four votes is appointed to an unexpired term ending March 31, 2025.

Utilities Advisory Commission

Third round of voting for one full term ending March 31, 2026 on the Utilities Advisory Commission:

Jason Titus: Burt

Max Rayner:

Robert Phillips:

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Benjamin Piiru:

Greg Hood:

Chris Tucher:

Claude Ezran: Kou

Siyi Zhang:

Greg Scharff: Stone, Tanaka, Lauing

Rachel Croft:

Natalie Geise: Lythcott-Haims, Veenker

Bob Wenzlau:

No Candidate received four votes required to be appointed to the full term expiring March 31, 2026. A fourth round of voting is required.

The Council requested elimination of the two elected candidates.

Utilities Advisory Commission

Fourth round of voting for one full term ending March 31, 2026 on the Utilities Advisory Commission:

Jason Titus: Burt

Claude Ezran:

Greg Scharff: Kou, Lauing, Stone, Tanaka

Natalie Geise: Veenker, Lythcott-Haims

Candidate Greg Scharff receiving four votes is appointed to a full term expiring March 31, 2026.

Utilities Advisory Commission

First round of voting for one unexpired term ending March 31, 2025 on the Utilities Advisory Commission:

Jason Titus: Lythcott-Haims, Burt

Max Rayner: Tanaka

Robert Phillips:

Benjamin Piiru:

Greg Hood:

Chris Tucher:

Meagan Mauter:

Claude Ezran: Kou

Siyi Zhang:

Greg Scharff:

Rachel Croft: Lauing, Stone

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Natalie Geise: Veenker

Bob Wenzlau:

No candidate received four votes required to be appointed to the un-expired term expiring March 31, 2025. A second round of voting is required.

Utilities Advisory Commission

Second round of voting for one unexpired term ending March 31, 2025 on the Utilities Advisory Commission:

Jason Titus:

Max Rayner: Tanaka

Claude Ezran: Kou

Rachel Croft: Veenker, Stone, Lythcott-Haims, Lauing, Burt

Natalie Geise:

Candidate Rachael Croft receiving five votes is appointed to an unexpired term ending March 31, 2025.

2. Introduction of Representatives from the North County TRUST (Trusted Response Urgent Support Team) Alternative Mental Health Response Program

The County of Santa Clara received a State grant that provides funding for this program. Momentum for Health will introduce the program and the team serving Palo Alto. Last year, Congresswoman Anna Eshoo earmarked \$2M for a similar program. Instead of creating a duplicate program, this item would add scope to Momentum's work in Palo Alto, Mountain View and Los Altos, to augment the program and increase case management and local awareness.

Momentum for Health's Chief Medical Officer Dr. Shefali Miller delivered a presentation. Santa Clara County launched the TRUST program in November 2022. It serves San Jose, South County and North County. Palo Alto-based Momentum operates the North County TRUST team. Each TRUST team has three field-based staff (one behavioral health worker, one EMT-trained first-aid responder and one peer navigator). They operate out of a van and respond to calls in the field. TRUST serves as an alternative to a law enforcement response for people experiencing a behavioral health crisis. It augments PERT and Mobile Crisis Response Team (MCRT), which are mobile field-based programs in North County for higher acuity situations where there is an eminent danger to self or others. The TRUST team is a preemptive, lower acuity response.

There is a nationwide movement to change how we respond to behavioral health crises and to shift it away from a law enforcement response toward a behavioral health response. Data shows that 25% to 50% of officer-involved fatalities involve someone with a severe mental

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illness. We want to avoid unnecessary fatalities and incarcerations. Unarmed people trained in behavioral health work can deescalate the situation at the scene more peacefully and get a better outcome by following up and linking them to needed resources without police backup. This model has existed for decades. CAHOOTS in Eugene, Oregon has had great success in deescalating situations without a law enforcement presence. Their data shows they have diverted 8% of calls from their police force. We developed our TRUST model in many ways after the CAHOOTS model.

Momentum for Health's Assistant Manager Andrew Kotch spoke about the TRUST team's operations. They provide services in North County seven days a week from 7 a.m. to 7 p.m. Calls are triaged through the 988 call center, transferred to the TRUST call center provided by Pacific Clinics who then dispatches the TRUST team with the location and brief description of the situation. Calls are for individuals experiencing anxiety, depression and substance use. They also provide family members with education and coping strategies to support their loved ones.

Deputy City Manager Chantal Cotton-Gaines remarked that the Mental Health Support Services (MHSA) State Grant is a five-year fund grant to Santa Clara County for the TRUST program, Momentum for Health in North County, Pacific Clinics for the call center and the South County program.

Council Member Burt expressed his appreciation for those who helped provide funding for this great program. The estimate that 25% to 50% of police-related fatalities involve someone with a mental health condition reiterates the need for these programs. CAHOOTS uses volunteers, so he is pleased to have this program funded and with professional staff.

Vice Mayor Stone is excited about expanding this program. He follows the CAHOOTS program closely, which has saved their City tens of millions of dollars by redirecting more expensive law enforcement assets. He asked about the hours being 7 a.m. to 7 p.m. because the other 12 hours are frequently law enforcement's busiest times. Momentum Assistant Manager Kotch responded that those are the current hours due to staffing but they are looking to expand those hours in the coming weeks to provide night assistance. Outside of TRUST's operating hours, 988 transfers callers to MCRT to provide clinical assistance. If TRUST is on a dispatch where their scope of work is increased and they need assistance at a higher level, they call MCRT and conduct a warm hand off for them to assess the situation.

Vice Mayor Stone and Mayor Kou expressed their gratitude to Deputy City Manager Cotton-Gaines for her effort to push forward this program.

AGENDA CHANGES, ADDITIONS AND DELETIONS

None.

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PUBLIC COMMENT

Marcia Pugsley delivered a slide presentation on behalf of the Palo Alto Arts Center Foundation. She asked Council to join her in celebrating the arts, creativity and culture month of April. They support sustainability actions with a yearlong program of exhibitions. This winter's exhibit is Under Water, which goes through the end of this week. It highlights the ocean pollution by plastics, seawater rise, Baylands restoration and general water pollution.

Bo Crane is the Secretary of nonprofit Palo Alto Stanford (PAST) Heritage. He gave Council a copy of a booklet they published, *Birge Clark Selected Projects*, which celebrates the 100th anniversary of the 1922 opening of Birge Clark's architectural office. The booklet is available at Bell's Books on Emerson. His Spanish California Colonial style of the 20s and 30s is visible across the street in the medical/dental building as well as Hotel President, Roth Building, the Post Office on Hamilton and the Lucie Stern Community Center. They will honor Birge Clark at their Annual Preservation Award on Sunday, May 7, at the Rinconada Art Center. On Saturday, May 13, the public is welcome to meet in front of City Hall for a free downtown walking tour of his projects. This tour and others are on the PAST Heritage website.

Aram James visited the State Capital on March 21 to accompany Sergeant Sean Allen who spoke in front of the Public Safety Committee of the State Assembly. The bill is pending with 6-2 in favor of the bill.

Gene Buttrill commented on the issue of Palo Alto's unhoused. He wants the City Council and City Manager to take responsibility for the investments they make in our community and focus on their effectiveness. He fully supports LifeMoves for their great work in helping many people. They made the front page of the Palo Alto Weekly this week regarding their project on San Antonio Road. The City of Palo Alto has invested in that facility. The City should be very careful not to repeat Mountain View's mistakes. The City needs to set goals and metrics, have them reported and followed through. He likes TRUST and thinks it is a great idea. Before passing a resolution to support TRUST, he urged Council to look at accountability and metrics.

John Kelley echoed Council Member Lythcott-Haims request made at the March 27, 2023 meeting about reevaluating the tree ordinance. He asked for the City Manager, Urban Forester, and heads of Public Works and Public Safety to compile their responses to tree fallings throughout the community and include that information in the staff report.

CONSENT CALENDAR

MOTION: Mayor Kou moved, seconded by Council Member Burt to approve Consent Agenda Item Numbers 3-10.

MOTION PASSED ITEMS 3-9: 7-0

MOTION PASSED ITEM 10: 6-1, Tanaka no

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3. Approval of Minutes from March 20, 2023 Meeting
4. The Utilities Advisory Commission and Staff Recommend Council Adoption of Amended Utilities Rules and Regulations, to Incorporate AMI Changes and Other Updates; CEQA review – exempt (CEQA Guidelines section 15273). **Adopted Resolution 10096**
5. Approval of the Utilities Department's 2023 Legislative Guidelines
6. 2850 West Bayshore [22PLN-00364]: Approval of Final Map for a single-lot subdivision for condominium purposes for 48 attached townhome condominiums. Environmental Assessment: Exempt per CEQA Guidelines Section 15332. Zoning District: ROLM (Research, Office, and Manufacturing)
7. Approval of Fourth Amendment to Santa Clara Valley Urban Runoff Pollution Prevention Program Memorandum of Agreement
8. Adopt a **Resolution 10097** Expressing Concern for Public Safety and Urging State and Federal Action on Firearms in Sensitive Places
9. Acceptance of \$2,000,000 from the Consolidated Appropriation Act, 2022, Awarded by the Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) for Assistance Related to North County TRUST (Trusted Response Urgent Support Team), an Alternative Response Pilot Program. Approval of a Contract with Momentum for Health for Assistance Related to North County TRUST with a Total Contract Amount Not to Exceed \$1,931,706. Approval of the Related Budget Amendment in the General Fund. CEQA status – not a project.

Public Comments

Aram James addressed Item 8 regarding adopting Resolution 10097. He thought the Council should be armed and properly trained, especially when there are controversial topics on the agenda. We have 90 full-time police officers spread over three shifts, which is not adequate. Regarding Item 9, he believed the statistic of people suffering from mental illness who are killed by police was much higher, probably 50% to 75%. He wondered about the level of police cooperation with Project TRUST because if the program were successful it would result in needing less law enforcement officers. Regarding the \$2M grant, he was curious why there was not enough money to go 24 hours a day so the police are not called on mental health issues at night when Project TRUST could deal with. He opined that PAPD and TRUST need more leadership and training on mental health issues.

Gene Buttrill was in agreement with Aram James. He asked for someone in City government to meet once a month with TRUST to see how many calls they responded to, understand what happened with those calls and how our police were working together with TRUST. He wants the

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City to make sure this working relationship is building in a positive direction as quickly as possible so more people get off the streets and into services.

10. Approve Amendment of Seven On-Call Consulting Contracts to Increase the Not-to-Exceed to \$3 Million Through June 2024 to Provide Expertise for Long-Range Planning Projects, Application Processing, Historic and Environmental Review in the Department of Planning & Development Services, With all Work Subject to Assigned Task Order and Availability of Funds. Environmental Assessment: Exempt in Accordance with CEQA Guidelines Section 15061(b)(3).

Council Member Tanaka explained why he voted no on Item 10. There have been significant permitting delays. The staff report had no data about the performance of contractors or consultants. He wanted the report to include the customer satisfaction level for each of the seven firms, which ones performed well and which ones had not. It has been several years since the bidding. He wanted another Request for Proposal. There is starting to be a slowdown in building and construction, so perhaps more firms are interested and available. He wanted a planned allocation for each of the seven firms for more transparency. One firm had a 12% increase, which is significantly higher than the rate of inflation.

CITY MANAGER COMMENTS

City Manager Ed Shikada showed slides. He clarified that Item 10 is for long-range planning efforts and not directly related to ongoing permitting issues. The tree ordinance was approved in June 2022. Council directed staff to evaluate prospective modifications to the ordinance. Staff will bring that forward to the Planning and Transportation Commission, Parks and Recreation Commission and the Council this summer.

The Know Your Neighbors Grant is a City program handled through our Community Services Department. It provides grants up to \$1000 for neighborhood events and \$500 for block parties. National Night Out is in August. He wants to make residents and neighborhood organizations aware of this program. More information is available on our website at cityofpaloalto.org/KnowYourNeighborsGrant.

For Earth Month, staff organized a photo contest. You can find more information on cityofpaloalto.org/EarthDayPhotoContest. Our website will allow the community to submit their photos and “likes.”

The Palo Alto City Library's Palo Alto Reads has scheduled book discussions on anthology through April. Libraries will provide free copies of *All We Can Save: Truth, Courage and Solutions for the Climate Crisis* at College Terrace, Downtown, Mitchell Park and Rinconada branches while supplies last. More information is at cityofpaloalto.org/PaloAltoReads.

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There is a community meeting on April 4 at noon regarding the Public Art Program's effort to have murals commissioned along California Avenue. Information is available on the City Calendar. They will schedule additional community engagement opportunities.

On Thursday, April 6, there will be a community meeting regarding Fire Station No. 4 at Middlefield and Meadow. Architects will provide an update on designs. The project has been through the Architectural Review Board.

A community meeting related to San Francisquito Creek projects with the Joint Power Authority and Cities of Palo Alto, Menlo Park and East Palo Alto is scheduled for 6:30 p.m. on April 20 at Duveneck Elementary School. Meeting attendance can be in person or virtual.

Notable Tentative Upcoming Council Items: April 10 Study Session on community engagement, follow-up discussions for the Council of their priority objectives for the year, as well as work plans for council committees. On April 17, there are items related to Utilities rates.

Council Member Burt commented on the tree ordinance update. He believed the Council motion was for staff to return to Council within a year, not begin the process of going to boards and commissions. Given this year's situation of trees weakened by multiple years of drought compounded by historic rains and winds, he thinks it is important for staff to return to Council sooner because there is a sense of urgency.

ACTION ITEMS

11. Approval of the Following: 1) Contract with Flock Safety (S23187316) for Automated License Plate Recognition (ALPR) Implementation for a three-year term in an amount not to exceed \$174,400; 2) ALPR Surveillance Use Policy; and 3) Budget Amendment in the Supplemental Law Enforcement Services fund; CEQA Status – Categorically Exempt (Section 15321 Enforcement Actions)

Captain James Reifsneider delivered a slide presentation. Mobile ALPR are cameras mounted on top of moving police cars that capture images as the car drives around town and have been in our community for more than a decade as part of a grant where every agency in the County received one device. A fixed ALPR camera manufactured by Flock Safety is the type of camera we are discussing today.

ALPR technology scans license plates of passing vehicles on public roadways. The computer images allow law enforcement to compare license plate numbers against plates of stolen vehicles and vehicles associated with wanted or missing persons. When it sees a wanted vehicle or vehicles of interest at a location, it generates real-time notifications to officers in the field. It potentially deters crime by the presence of the cameras. The vendor securely stores information for no more than 30 days to allow for data queries after a crime has occurred. It helps to solve crimes when using the database and have a person or a plate associated with the

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crime and want to link them to the scene at the time of the crime. It allows us to collaborate with regional partners and solve cases across jurisdictional borders.

ALPR addresses the following problems: Regional increases in property crimes are prevalent over the last few years, notably catalytic converter thefts, auto burglaries, vehicle thefts and organized retail theft. ALPR allows us to capture those vehicles as they are entering our jurisdiction and interdict them or deter them from committing offenses in Palo Alto. Offenders often arrive in a vehicle to commit their crimes, flee in a vehicle after they have committed their crimes and prefer to use stolen vehicles or vehicles with stolen plates to preserve their anonymity. If they arrive in known stolen vehicles or stolen license plates, the camera can tip us off to their presence as they are entering the area and allow us to respond with an officer. Using ALPR in high-traffic areas acts as a cost-effective force multiplier. We do not have the staff and it is not efficient to station an officer at every intersection to capture plates as they drive by and run them live.

ALPR captures the date, time and location that a license plate is at a location. The positioning of cameras captures the rear of a vehicle. They are not positioned to capture the front of a vehicle and do not capture images of drivers or passengers. ALPR is not equipped with facial recognition software.

A growing number of Bay Area agencies are using ALPR and Flock Safety as their vendor or are in the process of doing so. There are numerous success stories throughout the region using ALPR technology to solve homicide cases, missing persons and fatal hit-and run-accidents. Private businesses, HOAs and individuals who have ALPR may elect to share their data with law enforcement. Months ago, there was an armed robbery of a couple at the shopping center and all three of the suspects' vehicles had stolen plates or stolen vehicles. ALPR would have detected those vehicles entering the area and officers could have responded to apprehend the suspects.

The implementation plan calls for the installation of 20 cameras throughout town at strategically selected locations based on factors including crime statistics, common vehicular ingress and egress routes and traffic volume. The plan is to install cameras on major thoroughfares likely to capture vehicles plates headed to or from our major commercial districts, downtown, shopping center and California Avenue. They would like to reserve the right to relocate a camera temporarily to a residential neighborhood if there was a crime trend such as a serial cat burglar in a certain neighborhood but there was no intention to do so on a permanent basis.

Concerning legal considerations, Palo Alto has a surveillance technology ordinance. As this is a new surveillance technology, staff is seeking Council approval. The surveillance ordinance calls for Council to weigh the benefits of the technology versus the costs and concerns. The ordinance requires a surveillance analysis, which is included in the staff report. The ordinance requires the department using the new technology to present a proposed Surveillance Use Policy to the Council for approval. State law requires training, access controls, limitations on

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sharing and criminalizes wrongful access to data. State law requires that agencies with ALPR must have a specific policy in place that governs its use, identifies who has access, who verifies that training has occurred and the audit procedures.

Staff presented the Surveillance Use Policy. It matched the shortest retention period they found in the state, which was 30 days. The most common data retention period for other law enforcement agencies was one year. There are agencies in the Bay Area that keep it an excess of a year or indefinitely. Thirty days is relevant and important from an investigative perspective. Leads, victims and witnesses come forward days, weeks or months after a crime has happened.

Staff chose Flock Safety because they are the dominant vendor in this field, which gives confidence in the durability and reliability of the hardware and their ability to maintain data security. It allows collaboration with other agency partners that utilize a common database. The public may view statistics on Flock's clients by performing an online search for Flock's transparency portal. Milpitas Police Department is a customer. Flock has expertise because they deal with many area agencies and can navigate the complexities of dealing with the County and State for installations on state routes such as El Camino.

Staff asked for a three-year contract with Flock Safety. The City does not install, own or maintain the cameras because Flock is responsible. The City needs little or no infrastructure for the cameras. With Council approval tonight, the vendor can have a policy live within eight weeks.

Council Member Lythcott-Haims asked for clarification as to whether Flock Safety was contractually prohibited from sharing data or technologically unable to access our data. She did not see a prohibition on sharing in the contract. Captain Reifsneider responded that Flock was contractually prohibited. There is a clause in Flock's contract stating all data belongs to the City. We only grant them a license to access the data for purposes of administering it, quality control and bug checking. The contract also states that Flock cannot sell our data in any form, anonymized or otherwise.

Captain Reifsneider addressed Council Member Burt's questions regarding access to data by local agencies. Although other agencies do not have surveillance use policies as restrictive as the one staff is proposing, State law has restrictions on access and queries. Agencies have contractual obligations with Flock. The system only allows queries unique to one user who must state the specific purpose for the search. The differences in surveillance use policies might be the retention period or sharing of their data with others. Other agencies' partners do not have access to search our data.

In reply to Council Member Burt's query as to how long a neighboring agency could retain our data, Captain Reifsneider stated that another agency could save our data found in a case-related search as evidence.

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Council Member Burt had questions regarding the lowest threshold of crimes resulting in a hit. Captain Reifsneider explained that Flock has a license to query the same databases our officers have in their car, including the California DOJ database, Criminal Law Enforcement Telecommunications System (CLETS), DMV's stolen vehicle database, and some national databases. Statistically, the most common are stolen vehicles or vehicles related to felonies.

Captain Reifsneider addressed Council Member Veenker's inquiry if real-time alerts go out over decrypted radios. Agencies can elect to have alerts delivered by dispatchers over the air. Staff does not think they will do that because it is better for officers to have a visual depiction of the plate, vehicle description and location at their fingertips rather than remembering what the dispatcher said over the air. Flock has an electronic dashboard for officers to log in to at the beginning of their shift the same way they log in to several other databases in their vehicle. The Flock database provides officers with an audible notification and a popup on their screen.

Council Member Veenker asked who could make queries in the database. Captain Reifsneider replied that it substantially diminished the value if it were limited to a subset such as detectives because we have less than a half dozen detectives and their other law enforcement databases are not limited to a subset. It is important for patrol officers to have responsibility for starting and in some cases finishing investigations. PAPD has a strong culture of expecting and encouraging patrol officers to develop their investigative skills. Dispatchers might access the database to confirm information over the air or if an officer had a problem with their computer in the field. To have access, you need to be trained and credentialed on the program. Other agencies may limit access to sworn officers, possibly dispatchers and community service officers responsible for entry-level criminal investigation such as cold residential and auto burglaries.

Regarding the proposed data retention policy, Council Member Veenker wanted an example of where something has not become evidence but it is reasonable to believe it will become. Captain Reifsneider envisioned a circumstance where we apprehend a suspect in the aftermath of a homicide, we look in the system and the suspect's vehicle is on the scene. That is a circumstance where it is clearly relevant. On the other hand, maybe you have a circumstance where there was an armed robbery at the corner of an intersection. We query any vehicles in the area in the minutes before and after and we locate a singular vehicle coming in the area. We do not know if it is the suspect's vehicle but it is a very good investigative lead, so we would be interested in preserving the data after 30 days because we may develop information to tie a specific driver to that car.

Council Member Lythcott-Haims asked for a definition of Groups A and B. Captain Reifsneider responded that Mountain View is a regional collaborative partner that we are likely to have case overlap with, so he envisioned Palo Alto having a Memorandum of Understanding (MOU) with Mountain View Police Department. For example, if Los Angeles Police Department was investigating a homicide and they believe their suspect was in Palo Alto at a particular location stalking a victim at a specific date and time, they can articulate their need for a specific query that we would perform on their behalf and only provide them anything responsive to that

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query. We do not have any regular nexus with that agency so we prefer not to give them ongoing search capability.

Vice Mayor Stone had questions regarding access to private entities' ALPR data. Captain Reifsneider explained we are not currently able to utilize real-time data from private entities' ALPR cameras. If our contract goes live with Flock, their private clients within Palo Alto would receive an invitation from Flock saying Palo Alto would like to have access to real-time alerts as well as searchable access to your data, do you want to do that or not.

In response to Vice Mayor Stone's query if there was any signage posted with the ALPR cameras, Captain Reifsneider thought the cameras are nondescript but not covert. Staff had not intended to put signage but he deferred to the City Attorney's Office if we had any obligation to do so.

Vice Mayor Stone asked how to avoid capturing images of pedestrians if there was installation of a camera in a neighborhood. Captain Reifsneider explained that if the camera only sees a pedestrian walking by, it does not generate an image. The only way to capture an image of a pedestrian is if a pedestrian were in the background as a vehicle was driving on a public roadway. The cameras are not constantly recording. It activates when a car drives by and the computer recognizes something it sees as a license plate.

Vice Mayor Stone found it interesting that the Police Department Surveillance Use Policy specifically prohibited using the ALPR system to infringe upon First Amendment rights. Captain Reifsneider responded that is a common thread in many ALPR surveillance use policies and he believed it was intended to be responsive to the idea that ALPR could be used to capture people coming to and from protests or other First Amendment free speech events, houses of worship or other political places. The policy wanted to make clear that our goal is to capture vehicles in an objective way traveling on public, arterial, busy roadways as opposed to specific locations. Vice Mayor Stone would like Council to have a discussion of maybe expanding that to include constitutional rights.

Vice Mayor Stone inquired if there had been any incidents of data leaks with ALPR technology and specifically with Flock Safety. Captain Reifsneider replied he was unaware of any. Flock Safety has a very robust data security policy. Flock worked with the FBI on guidelines to implement data security consistent with other vendors in this space that deal with sensitive law enforcement data. The data transfer from the cameras to Flock and via the portal is CJIS compliant and encrypted in the same way that top-secret federal data is encrypted. Flock Safety Manager Hector Soliman stated there have not been any data breaches at Flock.

With respect to enforcing this policy and audits, Council Member Veenker asked if the County contemplated penalties if people break the policy, such as fines, discipline or misdemeanor. Captain Reifsneider remarked that any violation of Department policy could result in discipline up to and including termination. Misuse of police department databases is a serious offense and there is a criminal penalty for such. If an officer or an authorized person had

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misused it, he would foresee a thorough investigation to include administrative penalties and potential referral to the DA's Office.

Council Member Veenker wanted to know if cameras would capture parked vehicles or aimed at private parking lots. Captain Reifschneider supposed it would take an image of the plate if a vehicle was parallel parked within the field of view of the camera. They would aim the camera at the roadway, not at private parking lots.

Public Comments

Charlie Weidanz from the Palo Alto Chamber of Commerce commented on the benefits of ALPR technology to deter criminal activity, provide real-time alerts to police and enhance criminal investigative capabilities. The Palo Alto Chamber of Commerce conducted a survey in March of Chamber business members to obtain feedback on the ALPR initiative. The survey results demonstrated that 80% were familiar with the ALPR concept and 72.5% had no concerns with PAPD deploying ALPR cameras. Of those who had concerns, 35% were concerned about data sharing and 20% were concerned about invasion of privacy. The most favored potential benefits that businesses mentioned were deterring crime and the identification and apprehension of suspects. The Palo Alto Chamber Board reviewed the ALPR program and survey results. On behalf of the business community, the Palo Alto Chamber of Commerce supports Council to approve this initiative in support of PAPD and to advance the 2023 Council priorities for continued economic recovery as well as community safety and health.

Sunita de Tourreil voiced her concerns. She wants the City to make sure the benefits outweigh the risks and costs. The ACLU states this often erodes trust in law enforcement. The research she has seen does not show a significant decrease in crime from using ALPR. The anecdotes provided in the packet were only stories of benefit but did not mention problems such as errors in reading. She stated that 1 in 10 license plates could be misread, resulting in unnecessary arrests. In San Francisco, the 7 was misread as a 2 and police believed it was a stolen vehicle when it was not. It is important to perform a manual verification before approaching a vehicle. She prefers limiting database access to a need-to-know basis. She believed that a 30-day retention period was too long because Palo Alto does not have homicides very often, so we are talking about much smaller crimes.

Todd Burke lives at Palo Alto Central and is the President of the Homeowners' Association. They have about 200 residents. They have seen a dramatic increase in property crimes. A few years ago, a U-Haul rental van was in their parking garages for about 90 minutes and stole items from almost every vehicle. Although they had cameras, they could not read the license plate because it was too dark. A couple weeks ago, a U-Haul pickup truck entered both of their parking garages. They installed two LPRs since the first event and were able to capture the license plate and other demarcations on the side of the U-Haul. They gave the information to PAPD Officer Connolly for investigation. He is personally very much in support of ALPR as an additional tool for PAPD to do their job.

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Hamilton Hitchings appreciated PAPD's proposal to limit access and retention of ALPR data beyond many other departments in the Bay Area. He suggested amending the policy to state that PAPD will not provide direct online access of collected license plate data to any other agencies. The California State Auditor conducted an audit of the Fresno Police, LAPD, Marin County Sheriff's Office and Sacramento. The audit found none of the agencies fully implemented the practices required by law since 2016 Incentive Bill 34, which included restrictions on transfer of ALPR data. Fresno, Marin and Sacramento were unable to confirm who accessed the system, who was responsible for oversight or how to delete data. In Marin, a former employee retained access to data for over a year after he left the department. Milpitas does not keep track of who has access to ALPR data. Oakland's Police Department acknowledged it gave the FBI unfettered access against City's policy. Pasadena, Long Beach and BART shared their data with ICE despite saying they would not. Since only 10 license plate queries are audited every six months, misuse is unlikely to be detected. Our Department's personnel can service queries from other California law enforcement agencies.

Aram James sent a study from Brennan Center for Justice showing that police regularly misuse ALPR. There are error rates. Police are rarely if ever held accountable. The PAPD has an all-white management team. The Chief does not give statistics about how many blacks are in the Department. He wants ACLU or the Brennan Center for Justice present. In court, the other side has an opportunity to perform a cross-examination of the adversary and to make arguments. Whether it is Tasers, canines or surveillance tools, we never hear from the other side.

Last year, Mark Shull had catalytic converters stolen twice from their cars. He believed that Palo Alto has a serious and growing property theft problem. He strongly supported the acquisition of LPRs.

Megan Kawkab and her husband own a restaurant and bar at the corner of Lytton and Emerson Street. They have been in business in Downtown Palo Alto for over 20 years. They installed LPR cameras about five years ago and she feels safer. If we have the technology and funds to stop criminals from coming into our cities, we should do so because Palo Alto deserves better than having broken windows, slashed tires and muggings.

John Shenk supports very impactful safety improvement technology. On behalf of their over 20 retail tenants in downtown as well as other tenants, they are asking for increased safety for their employees and customers. Crime has worsened. Fear of theft has become a significant issue in their daily lives. The City must act with expediency. The public has been asking for this for years. He requested that Council approve staff's recommendation to enable the use of ALPR. Staff used experts and real-world data to generate their request. Staff offered policies and procedures that balance interests and concerns but fundamentally will improve our safety.

Mayor Kou wanted clarification of the process when another agency asks for our data. Captain Reifschneider explained that it depends. PAPD policy calls for two different avenues. If an agency has an MOU, it allows them searchable access and they conduct their own search based on a specific case justification. If it is an agency we do not have an MOU with who has a

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legitimate case reason to want data, we pair them up with someone here who performs the search and we only share responsive information.

Mayor Kou asked if the vendor would submit a list of areas and places for installing these cameras for approval by PAPD. Captain Reifsneider replied that PAPD was working collaboratively with Flock to develop the criteria about which places would capture the most volume of traffic. PAPD or the City will decide where to install the cameras.

Captain Reifsneider addressed Mayor Kou's queries regarding 12-inch breakaway poles. If there is existing City infrastructure such as a street pole or a light post, the vendor uses it if they can install the camera at the appropriate height and without obstruction. If there is no existing infrastructure, they install a pole and breakaway means it breaks if a car hits it as opposed to being a fixed, dangerous object.

In response to Mayor Kou's question regarding securing cameras against somebody purposefully damaging them, Captain Reifsneider replied they are far enough off the ground that you cannot easily access them. The vendor does not have a large-scale issue with vandalism or theft of cameras.

Mayor Kou asked how we could have reassurance about ALPR policy compliance. Captain Reifsneider responded that the 2019 California DOJ audit was on usage in 2017 and 2018. Those were the years immediately following the California law enacted in 2016. He expects as with any new law that there would be a learning curve for compliance. Staff feels comfortable that they developed their policy based upon best practices they found in other agencies' policies and they have a robust way of auditing compliance.

Mayor Kou wanted more information on the proposed auditing program. Captain Reifsneider would head as the Investigative Services Captain. The policy identified the Captain in our Investigations Bureau as the person who was responsible for ensuring only properly trained people get logins and timely eliminate anybody who comes off payroll so they cannot access it thereafter. That is not new because they eliminate access points as part of the employee separation process. The policy calls for the conduction of regular audits of a random sampling of queries during the preceding six months with an evaluation to confirm the listed purpose for the search was related to the case. A memo drafted to the Chief of Police would summarize those findings. As part of their annual surveillance report, he expected they would report to Council if they found noncompliance.

Vice Mayor Stone wanted safeguards included in the policy to address the improper use of ALPR to target marginalized groups and profile certain demographics. The policy could prohibit harassing or intimidating an individual or group. He expressed his concern about placement of cameras in points in the city that may disproportionately have that impact. Captain Reifsneider reiterated the criteria they intend to apply. Their concern is for areas of commercial traffic, including to and from the shopping center, University Business District and California Avenue Business District. In a city of 25 square miles, they will position the 25

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cameras to capture traffic coming in and out of those target areas where they see the highest amount of crimes they think these would solve.

Vice Mayor Stone asked if we could require in the contract a reevaluation of this program in one year and then determine if we want to continue, consistent with ACLU guidelines. Captain Reifsneider responded that the proposed term is three years but you can step away from the contract at any time although there is an associated cost. The Annual Surveillance Report is an opportunity for Council to get a snapshot of its use during the preceding year, success stories or any missteps identified

If we do not share with other agencies, Vice Mayor Stone wanted to know if that limited our ability to receive similar data from them. Captain Reifsneider opined that if we elected not to share with anyone, the implication was we do not trust them and it is a logical conclusion that agencies would be less likely to share with us. Many agencies facilitate sharing through contributing their data to a regional center or local clearinghouse of data. He thinks the value of having access to other agencies' data to help us solve crimes in Palo Alto merits us to be willing to share with those agencies to help them solve crimes in their community as long as we can identify that appropriate legal safeguards are in place.

Council Member Lauing wanted some examples of how ALPR helps and what actions take place after a crime is committed. Captain Reifsneider replied that a license plate is their first lead. They query the plate, the plate belongs to a vehicle and they query DMV's database to find the owner. They would look at the ALPR video to see if it looks like the person who owns the vehicle. Statistically, it is either a stolen car or a stolen plate on the suspect's vehicle. We query the database to find out where else it saw the plate. For example, a result could show it being captured driving through Mountain View. We can reach out to Mountain View and find out they had a catalytic converter stolen on the same night. Our detectives can pair off and share information to put the case together. Maybe Mountain View had a suspect's name but did not have a vehicle or vice versa. Sometimes we might get a license plate belonging to the suspect we are looking for but we do not have an updated address to arrest the person. We might use ALPR to see that the car was in San Jose at the intersection of Tenth and Tully a dozen times in the last week, so we ask San Jose to look at that location for the vehicle to assist us in apprehending a criminal.

Regarding data privacy, Council Member Lauing asked for an example of a worst-case data breach other than illegal, unauthorized access. Captain Reifsneider remarked that worst-case scenario is 30 days' worth of data about which license plates were at a handful of busy intersections in town.

PAPD works in a collaborative environment where they share data with other agencies to solve regional cases. They have a handful of databases shared between Los Altos and Mountain View on historical case data and contacts.

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Council Member Lauing asked if there was any comment on lapses from other departments. Captain Reifs Schneider stated it was worth noting that the agencies critiqued in the DOJ audit were larger agencies with unusual practices. Los Angeles Police Department's main critique was they had no policy governing their ALPR use. We would not sign an MOU with an agency that did not have a State-compliant policy. The audit also spoke about one agency allowing complete searchable access to numerous out-of-state departments. Our policy specifically forbids that and it is his understanding that is not compliant with State law. There is a lot of commonality to the ALPR use policies now used statewide.

Council Member Veenker supported the use of this technology. She heard residents' concerns about crime and their eagerness to have ALPR in Palo Alto. The vast majority of the data collected is on innocent people going about their daily business. It is a balance and she thinks it is worth examining at what point there are diminishing returns on deterring crime versus increasing invasions of privacy. She asked if police would perform a manual verification of the license plate. Captain Reifs Schneider thinks this technology has improved over time, the error rate has substantially diminished and Flock has an industry-low error rate. When they receive a notification, officers will be required to transmit over the radio that they are behind the car and running the plate. The dispatcher will manually confirm there is a legitimate want on the plate.

Council Member Veenker asked if there was any staff comment regarding the issue in Piedmont. Captain Reifs Schneider was not familiar with the issue. Piedmont is a very small, overwhelmingly residential community with ubiquitous cameras all around town including in residential neighborhoods.

Captain Reifs Schneider addressed Council Member Veenker's question regarding how much of a burden it would be on our police department if they ran all the searches for other agencies instead of giving them access. The problem was not so much the burden it potentially creates to our officers to perform the queries but that agencies do not know who to ask to perform the query. For example, to find the car of a suspect involved in a theft, we have to call every agency with ALPR and ask them to perform queries. If we have access to a plethora of data through MOUs, we can search several agencies' data at one time.

Council Member Veenker was troubled by the 30 days. She wanted to know how much more benefit there was by keeping it for 30 days, specifically commenting on Days 11 through 30. Captain Reifs Schneider provided a couple examples to demonstrate its importance. On a weekly basis, they respond to a house to take a residential burglary report. They do a neighborhood check, knocking on doors of all surrounding houses to ask if they saw anything or if they have surveillance cameras that might have captured what happened. It is common that people traveling may not return for one, two or three weeks. Once they came home, they find an inquiry from us and this is the first opportunity they have to check their surveillance cameras to give us a lead. It is common for us to uncover a suspect weeks later. For example, an armed robbery in the shopping center involved a distinctive vehicle but we do not have a license plate or suspect name. Weeks later, there might be a similar theft involving a similar vehicle where Mountain View apprehended the suspect. Now we have a license plate we can look for to tie

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the suspect to our crime scene. Staff opined that 30 days was the point at which they were not retaining innocent information any longer than required while not losing data that would limit their ability to solve a homicide or sexual assault.

Council Member Tanaka commented that he has been looking at this for some time. His Facebook page includes conversations with police chiefs from various cities, residents or associations who installed ALPR. He has a video on his YouTube channel about a conversation he had with the ACLU and other people concerned about data security issues. He thinks it will be very good for our community. There has been a large increase in property crimes in Palo Alto. This is one way to create a deterrent. One of the fundamental duties of a government is to make people feel safe. Palo Alto residents should not be worried about someone breaking into their mailbox, car or house. He moved to Palo Alto because he wanted a safe city and ALPS helps in that regard. He thinks we might want to increase it if it proves successful.

Mayor Kou supports deterrents and having surveillance was very helpful. There has been more crime. She had a neighbor who had a break-in. She thinks there is a need to determine where the crime is coming from to apprehend and deter. There is the concern of potential misuse of this surveillance technology, so it is important to have audits.

Council Member Lythcott-Haims thought the Council should decide if they want a self-report or an independent auditor. ACLU advises on the value of an independent auditor. The ACLU admonishes to weigh the effectiveness of such a policy in balancing law enforcement needs, community needs and the rights of the citizenry not to be surveilled. She wondered if staff could provide an approximate percentage of law enforcement activity in Palo Alto annually that pertains to the types of crimes and situations these cameras would help solve. Captain Reifsneider replied it was impossible to quantify the deterrent value of any measure. Anecdotally, regional criminal groups commit crimes such as catalytic converter theft and organized retail theft. For those types of offenses, he expects to have the ability to track and identify almost all of them as their vehicles came in and exited.

Council Member Lythcott-Haims would like staff to report next year on what this technology allowed them to do and what they achieved. She wants to compare that year over year to address whether it is serving us in the ways we need without being overly burdensome on our populace. Captain Reifsneider responded that every agency that implemented ALPR cameras reported a substantial increase in the recovery of stolen vehicles because of the real-time alert function. He expects that statistical information would be part of the annual surveillance report.

Council Member Burt asked if there was any other data regarding to what degree ALPR reduced crimes or improved the solving of crimes besides stolen vehicles. Captain Reifsneider does not have a regional number on case solving because it is mostly anecdotal. There are cases that likely would not have been solved without ALPR technology, for example San Jose's recent hit-and-run fatality. Council Member Burt wants the vendor or law enforcement agencies to look at

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the efficacy of this program. Captain Reifsneider stated that ALPR is a relatively new technology so some agencies do not have multiyear periods for comparison.

Captain Reifschner addressed Council Member Burt's inquiry if there was an intention to have a provision in MOUs prohibiting the sharing of data with ICE or the FBI. The Values Act governed all agencies in California, which prohibited the sharing of information for purposes of immigration enforcement. There could be investigations of terrorism by Homeland Security. Our policy is more restrictive than the Values Act in that we are not providing data to any federal agencies. Flock Safety Manager Soliman noted that PAPD policy states they will only share with California agencies. Law requires California agencies to have an ALPR policy that complies with the California Values Act, which means they are unable to share with ICE. Flock Safety also does not work with ICE. Captain Reifschner was not opposed to exploring the suggestion of including in the criteria for signing an MOU that we would share the data with them contingent upon them not sharing our data with federal agencies.

Council Member Burt voiced his interest in having a third-party auditor. Regarding deterrence, Council Member Burt was unsure if other communities used signage. There was a downside to criminals knowing where the cameras are. Captain Reifschner remarked that law enforcement was struggling with the same question. In his experience, the majority of agencies do not have signage but more than a handful do.

The individual driving the car may be a different person than the suspect, so Mayor Kou wanted to know if there was a procedure in place so officers do not arrest the wrong driver. Captain Reifschner responded that it depends on why the car is in the system. If it is a stolen car, they verified the plate and the car was still outstanding, it does not matter whether the person driving the car is the one who stole it or whether they gave it to someone else. We are trying to recover a stolen vehicle and we have to assume the driver is aware. If a vehicle is wanted in connection with a crime and there is a description of a suspect, then we expect our officers to do their due diligence before they make contact and treat the driver differently than if the driver matched the suspect's description.

The three-year subscription including services is \$174,400. Staff identified \$61,900 from COP Grant Funds. Mayor Kou asked if staff identified funds for the other two years. Captain Reifschner replied that they would use the COP Funds for the remainder of this fiscal year and next full fiscal year. He hopes the Council would see the value of it going forward and staff would come back for a line item as part of the budget for the third year of the contract and potentially going forward.

Discussion ensued on amendments to the motion.

Council Member Veenker asked about liabilities associated with another City misusing our data. Flock Safety Manager Soliman responded that agencies are bound by their contract with Flock Safety to use their data for legal law enforcement purposes only and Flock would terminate the

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agency's contract if they were noncompliance. Flock's transparency portal includes whom the agency is sharing with and we can audit those searches.

MOTION: Council Member Tanaka moved, seconded by Mayor Kou to:

- A. Approve a 3-year contract with Flock Safety to implement fixed ALPR technology, in an amount not to exceed \$174,400
- B. Approve the use of fixed ALPR technology to deter and investigate criminal activity
- C. Approve the fixed ALPR Surveillance Use Policy
- D. Amend the Fiscal Year 2023 Budget Appropriation for the Supplemental Law Enforcement Services Fund (SLESF) by:
 - a. Increasing SLESF Contract Services expense appropriation by \$61,900, and
 - b. Decreasing the ending fund balance by \$61,900.
- E. Staff to return to Council one year after implementation for review and determination for continuation
- F. Refer to Policy and Services discussion if the program should also be reviewed by City Auditor, IPA or other party
- G. Limit the access to sworn officers, dispatchers and comparable positions.

MOTION PASSED: 7-0

12. Parks and Recreation Commission Recommend Adoption of a Park Dedication Ordinance to Dedicate the 10-acre Measure E site as Parkland. CEQA status – not a project.

Assistant Director of Community Services Darren Anderson delivered a slide presentation. The PRC work plan included the goal to identify, review and recommend potential sites to dedicate as parkland. This site is located between the Regional Water Quality Control Plant (RWQCP) and Byxbee Park. An aerial map was shown. The tidal section of the Baylands is located on the left of the screen and the Emily Renzel Wetland on the right.

Parks and Recreation Commission Chair Jeff Greenfield continued the slide presentation. Public Works and Utilities do not have plans for the Measure E site. Arguments in favor of no change included it is an appropriate site for biowaste treatment such as pyrolysis, an important infrastructure site to contribute to sustainability and zero-waste goals, environmental justice concerns and the need for Palo Alto to do our fair share of the RWQCP. Arguments in favor of park dedication included it is an important wildlife corridor between Harbor Marsh and the Emily Renzel Wetland, it is an important recreational loop trail connection and skepticism that any project would be deemed financially feasible. The PRC felt it was very important to clarify what were the permitted non-parkland uses for the site as well as what use would trigger a new ballot initiative and the vote of Palo Alto residents. The Measure E language was ambiguous and the PRC was looking for clarification from the City Attorney. If this site is the best location for a compelling and viable project that significantly advances our environmental and climate

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change goals, then it should be pursued. It has been eight years since the area was assessed for a viable project. There is a range of costs to consider, including the midterm financial and staff impact, consultant study, staff oversight and reduced priority for other projects given the competing demands for staff time and finite resources. There was also the environmental cost in time loss of actively developing native plant and wildlife habitat.

PRC's most compelling issue was transparency about plans for the site. Pursuing a public vote for a different site use but not requiring un-dedication of parkland was not transparent and does not follow the spirit and intent of Measure E. PRC's recommendation is for City Council to adopt a Park Dedication Ordinance to dedicate the 10-acre parcel at Byxbee Park, also known as the Measure E site, as parkland. Alternatively, if Council wanted to evaluate other uses of the site, PRC's recommendation is for Council to direct staff to return with an analysis on scope and evaluation timeframe.

Public Comments

Peter Drekmeier was a proponent of Measure E. S/CAP embraces ambitious climate protection goals, which was the primary focus of Measure E. He wanted the City to keep its options open.

John Kelley echoed Mr. Drekmeier remarks. He was a proponent of Measure E. He believed that the spirit of Measure E was that the City needed to deal responsibly with its pollution. What troubled him the most was that Council was making a decision tonight based on a thin staff report. This was a complicated issue and there were many questions. There was no reference to the recent IPCC Synthesis Report, the Summary for Policymakers, or any reference that staff consulted the S/CAP Committee. He suggested that Council vote to deny PRC's recommendation. PFAS deserve to be discussed.

Fred Balin believed it was not the voters' expectation to leave the site in indefinite limbo waiting for a viable concept that met the criteria of Measure E. The community can continue to explore emerging ideas related to sustainability as the City vets them in a complete and thorough process. If they must involve the RWQCP, you can repurpose the reformer incinerator site and its other underutilized areas. If the plan is technically sound, financially feasible and respectful of the parkland, put it on the ballot.

Karen Porter showed slides. She believes the Measure E site was ill suited for parkland due to lead emissions and noise from Palo Alto Airport (PAO), which is the busiest single-runway airport in California. There is an average of 160,000 takeoffs and landings per year. Piston engine aircraft use leaded gas. The Measure E site is south of the sewage treatment plant. Arriving aircraft approach from the south at an altitude of 200 feet over this site. The Environmental Protection Agency (EPA) last year issued its proposed finding that leaded aviation fuel may reasonably be anticipated to endanger public health and welfare. A 2020 study published by Atmospheric Pollution Research using electron microscope characterization of exhaust particles found lead particles from planes were smaller than those from automobiles, which was a significant concern as these particles could penetrate mucosal

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barriers in the lung and be readily taken up by epithelial cells. Research has shown that wildlife is susceptible to lead toxicosis from lead ammunition. The City has conducted no studies on effects of airplane noise or lead emissions associated with Palo Alto Airport on people or wildlife. Given the close proximity of the Measure E site to the airport, its best use was for a potential organic waste treatment facility with indoor controlled activities.

Shannon Rose McEntee has been a Palo Alto resident since 1982. She was a member of the Sierra Club and Green Foothills. She worked at Earthjustice, Sempervirens Fund, Hidden Villa and Stanford. She is an environmentalist and nature lover. She believed the recent unusual weather was a signal that we are in an existential crisis due to climate change. One tool to tackle climate change is to reduce emissions produced from Palo Alto's organic waste, including sewage sludge, yard waste and food waste. We should not ship our waste to San Jose and Gilroy where the distance trucked and their systems release methane, a powerful greenhouse gas. The City should follow Redwood City's example and build a waste conversion plant. She voted for Measure E along with 65,000 other Palo Altans. She wants the City to exchange the 10 acres to help meet S/CAP goals. She recommended for the City to make time for staff to research the technical options available to have our own waste disposal plant.

Bret Anderson wants to preserve the habitat. Measure E reserved for 10 years the ability to approve a project to process waste using digestion or other technologies. After 10 years, it becomes incumbent upon the Council to decide whether you want to keep thinking about the waste processing potential for this land. Keeping that option open has value. Rededicating would take that option away. There are many questions, such as how valuable that land is to the habitat or the open space of the park and how much pollution is created by processing our waste. There are forever chemicals. There is nitrogen pollution on land where our compost goes. There are methane and CO₂ climate-warming emissions. We do not know where the levees will be. Since there was no urgency to this decision, he urged Council to gather facts and make an informed decision. There was no reason to believe that the public's majority opinion has changed in the last 10 years to reserve this land for waste processing.

Emily Renzel wanted Council to rededicate the entire Measure E site as parkland. Twelve years later and the 10 acres of the former Byxbee Park are still in limbo. Two-thirds of the site is unusable without huge costs of reopening the landfill. The remaining 3.8 acres provides important park amenities and other functions. It is an essential link in the loop trail around Byxbee Park. It is the main access to the park landfill office and maintenance facility. It is an important wildlife habitat corridor between the bay and Renzel Wetland. It contains a required saltwater pipeline between the bay and Renzel Wetland to maintain habitat for the saltmarsh harvest mouse. Measure E assured voters that the site could be returned to parkland if no project materialized after 10 years.

Herb Borock advised rededicating the parkland. The City can still do a study and if there is a viable project that passes environmental review, the Council can put it on the ballot and have people vote on it. You should not build on sites that are subject to sea-level rise and groundwater table rise.

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Mark Shull commented that climate change is an existential issue, particularly for younger and future generations. The citizens of Palo Alto voted in 2011 to give us the option to build a low-impact sewage treatment facility. According to the World Economic Forum, wastewater and water utilities account for 5% of global greenhouse gas emissions, of which 70% is caused by wastewater treatment. This excludes the 80% of wastewater that is not treated. He would volunteer for a project aimed at conservation improvements such as planting natives to attract insects and birds at this site while building a new plant remains an option. The core justification for Measure E was to address climate change. Please respect the citizens' referendum in 2011 and retain the option to build a low-impact wastewater and sewage treatment plant at this location.

Virginia Tincher Van Kuran urged the City Council to consider all options for the Measure E land instead of adopting the PRC recommendation. The recent IPCC report strongly emphasized the increased urgency of climate action to reduce emissions. The Council has proven successes implementing S/CAP goals to reduce emissions. The current solution for sewage sludge does not reduce emissions. In addition to the emissions from vehicles transporting the sludge, the decomposing soil amendment releases methane gas. There is now the additional concern that PFAS chemicals are in the sludge. Pyrolysis can process sewage sludge, does not produce emissions and inactivates PFAS chemicals. Biogas is a non-greenhouse-gas-emitting fuel and biochar is a soil amendment that sequesters carbon.

Rani Fisher is a volunteer with the Santa Clara Valley Audubon Society. She asked Council to approve PRC's recommendation to rededicate the 10-acre Measure E site as parkland. It builds resilience into the future of the species and habitats of the Palo Alto Baylands. You cannot provide this habitat elsewhere. The potential for a broader, interconnected open space lies in the lowland area of the Measure E site that connects the Emily Renzel Marsh, Byxbee Hills and Palo Alto Baylands. When restored, this land should provide essential resources and safe passage for local wildlife.

Michael Ferreira is on the Executive Committee of the Sierra Club Loma Prieta Chapter. He was the Conservation Chair approximately 11 years ago when they conducted meetings on Measure E, which culminated in a vote of 11-2 not in favor of taking parkland for industrial use. The voters believed there was a viable project and it could be returned to parkland after 10 years if the project was not viable. The Chapter agreed that Council should rededicate it as parkland because that is the moral thing to do and.

Steve Rosenblum spoke as a Palo Alto resident and as a member of Climate Action California, which is an organization of 5000 California residents statewide fighting for legislation and regulation to help solve our climate crisis. He has been a member of the Sierra Club for over 50 years and was very disappointed in the position the Loma Prieta Chapter has taken on this. When Measure E passed, nearly 65% of the vote was in favor of developing an organic waste treatment facility because Palo Altans want to be leaders in protecting our climate even though we love our parks too. The Council should not take precipitous action and give up on this

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purpose without consulting the Utilities Advisory Commission and Utilities Department staff to see if the aims of Measure E and Palo Alto's waste treatment needs could be better served by using this site for its intended purpose. Senator Lara authored Senate Bill 1383 in 2016 with a requirement to reduce City emissions of methane 40% below 2013 levels by 2030. We ask the Council to honor Palo Alto citizens' demonstrated support for addressing climate action as you carefully evaluate the use of the Measure E site as a factor in humanity's struggle to avoid climate chaos.

Cedric Pitot de la Beaujardiere was the co-chair of the Council-appointed taskforce that studied this issue. He is an environmentalist. He wanted Council to keep the Measure E site in reserve for a facility to sustainably and responsibly process our municipal organics and refer the matter to the Utility Advisory Commission and RWQCP staff. Wastewater contains PFAS forever chemicals that are harmful to people and the environment. The EPA recently regulated PFAS levels in drinking water and we may face future regulations that would prohibit the hauling of our biosolids to the Central Valley for composting and agricultural land application. If we return the Measure E site to parkland, we will be in price competition with most other sewage treatment plants scrambling to find an alternative. Composting and anaerobic digestion do not destroy forever chemicals but pyrolysis does. Pyrolysis creates biochar that sequesters carbon, which is important as we experience the impacts of climate change. Biochar has been used for thousands of years in the Amazon to create deep, rich, fertile soils. The 2019 Biosolids Facility Plan noted that biochar has a lower mass and volume than dewatered biosolids, thus reducing the cost, greenhouse gas impacts and number of trucks hauling away our outputs. The City should obtain data from existing projects to understand the costs and benefits and decide whether it is appropriate to use at the Measure E site. The City could build a modern facility within a subset of the Measure E site and the rest of the site restored to parkland.

Eileen McLaughlin is part of the Citizens Committee to Complete the Refuge. They submitted a letter to Council in support of PRC's recommendation. She pointed out that we could use nature to help us with climate change. With sea-level rise, the Measure E lowland would become wetlands. Rising groundwater is present at the golf course and it will be at the Measure E site too. Vegetation adds to carbon capture. If the Council did not dedicate the corridor as parkland, it would remove a lowland movement option for wildlife and level trail for people. Please return these lands to parkland and recapture their existing value and natural potential.

KC Hetterly is an intern at the Santa Clara Valley Audubon Society. She urged Council to support PRC's recommendation to return the 10 acres of land set aside by Measure E to its rightful designation as parkland. The Measure E land contains an essential span of lowland that provides a crucial wildlife corridor between Emily Renzel Marsh, Byxbee Hills and Palo Alto Baylands. As parkland, the Measure E site would preserve and expand available habitat as well as provide essential resources. Healthy habitat and wildlife corridors take time to develop and grow. Time was wasted on research and development plans for the waste processing facility that the Council deemed too expensive and inefficient. During this time, the quality of landscape within the Measure E area has deteriorated. We need to act now to preserve and restore this habitat before it is too late.

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Katie Rueff was here on behalf of the Palo Alto Student Climate Coalition. The wetlands harbor a treasure trove of biodiverse animals, plants and many other fascinating creatures. Last summer, she volunteered at Cooley Landing, trained as a naturalist at the Lucy Evans Interpretive Center and developed a research report on the wetland's health. She believed it is sometimes necessary to develop certain areas in order to benefit those areas in the long term. If we want to maintain the wetlands we love, she believed the City should research technology solutions. She encouraged Council to consider how to use this section of land to take responsibility for the waste we generated in order to maintain biodiversity long term.

Jennifer Chang Hetterly spoke on behalf of the Sierra Club's Bay Alive Campaign. She urged Council to rededicate the Measure E site as parkland. More than 11 years of waiting without progress on a sustainable waste facility have come with degradation and opportunity costs for this natural environmental asset. Because of the landfill cap, 7 of the 10 acres cannot be used. The value of the remaining flat three acres as a wildlife corridor is unique. Unlike a future waste processing facility, no other location can replace this open space connection for Baylands' wildlife between Renzel Marsh and Baylands Harbor Marsh. Wildlife depends on vegetated flatlands for habitat and refugia. A waste processing solution remains uncertain and years away. Measure E language explicitly allowed rededication as parkland after 10 years and many voters took it as a matter of trust. Palo Alto should fulfill voters' expectations and rededicate this site.

Blum Ardan commented we need parkland, not dollar land.

David Bubenik lives on Homer Avenue in Palo Alto. He is a park advocate. He joined the advocacy against Measure E. He is an electrical engineer with 47 years professional experience. The anaerobic garbage-to-energy process is 40% dirtier than a coal-fired electrical generating plant. Measure E gave a sunset at 10 years. Put the land back as park. If we need it for another purpose in the future, make the case to the voters and let them decide.

Aram James thinks we should temporarily dedicate the 10 acres back to parkland. If experts recommend a brilliant idea in the future, then do it. In the meantime, turn it into one of the best parks in Palo Alto.

Council Member Burt asked if there had been an evaluation of CO2 or methane emissions, greenhouse gas-related emissions of trucking our biosludge to the Central Valley and the composting process. Staff said it was done most recently in the 2019 Biosolids Facility Plan Update. A portion is composted and land-applied, a portion goes to a treatment plant where it goes through anaerobic digestion and then through a process that creates a fertilizer-type product.

In response to Council Member Burt's question about what wildlife mammals use the area as a wildlife corridor, staff responded that different species use the Baylands but they have not done an analysis to count them. The gray fox uses the area for foraging, hunting and den sites.

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Over 100 different bird species pass through, forage, collect nesting material and hunt through the area including Byxbee, Measure E, Renzel Marsh and the Baylands.

Council Member Burt asked if there were concerns about this zone being a protective area for predators while putting endangered species in jeopardy. Clapper Rail and saltmarsh mice are endangered. Staff explained that the native gray fox is different from the red fox in that it does not like to get its paws wet. It will not go into the wetlands area in Renzel or the Bay side, so it does not prey on saltmarsh harvest mice or Ridgeway's Rail nests. Foxes are a valuable and necessary part of the ecosystem, so they have not come up as a concern but there is concern about feral cats and the red fox.

PFAS have become increasingly a public health and environmental concern because they are forever chemicals. Council Member Burt queried if pyrolysis addressed that issue. Staff stated that our current composting process leaves PFAS in place. Data showed the pyrolysis process destroyed PFAS. Bioforcetech is working with Silicon Valley Clean Water and conducting ongoing research to establish that none of those chemicals are making it out through the airstream of the technology.

Council Member Stone asked what work was performed at the Public Works Maintenance Facility, what was the facility size and if a sustainable facility could fit in its footprint. Staff replied that it is approximately 1/16 acre but later in the meeting stated he was wrong and the correct size of the maintenance area was 1/4 acre. They do landfill gas collection, leachate collection and treatment. There are wells for those purposes and ongoing work by Public Works staff and contractors to maintain those facilities. In 2019, the smallest facility footprint they looked at was 3/4 to 1 acre.

Assistant Public Works Director Karin North answered Council Member Stone's query regarding trip frequency of yard trimmings and food scraps to San Jose for processing and biowaste to the Central Valley. They typically do one to two trips per day of biosolids to the Fairfield/Suisun Sewer District Lystek or Central Valley. They regularly pick up food scraps throughout the community and drive them to San Jose to the dry anaerobic digester.

Council Member Stone inquired whether Redwood City was interested in partnering with Palo Alto on their pyrolysis facility. Staff explained that Redwood City has not scaled their facility to treat all of Redwood City's biosolid material. They currently do not have capacity to take our waste. If the Redwood City facility later has room to expand, Council Member Stone is interested in pursuing that solution.

Council Member Stone requested clarification of the language of Measure E regarding limitations about what can go on the site. City Attorney Molly Stump replied that Measure E includes language of a facility to convert yard trimmings, food waste, other municipal organics and/or sewage sludge from the Regional Water Treatment Plant by biological or other environmentally equally protective technology. She does think there is a time requirement for

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needed technology to develop. Council has the ability to rededicate because the 10 years have passed but not an obligation to do so.

Council Member Stone asked if there were other locations in the city for a processing facility. Staff responded that in the past they had considered the Los Altos Treatment Plant site. Space at the current wastewater plant is very constrained. The most recent update to the Biosolids Facility Plan identified locations where to place facilities at the treatment plant rather than Measure E. The constrained space was not the determinative factor for the recommendation to haul the materials.

Council Member Veenker commented on the long, wide gravel road and the dirt path along Renzel Marsh that is fairly flat and wide enough to drive a truck through. She wants to eliminate the gravel road if there were an alternative access point. It was parkland. Its purpose was not to have a big road on it. She suggested treating it more like parkland while considering other alternatives to process solid waste. Staff replied that Public Works needed access to work on the site but he will look into it because he is not familiar with how it is accessed. Council Member Veenker would like to have an answer because it is a migration corridor and it would be less intruded upon if there were an alternative access point.

Council Member Veenker had questions regarding why two-thirds of the 10 acres were undedicated although deemed unsuitable for a facility. Staff did not know. It may have been by the advocates who qualified it for the ballot measure. At that time, studies included options for excavating part of the landfill and stabilizing it to create more flatland but that was extremely expensive and not something they wanted to pursue.

Council Member Veenker asked what the average footprint might be for a facility that processed solid waste. Staff replied that the study from 2019 said close to an acre. The original Measure E idea was a facility to process all of Palo Alto's sewage sludge, yard trimmings and food scraps. The plan he talked about most recently was for biosolids only.

Council Member Lythcott-Haims was concerned about trucking biowaste to Fairfield or the Central Valley twice a day as well as food and yard waste to San Jose. She asked if staff had enough knowledge about pyrolysis dry anaerobic digestion or if they need to engage outside consultants for that expertise. Staff responded they would need outside expert consultants.

Council Member Lythcott-Haims was interested in the net dollar cost. She asked if the City made money or was spending money by sending our waste to jurisdictions to convert it into energy. Staff answered we are spending approximately \$2.5M annually for trucking and disposal costs.

Regarding PFAS forever chemicals, Council Member Lythcott-Haims queried if we had in-house expertise or if we had to turn outward for guidance. Some City staff participate in regional trade groups such as Bay Area Clean Water Agencies. These topics are receiving a lot of attention, so staff is aware of the latest information. There will likely be future PFAS regulation.

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Council Member Lythcott-Haims asked what impact it would have on efforts to achieve our 80 x 30 goal if we had an on-site facility to handle waste. Staff responded that it would measurably reduce greenhouse gas emissions but not on the scale of what we need to achieve for the 80 x 30 goal.

Council Member Lauing asked staff what technologies they were interested in, assuming they had money for consultants. Staff replied that he was personally interested in pyrolysis because it was making more progress and other agencies are moving toward adopting it. Council Member Lauing noted that pyrolysis came in fourth out of five in the 2019 study. Now we had good reviews of pyrolysis but we did not have good reviews in 2019, so maybe it spoke to the need for outside consultants or maybe pyrolysis had changed in the last three years.

Staff remarked that currently the issue is less about money and more about staffing. They are down even with their authorized staff and have major construction projects underway at the plant and several other critical projects coming up.

Council Member Burt commented on candidates identified for future parkland, including the lower portion of the Los Altos Wastewater Treatment Plant, Rinconada Community Garden, Gamble Garden and the airport prospect with perhaps as much as 10 acres. Those parcels are good candidates to be dedicated as parkland but have been sitting undedicated for a couple decades. He thinks we should look at those as a package.

Council Member Burt commented on last year's presentation to the S/CAP committee from a Stanford class that did a research project on available technologies to capture carbon in our community. The one they identified as most promising was pyrolysis. Climate change is an increasingly high priority. He made the motion because he thinks the focus should be on pyrolysis, determining how much land we should dedicate toward environmental technologies, how much land we should dedicate for parkland and await staff's recommendations.

Council Member Lythcott-Haims has put her faith and trust in staff to investigate this more thoroughly and bring it back to Council to make the right decision for Palo Alto residents.

Mayor Kou spoke of her substitute motion. It was said that this property would be explored for certain types of uses and it seems like it would almost be a lie to say that in 10 years if this does not happen then it would be rededicated should the City Council choose to. Most of the voters in Palo Alto believed it. Now we are discussing exploration of a new technology or existing technology that has not been vetted. It is another commercialization of natural resources. We could have planted trees there to mitigate some of the carbon emissions from the rebuild of the Regional Water Plant. We have not discussed the carbon footprint of building a new facility. If it was an open site with trees, it can mitigate some of the airport and airplane noise as well as carbon emissions.

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Council Member Lauing is generally supportive of returning much of this land to parkland. There is a lot of focus on climate change. He suggested finding a site for a future facility on 1 acre that could be near the current plant or maybe 1/2 acre of parkland and 1/2 acre of adjacent land. He thinks the proposed wildlife corridor in the flat acres should be restored and rededicated.

Council Member Burt noted that on top of Page 2 there is a second bullet about part of the ballot resolution that says, 10 years from the passage of the initiative, City Council may rededicate any portion of the property. Discussion ensued. Council is determining whether we will or will not rededicate and whether it will be a portion or all, according to the original ballot language.

Discussion ensued on motion amendments and timeframe for staff to return to Council to define the work plan element. City Manager Ed Shikada remarked that staff was working on immediate priorities, notably the reconstruction of the Regional Wastewater Control Facility as well as working with Valley Water on the water purification plant. Council Member Veenker asked staff to move as quickly as possible on this.

Council Member Veenker expressed her concerns about the wildlife corridor and wanted plans to include planting some vegetation alongside it. She thought the road was taking over that space. She thinks that while we are planning to build something, we do not need to leave a road there that was not part of the Measure E purpose or parkland, so she would like to revisit that before finalizing the facility plan.

Council Member Lythcott-Haims does not view this as prime parkland, which is probably why this site was chosen for a future facility. It is in the path of the airport. There is lead pollution. It is a site between wastewater treatment and a dump. Now that technology has caught up with our ideals, she wants more time to figure out what we want to construct so we can take care of our own waste in Palo Alto.

MOTION: Council Member Burt moved, seconded by Council Member Lythcott-Haims for City Council to:

- A. Direct staff to return with analysis on scope and timeframe to evaluate other environmental technology and facilities on a portion of the Measure E site and/or other lands.
- B. Direct staff to return to Council with a proposal to evaluate a minimum buffer size to support a wildlife corridor connecting Renzel Marsh to the Baylands Harbor Marsh through the Measure E site.

MOTION PASSED: 6-1, Kou no

SUBSTITUTE MOTION: Mayor Kou moved to adopt a park dedication ordinance to dedicate the 10-acre parcel at Byxbee Park, also known as the Measure E site, as parkland.

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Motion dies for lack of a second.

13. Update, Discussion, and Potential Direction regarding State and Federal Legislation

Because of time, Council deferred voting to support or oppose legislation.

Townsend Public Affairs (TPA) consultant Niccolò De Luca provided a State Legislative overview. There were over 2600 bills introduced. All legislators are on spring recess. Legislation is currently in the first House Policy Committee process. By June 2, legislation needs to cross from the first House of origin to the second House to keep progressing. Legislature must approve the State budget by June 15 and the Governor needs to sign it by July 1. Tax returns are due October 16, so anything adopted in July could be altered if there is a surplus or deficit. Legislature adjourns on August 14. The Governor has until September 14 to sign or veto a bill.

Proposed State strategy: Tailored engagement on identified priority bills based on tonight's discussion. Close Coordination and weekly updates to the City Council and City team on specific legislation and other information as well as standing check-in calls with staff.

Federal advocacy updates: We submitted a Congressionally Directed Spending Request for the rehabilitation of Buena Vista Mobile Home Park in partnership with the Santa Clara County Housing Authority for \$2M. We will hear very soon on its progress. The TPA team is working on the FAA Reauthorization and Federal lawmakers have a September 30, 2023 deadline. Mayor Kou and the TPA team met last week with Federal Energy Regulatory Commission (FERC) staff to discuss natural gas price spikes and what could be done as a municipality and regionally.

In January 2023, the Governor put forward his budget. The Governor spoke about a constitutional amendment on how to handle the mentally ill and create a funding opportunity for more beds. Last year, the Governor allocated \$1B for homeless services. This year, the Governor is still committed to \$1B. The funding was divided into three major buckets. The 13 cities with the highest population receive a direct allocation, all 58 counties receive a direct allocation, and continuums of care receive an allocation. There is flexibility on how the funds are spent. TPA Consultant De Luca expects that in the May revise the Governor will put forward his accountability measures on how you spend those funds.

On affordable housing, some of the allocations are for the Multi-housing Program (MHP) and the Infill Infrastructure Grant Program. Those dollar amounts were \$300M or \$400M, although affordable housing advocates were hoping for more. The Legislature, especially the Senate, has made it clear that addressing homelessness is a top concern, as has the Assembly.

The Governor said homeless funding could be tied to your housing element, meaning you may not receive some of the homeless dollars if you do not have an approved housing element. SB 43 redefines the term gravely disabled to ensure those who are mentally ill or suffering from chronic substance abuse get the help they need but the ACLU pushed against it last year. SB

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363 seeks to have a real-time dashboard for cities and counties to see the availability of shelter beds and spots for substance abuse.

Mayor Kou's understanding of the NLC was that money for broadband was provided to the states. She emphasized the immediate need to obtain some of the money or otherwise it might be allocated elsewhere. TPA Consultant De Luca is working on Palo Alto's grant advocacy and could work with City staff on a grant application. He thinks it is in Round 2 of broadband allocation. He will provide Council more information after discussing this with his colleague, Andres Ramirez, who specializes in broadband funding.

Council Member Lythcott-Haims was curious about closing the corporate loophole on Prop 13. TPA Consultant De Luca replied that it was on the ballot recently. TPA will add it to the items they are tracking for the City. He knows there has been interest in closing that loophole, especially on the commercial side, to generate more funds for schools.

Council Member Veenker asked what might happen at the State level to support grid modernization and if any resources might trickle down to us, as well as what committees it would fall under. TPA Consultant De Luca responded that there are a lot of State infrastructure dollars. Last year, the Governor was very aggressive in pushing more funding toward grid resiliency and EV infrastructure. The Governor said in his January budget kickoff that if there was going to be a huge deficit, climate funding was one of the things he will hold back. Some EV charging grant opportunities will be out very soon if they are not already out. Some of the grid dependency dollars will be out soon too. He will follow up with details so we can be ready to apply for grants.

Council Member Burt had questions about RHNA allocations. Working from home will have long-lasting repercussions. Caltrans is projecting the State population will max out in the next few years and then gradually decline. TPA Consultant De Luca has heard discussions from many of the Bay Area legislators they work with. There was an initial outcry from ABAG and MTC about some of the RHNA numbers. He has not seen any new legislation but he will ask. He has heard discussion from some of the newer members about future cycles. Many Bay Area members sent a letter about aid for other transit agencies. He has not seen a good solution. He will meet with the team to see what else they are hearing and maybe flag some bills.

Mayor Kou asked if more information could be provided next time about Prop 19 and the language of the inheritance issue, if there were any updates and if it is gathering momentum. Mayor Kou also wanted to know if the Our Neighborhood Voices initiative was coming forward.

Related to the tax measure, Deputy City Manager Chantal Cotton-Gaines stated that Council would have a resolution on consent in the next few weeks. The proposition threatens some of our tax revenue. The League of California Cities requested to have as many cities as possible show opposition. TPA Consultant De Luca he will make our assembly member and senator aware of the resolution.

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ACA 1 (Assembly Constitutional Amendment) proposed a 55% majority vote for infrastructure such as roads, sewers, fire stations, police stations and libraries instead of two-thirds. Constitutional amendments need two-thirds in both Houses and then it goes to the voters. The California Business Roundtable is also talking about lowering the voter threshold. TPA works closely with the Assemblywoman's Office. The measure will be put forward in the next couple weeks for voting.

Council Member Tanaka commented on the badly needed repaving of El Camino, which was supposed to happen three years ago. Menlo Park and Mountain View do not have the same issue as Palo Alto. He asked if there was an update on why it was so bad and why it had not been fixed. TPA Consultant De Luca will research SB 1 dollars.

Regarding the Brown Act on open meetings, Council Member Tanaka wants to encourage the use of technology to allow more people to attend and allow more flexibility. He thinks it is more efficient. He supports AB 817.

Council Member Tanaka would appreciate money to help alleviate flooding in our city. He thinks it should be a big priority.

Council Member Tanaka asked for an update on Federal money for grade separations. There was a massive infrastructure bill, so he thought there should be some money coming to us for this. TPA Consultant De Luca responded that there is a lot of funding for transportation from the infrastructure package and through the State. Regarding the Federal process for district spending, you would not receive the amount of funding needed for grade separation. When you do district federal requests, you should probably ask for no more than \$2M. Grade separation capital needs are high. TPA can put together a plan for securing some grade separation funding and will work closely with the City on where are the needs for design and capital. TPA will have monthly meetings on their grant work for the City to inform about what has and has not been successful as well as identify priorities. They flagged the need for grade separation funding.

Public Comment

Aram James wanted to draw attention to AB 742. On March 21, it was voted 6-2 in favor of moving it out of the Public Safety Committee. This bill prohibits canines from biting humans. Police canines cause severe and potential deadly consequences for bite victims. The use of police canines makes people fear and further distrust the police, resulting in less safety and security for all, especially communities of color. In a Police Assessment Research Center study, researchers found that bites resulted in hospital visits 67.5% of the time. Other use of force including batons and Tasers result in hospital visits 2% or less of the time. According to the California Department of Justice Use of Force Data from 2021, injuries caused by police canines amounted for nearly 12% of the cases that resulted in severe injury or death. Of these cases, black people are more than two times more likely than any other group to be subject to use of

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force. TPA Consultant De Luca would like to return with a better analysis. Council Member Lythcott-Haims shared the concern about the use of canines on the flesh of humans.

COUNCIL MEMBER QUESTIONS, COMMENTS, ANNOUNCEMENTS

Council Member Veenker reiterated how amazing the applicants were. For those who were not elected, she hopes many of them reapply and Mayor Kou concurred.

Mayor Kou went on a trip to Washington DC. She met with Senator Diane Feinstein's aides to ask for support for funding the redevelopment of Buena Vista Mobile Home Park. She also spoke about grade separations. She spoke with the FERC Chief of Staff. They will conduct an investigation as requested by Governor Newsome but it will take about a year. She met with the Office of Senator Alex Padilla with similar requests for grade separations, funding and support for FERC action. She met with Representative Anna Eshoo. Madam Eshoo advocated for funding of grade separation projects in the infrastructure law. She encouraged cities along the Caltrain corridor to fight for that funding. Those monies went to VTA.

Council Member Burt echoed Council Member Veenker's comments about how appreciative we are for the many excellent candidates who applied to the boards and commissions. He does not want them to be discouraged from future participation. On Thursday, Caltrain has a workshop on medium- and long-term finances. There will be discussion of the challenges most Bay Area transit agencies are experiencing, Caltrain in particular because their ridership recovery is the slowest in the region. Caltrain ridership is principally white-collar commuters who have a higher work-from-home participation. They will discuss the level of service for the next few years.

Council Member Tanaka echoed other council member comments about the amazing candidates. He hoped they will apply again. He remarked that the City Manager had not answered many of the emails he sent to her over the past five weeks, so he requested a response.

ADJOURNMENT: The meeting was adjourned at 11:24 P.M.

ATTEST:

City Clerk

APPROVED:

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

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be the official records of both Council and committee proceedings. These recordings are available on the City's website.