



CITY COUNCIL SUMMARY MINUTES

Special Meeting
April 4, 2022

The City Council of the City of Palo Alto met on this date in virtual teleconference [in person] at 5:00 P.M.

Participating Remotely [chambers]: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent:

Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Kiely Nose, Rumi Portillo, Sandra Blanch, Nicholas Raisch, Molly Stump, and Terence Howzell) Employee Organization: Employee Organization: Service Employees International Union, (SEIU) Local 521, Utilities Management and Professional Association of Palo Alto (UMPAPA)Palo Alto Peace Officers' Association (PAPOA), Palo Alto Police Management Association (PMA), International Association of Fire Fighters (IAFF) local 1319, Palo Alto Fire Chiefs Association (FCA), Management and Professional Employees (MGMT); Authority: Government Code Section 54957.6 (a); Authority: Government Code Section 54957.6 (a).

MOTION: Council Member Filseth moved, seconded by Council Member Cormack to go into Closed Session. Kou Arrived 6-0

MOTION PASSED/FAILED: 6-0, Tanaka Absent

Council went into Closed Session at 5:03 P.M.

Council returned from Closed Session at 6:15 P.M.

Mayor Burt made no announcements for the public.

Special Orders of the Day

2. Adoption of Resolution for Gabriel Mora Upon His Retirement.

Vice Mayor Kou read the proclamation into the record.

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Officer Gabirel Mora stated it was a pleasure and privilege to work for the City of Palo Alto for 24-years.

Police Chief Robert Jonsen remarked that Officer Mora is a testament to public service.

Public Comment

Sharon Lee-Nakayama commended Officer Mora for his years of service.

MOTION: Vice Mayor Kou moved, seconded by Council Member Cormack to adopt the Resolution.

Vice Mayor Kou commented Officer Mora has been a steady face within the community and has shown dedication to the community and the City.

Mayor Burt stated Officer Mora was a prime example of a public servant and thanked him for his service.

Council Member Stone acknowledged that Officer Mora's job often did not receive the credit it deserved and thanked him for his service to the City.

MOTION PASSED: 7-0

3. Proclamation Honoring National Public Safety Telecommunicator's Week - April 10-16, 2022.

Council Member Cormack read the proclamation into the record.

NO ACTION TAKEN

Agenda Changes, Additions and Deletions

None.

Public Comment

Katie Rveff spoke on behalf of the 350 Palo Alto Climate Team and the Gunn Green Team. She invited the Council to attend the March and Rally for Earth event. The event was to be held on Earth Day, April 22, 2022, at King Plaza. The event will unify, celebrate and encourage collaboration to create sustainable actions.

Giulianna Pendleton, Santa Clara County Audubon Society, stated feral cats are one of the prime causes of mortality for birds and a large threat to local bird populations. A recent study highlighted that feeding stations for feral cats did not reduce hunting behaviors and the feeding stations made cats

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less territorial. The study recommended a buffer of 750-feet from the edge of habitat is needed to reduce the morality of wildlife from roaming cats.

Rebecca Eisenberg encouraged the Council to take a stand on the use of violence to resolve differences. She recommended Council to place themselves in the situation and strongly assess the impacts their decision will have on the community.

Sharon Lee-Nakayama stated Altaire Walk had recommended crime prevention be a 2022 priority for the Council. Since that communication, thefts have gone down, police patrols have increased in the area and meetings were being held to understand residents' concerns. On April 22, 2022, a movie night will be held with Altaire residents and the Palo Alto Police Department (PAPD) to personalize the police officers to the community.

Aram James stated the hiring process for the next Chief of Police has lacked transparency. He strongly urged Council to demand a transparent process from City Manager Shikada concerning hiring the next Chief of Police.

Consent Calendar

Public Comment

Rebecca Eisenberg stated for Item Number Six, the Council should assess businesses and if the business cannot pay their assessment. Then they can go through the waiver process. Regarding Item Number Seven, she stated the audit plan was flawed and did not address concerns made by the community. Regarding Item Number 10, she did not support spending \$113,500 on surveys that were flawed and misleading. The City should examine nearby jurisdictions instead of doing surveys. Regarding Item Number Nine, the item appeared to lower the City's renewable gas supply.

Shani Kleinhaus spoke on behalf of herself, the Santa Clara County Audubon Society and as Co-Chair of the Wildlife Committee of the Loma Prieta Chapter of the Sierra Club. Regarding Item 12, she appreciated the extension of the contract with Pets In Need as long as the prohibition of releasing feral cats into the community was upheld.

Aram James stated the surveys in Item Number 10 were a waste of public funding. He asked why the City was extending the contract with Pets In Need when several employees were facing criminal charges. He wanted to see the City hire union employees to run the shelter.

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Council Member DuBois registered a no vote on Agenda Item Number 8.

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

Council Member Tanaka registered a no vote on Agenda Items 5, 6, 10

MOTION: Council Member Cormack moved, seconded by Council Member Filseth to approve Agenda Item Numbers 4-14.

4. Approve Minutes from the March 11, 2022 City Council Meeting, March 14, 2022 City Council Meeting, and the March 21, 2022 City Council Meeting.
5. Utilities Advisory Commission and Staff Recommend the City Council Approve Two Resolutions: 1) **Resolution 10024** Approving an Amendment to the Amended and Restated Water Supply Agreement Between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County, and Santa Clara County and Authorizing the City Manager to Execute the Amended Agreement; and 2) **Resolution 10025** Approving a Minimum Purchase Transfer from the City of Mountain View to the City of East Palo Alto.
6. Approve Finance Committee Recommendation for FY 2023 to (a) Return to the Customary Pre-Pandemic Business Registry Certificate Requirement and Fee, and (b) Pause for One Year the Downtown Business Improvement District Assessment Program.
7. Approve, as Recommended by Policy and Services Committee, the FY2022/2023 Risk Assessment & Audit Plan Reports.
8. Adoption of **Resolution 10026** Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency.
9. Approval of Amendment Number 2 to the Power Purchase Agreement for Landfill Gas-Generated Electricity With Ameresco Keller Canyon LLC., Reducing the Facility's Output in Exchange for an Annual \$250,000 Administrative Payment to the City.
10. Approval of Contract Amendment Number 1 to Contract Number S22183587 with Fairbanks, Maslin, Maullin, Metz, and Associates (FM3) in the Amount of \$28,500 for One Additional Poll (Three Polls, Total) for the Potential November 2022 Ballot Measure(s) for a Total Not to Exceed Amount of \$113,500 and Approve a Budget Amendment in the General Fund.

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11. Adoption of **Resolution 10027** Authorizing the Submittal of a Financial Assistance Application to the United States Bureau of Reclamation for the WaterSMART: Title XVI Water Reclamation and Reuse Project.
12. Approval of Pets in Need's Amended Termination Notice to Extend Termination Date Six Months for Continued Animal Shelter Operations.
13. Adoption of **Resolution 10028** Amending Public Hearing: Objections to Weed Abatement and Adoption of **Resolution 10029** Ordering Weed Nuisance Abated to Correct an Administrative Error.
14. Approval of Construction Contract Number C22181213 with Stronger Building Services in the Amount of \$179,500 for the Mitchell Park Library Roof and Gutter Repair Project; Authorize the City Manager or their Designee to Negotiate and Execute one or more Change Orders for Related Additional but Unforeseen Work Not to Exceed \$17,950; and Approval of a Budget Amendment for the Roofing Replacement Capital Project (PF-00006) in the Capital Improvement Fund.

MOTION SPLIT FOR THE PURPOSE OF VOTING

MOTION TO APPROVE item 7, 9, 11-14: **APPROVED** 7-0

MOTION TO APPROVE Item 5: **Approved** 5-2, Kou, Tanaka No

MOTION TO APPROVE Item 6, 10: **Approved** 6-1, Tanaka No

Council Member DuBois announced he could not make the findings that the City was still under a State of Emergency.

Vice Mayor Kou liked having discussions about amendments to the contracts.

Council Member Tanaka echoed Vice Mayor Kou's comment regarding Item Number Five. Regarding Item Number Six, many businesses were still suffering and he did not support Item A but agreed with Item B. Regarding Item Number 10, he echoed the comments made by the public. He wanted to see the ballot presented to the public in plain English without polling instead of engineering the language to reach more support.

City Manager Comments

City Manager Ed Shikada reported the U.S Food and Drug Administration (FDA) approved a second booster for COVID-19. Community members should consult with their health care providers for more information. The City continued to provide COVID-19 testing at the Curative testing kiosk at

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Mitchell Park. Also, Santa Clara County would be providing testing at the Palo Alto Art Center on April 8, 2022 and then at the Cubberley Pavilion on April 22, 2022. Upcoming on April 6, 2022 was a virtual community meeting to discuss the new Tree Ordinance. On April 9, 2022, the State of the City Address will be held at 11:00 a.m. at Mitchell Park Community Center. The month of April was Earth month and many events were happening throughout the month to celebrate the Earth. On April 11, 2022 the Council will be holding an Earth Day study session and then be discussing height transitions for the Objective Standards.

Action Items

15. Review and Approval of Workplans Implementing 2022 City Council Priorities.

City Manager Ed Shikada stated the item was the next stage in how the City will refine and improve the Council's annual priorities. The Council approved the priorities on February 5, 2022. Staff identified key major projects that will assist in the advancement of each priority. He encouraged the Council not to do a deep dive into the projects, but provide confirmation that Staff had identified the right set of projects.

Assistant City Manager Kiley Nose remarked the proposed workplan for each priority was to identify the work ahead while also helping Staff to track the progress on each priority. Staff identified 65 major projects with 13 falling under the Economic Recovery and Transition (ERT) priority, eight under the Climate Change Protection and Adaptation (CCPA) priority, 24 under Housing for Social and Economic Balance (HSEB) priority and 20 under Community Health and Safety (CHS). Of the 65 projects, 42 were to begin in the January through June 2022 timeframe, 13 would begin in the July to December timeframe and 10 of the projects did not yet have allocated resources. Regarding the ERT workplan, the work built off the 2021 Community and Economic Recovery priority and included a cohesive vision for the City's commercial core. Regarding the workplan for CCPA, the proposed projects reflected the continuation of the Council's priority from 2021. Regarding the HSEB workplan, the plan would continue the work set by the Council in 2021 and reflected the next steps. For the CHS priority, the workplan focused on the quality of life variables in the City, including crime, mental health, air quality, noise and sense of belonging. Staff proposed six neighborhood town hall meetings be held during the calendar year of 2022 to discuss neighborhood issues as well as advance the City Council's high-priority major projects. She reminded the Council and the community that there were major initiatives still underway that were not included in the workplan list. Staff recommended the Council review and approve the list of

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major projects associated with the 2022 City Council Priorities and approve the plan for neighborhood town hall meetings.

Vice Mayor Kou inquired if the list of projects was the only projects Council would be reviewing throughout the year.

Ms. Nose explained the projects are what Staff will focus their time throughout the year on top of ongoing initiatives.

Vice Mayor Kou understood if Council wanted to initiate a different project then a Colleague's Memo would be the appropriate mechanism to do that.

Mr. Shikada confirmed if Council has an initiative unrelated to the priority workplans then a Colleague's Memo would be the appropriate mechanism. If the project fell within the priority workplans, then Council would have to discuss prioritization within the workplan to accommodate it.

Vice Mayor Kou remarked she was not supportive of being limited to a set of projects.

Council Member Stone asked if the town hall meetings will be hybrid.

Meghan Horrigan-Taylor, Communications Officer, answered yes.

Council Member Stone wanted more information regarding parking in lieu downtown office parking ban as a strategy for affordable housing.

Director of Development and Community Services Jonathan Lait explained several years ago the City had created an opportunity for office development to outcompete housing. Later, that program was paused but the program was not directly related to affordable housing.

Public Comment

Bob Moss (In person) was concerned about 340 Portage and its future. The structure was a historical structure and had a very significant history. He recommended the City talk to the landowner about preserving the building and reusing the structure.

Aram James agreed with Mr. Moss's comments regarding 340 Portage. He strongly recommended preserving 20 percent of housing near 340 Portage for African Americans with low and very-low incomes. Regarding the five police officer slots proposed in the workplan, he recommended those slots be filled with Psychiatric Emergency Response Team (PERT) members.

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Rebecca Eisenberg remarked that 340 Portage was currently zoned for residential use and the City should not be negotiating with the current landowner about commercial uses. She noted there was no commitment to consider sustainability in the CCPA workplan or in any decisions made by Council.

Annette Glanckopf Ashton requested that Staff and the Council seriously consider the points raised in the Palo Alto Neighborhoods (PAN) letter about town hall meetings.

Council Member Filseth asked if there was any significant drawback to having the town hall meetings agendized under the Brown Act.

Ms. Horrigan-Taylor stated Staff was seeking direction from Council on how to structure town hall meetings.

Council Member Filseth preferred there not be a limited number of Council Member participation. He supported having the majority of projects under the CCPA workplan be focused on electrification.

Council Member Cormack appreciated the reminder of Staff's regular and ongoing work outside of the priorities. Regarding ERT, she supported the focus being on the commercial cores. She aligned her comments regarding the CCPA workplan with Council Member Filseth's remarks. Regarding the HSEB workplan, she wanted to discuss the programs more in-depth at a later time. Regarding CHS, she acknowledged that the workplan addressed many of the concerns highlighted by the community but stated there was a lack of projects to address a sense of belonging. She wanted to see Staff initiate the neighborhood ambassador program Council Member Stone and herself highlighted in their Colleague's Memo. She commented that the City will have to learn through trial and error which process works best for town hall meetings. The start time of the town hall meetings should be set to a later time and she predicted many Council Members will have conflicts if the town halls are held on the third Thursday of each month. She appreciated the format of having all the workplans together.

Council Member DuBois agreed that the format outlining the projects and how they correlated to the priorities was a good layout. He recommended for the future, that Staff bring forward the complete workplan with all the projects happening within the City. He was hopeful that soon the Council will begin discussions about aesthetic standards for projects six and seven of the ERT workplan. He inquired what constraints come with project 10 of the

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HSEB workplan. Regarding HSEB 19, he suggested retiring the Planned Home Zone (PHZ) instead of refining it. Regarding CHS project 8, he was happy to see the Tree Ordinance moving forward. Regarding CHS project 20, he wanted to see the City find the resources to begin work on Seismic Standards. In the past, town hall meetings went well with a limited agenda and more of a question and answer meeting. He supported having the town hall meetings be held under the Brown Act so that all Council Members could attend. He suggested assigning two Council Members to be designated speakers and he supported many of the recommendations expressed by PAN in their letter. He agreed a start time of 5:30 p.m. was too early and the neighborhood should drive the agenda for town halls. He cautioned holding town hall meetings during September and October because of election season to avoid the town halls becoming a political forum.

Vice Mayor Kou agreed with Council Member DuBois's comments regarding town hall meetings. She recommended Staff evaluate PAN's recommendations and work with the neighborhoods to determine the groupings. She requested Staff explain project 11 in the ERT workplan.

Mr. Lait mentioned downtown has an in-lieu parking program but that program does not exist on California Avenue. Staff had presented a subscription program for California Avenue where a property owner could lease a parking space which mimicked an in-lieu parking program. The goal was to allow more flexibility for the change of land use on California Avenue that was related to the available parking resources.

Vice Mayor Kou stated the new California Avenue parking garage should be providing enough parking.

Mr. Lait explained because of the parking garage, the City can leverage some of the parking spaces to allow for a transition of uses to increase density.

Vice Mayor Kou asked if the program included the loss of on-street parking from California Avenue being closed to vehicle traffic.

Mr. Lait confirmed Staff will be evaluating all parking availability.

Vice Mayor Kou appreciated that the Tree Ordinance will be coming to Council before their summer break. She believed the Tree Ordinance should be listed in the CCPA workplan instead of the CHS workplan. She wanted to see a project focused on groundwater protection be included in the CCPA

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workplan. Also, she wanted to see the 10-acres of the Baylands that was separated from the park be rededicated back to open space. She acknowledged that airplane noise still greatly affected the community and appreciated it being included in the workplan. She wanted to see the Uplift Local program come back to the Council. Also, code enforcement should be considered a high priority with a focus on building violations. She agreed the format presented by Staff was very helpful and clear.

Council Member Stone suggested that Staff incorporate the recommendations made by PAN for town hall meetings. The expectation from Council and the community was to have town halls be true community engagement. The proposed 5:30 p.m. start time was not a reasonable and feasible time for full participation. He supported Council Member DuBois's comment about not holding town halls in September and October. Also, to reevaluate the neighborhood groupings. He asked what legislation was passed that made the new Tree Ordinance out of compliance.

Ms. Nose stated Staff would have to follow up on the answer.

Mayor Burt appreciated the comprehensive format, but he requested to update the timeframes where possible. He recalled in 2015, the town halls were neighborhood lead meetings and not City meetings. Staff and Council Members would engage in a dialog with the neighborhood. He suggested Staff reexamine the approach to the town halls and incorporate PAN's recommendations. The City must engage multi-family residents and encourage them to attend the town halls. He agreed that 5:30 p.m. was too early to start, 1 ½-hours was too short, there should be no town halls during election months and a town hall should be held in early December. He recommended that the Vice Mayor and himself meet with PAN and refine the plan further for town hall meetings.

Ms. Horrigan-Taylor stated she very much appreciated PAN's recommendations. She shared the City uses the NextDoor platform as a way to communicate and connect with the community. Staff will be refining the neighborhood groupings as well as the number of town hall meetings that should be held. She noted if the town halls are under the Brown Act, all Council Members would have to participate and she requested clarity from Council on that point.

Mayor Burt recommended Staff consider homeowner association leadership as neighborhood groups and engage them in the process. He understood if

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the meetings falls under the Brown Act, only a majority of Council Members would have to attend.

City Attorney Molly Stump confirmed that is correct. If a majority was not present, the meeting could still be held but it would be considered a non-meeting.

MOTION: Council member DuBois moved, seconded by Mayor Burt to accept the list of major projects associated with the 2022 City Council Priorities and have the Mayor and Vice Mayor work with staff to refine the town hall meeting program details and enable all Council to attend as optional attendance.

Council Member DuBois stated it made sense to allow all Council Members to attend the town halls. He strongly supported the recommendations made by PAN and supported having the town halls extend into the year 2023.

Ms. Horrigan-Taylor understood from the discussion that Council was interested in holding a town hall in June, August, November and December.

Mayor Burt agreed.

Council Member DuBois understood the intention was if there was a majority of Council Members in attendance then the town halls would be Brown Acted and that the meetings would not be a required Council meeting.

Mayor Burt concurred with Council Member DuBois.

Council Member DuBois recalled Council had held similar meetings in previous years.

Council Member Cormack requested that the town halls not be scheduled at a time and date when Council Members have other responsibilities.

Ms. Horrigan-Taylor confirmed Staff will work with the schedule.

Council Member Cormack asked what Council's opinion was on having Council Members participating in their own neighborhood Town Hall.

Ms. Horrigan-Taylor clarified the proposal was that two Council Members would host each meeting. If that was acceptable then Council Members could sign up for different town halls.

Council Member Cormack recommended Staff and the Council consider equity and fairness when the town halls are scheduled.

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Ms. Horrigan-Taylor recalled there was a more formal town hall meeting held in the Ventura neighborhood. She understood though from the discussion that the Council was more interested in having a less formal discussion.

Mayor Burt believed that Ventura town hall was more of a coordinated plan meeting.

Vice Mayor Kou remarked there was an understanding that four town halls will be held for the year 2022.

Ms. Horrigan-Taylor confirmed that was correct.

Vice Mayor Kou requested that a project be added to the workplan to address groundwater for commercial projects.

Mayor Burt asked if Staff was still working on the groundwater initiative.

Mr. Shikada stated Staff will have to follow up with that information. He suggested that new projects be introduced through a Colleague's Memo or in the upcoming budget process.

Vice Mayor Kou commented with all the new buildings coming forward, the City should address the encroachment into the ground earlier rather than later.

Assistant Director of Public Works Karin North mentioned guidelines have been put into place and the City tracked and monitored dewatering. Staff was evaluating groundwater in the Sea Level Rise Adaptation Plan.

Vice Mayor Kou inquired when the Sea Level Rise, Sustainability Climate Action Plan (S/CAP) would be coming to Council.

Ms. North predicted the vulnerability assessment would be released before the summer of 2022.

Council took a 10-minute break and resumed at 8:30 P.M.

MOTION PASSED: 7-0

16. Receive the Police Department's Annual Report and Discuss and Accept the Staff Update on Radio Encryption as a Follow-up from the Policy and Services Committee Recommendation on February 8, 2022.

City Manager Ed Shikada explained the Council will hear the annual report from the Chief of Police and then discuss radio encryption. Staff had invited two members from the media to provide their insight on encryption. He

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acknowledged the frustration and sense of powerlessness in addressing radio encryption.

Police Chief Robert Jonsen noted over the past several years the Palo Alto Police Department (PAPD) has had some challenging times. Through the challenges, PAPD continued to find better ways to serve the community and has done tremendous work to update outdated systems, modify policies and protocols, strengthen accountability measures and expand the scope of outside review. Despite shortages inflicted on the department, the department continued to provide outstanding service to the community. The City continued to have a very low violent crime rate and over the last decade, the City had averaged less than one homicide a year. The most prevalent crimes was related to property theft and hate incidents. Palo Alto's dispatch center was the fourth busiest in Santa Clara County and the 24/hour dispatch center processed over 137,000 calls in the calendar year 2021. Of the 137,000 calls, 38,189 were emergency calls and 99 percent of those emergency calls were answered within 10 seconds. Regarding Use of Force (UOF), there were 12 UOF incidents for the year 2021. The PAPD had started several initiatives in the year 2021 including diversifying the police department, having the Independent Police Auditor (IPA) audit the hiring process and launching the Psychiatric Emergency Response Team (PERT). He apologized to the Palo Alto community if the actions of the PAPD have caused undue frustration regarding radio encryption. In 2021, the City became a member of the Silicon Valley Regional Interoperability Authority (SVRIA) which was dedicated to facilitating interoperable voice and data communication. In February 2010 and then again in November 2016, Palo Alto agreed and signed a Joint Powers Authority (JPA) agreement that established the SVRIA. The City contributed to the radio system design, selection of the primary vendor and the implementation of the radio network which included encryption. On October 12, 2020, the California Department of Justice (DOJ) issued a memo that prohibited sharing personal identifiable information (PII) over the unsecure radio network. All Santa Clara law enforcement agencies and the SVRIA have complied with the DOJ Mandate. The PAPD followed seven other county agencies and implemented encryption. All agencies have achieved compliance through radio encryption. In the year 2021, the PAPD proactively sent a letter to the DOJ requesting a reprieve soon after the mandate was issued to allow for the department to evaluate other alternatives to encryption. That request was denied, but PAPD continued to explore other options that provide residents with information about Calls for Service in near real time. Every employee in PAPD has to sign an agreement to access the California Law Enforcement Telecommunications System (CLETS). The agreement stated that information may not be shared with non-law enforcement personnel and violating the agreement could result in loss of CLETS access. Through the

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CalChief Members Discussion Group, several agencies reached out to other agencies throughout the State of California to explore how they handled the DOJ Mandate. Four agencies replied they comply to the DOJ Mandate through the policy established by the California Highway Patrol (CHP) but shared they do not have the radio infrastructure to encrypt. The City of Roseville had dedicated one dispatcher to an encrypted channel and the other dispatchers were dedicated to a non-encrypted channel. When an encrypted radio and unencrypted radio were operating in the same talk room. All communication becomes unencrypted and could lead to adverse outcomes. PAPD launched a Police Calls for Service Interactive Map on January 31, 2022 to relay in real time crimes happening within the City while protecting PII and criminal justice information.

Dave Price, The Daily Post, emphasized that none of the media channels want access to PII and believed that information should be protected. Historically, radio transmissions have been available to the public since the 1940s and encryption has become a First Amendment violation. Often in severe weather or criminal activity, the community cannot wait for a police or fire departments to do a press release. Often the media groups will send a reporter out into the field with a police scanner to discover what was happening in the community in real time. He pointed out that the City of Menlo Park, the City of East Palo Alto and San Mateo County do not use encryption. He did not agree there was an interoperability issue between encrypted agencies and non-encrypted agencies. He recommended Council direct the City Manager to explore the CHP alternative for the City of Palo Alto.

Bill Johnson from the Palo Alto Weekly appreciated the Chief of Police apologizing to the community. He agreed with Mr. Price that encryption was a matter of First Amendment concerns and public safety issues. In a time when there was a clear need for transparency with what the police were doing country-wide. The only transparency that existed at the local level was the ability to listen to real time police radio traffic. Local media provided a public service when they can report in real time what was happening within the community which reduced anxiety and panic. He shared he was confused why Senator Josh Becker's Senate Bill (SB) 1000 was not included in the Staff report. He mentioned the Public Safety Committee will be hearing SB 1000 in the next 2-weeks and he shared his confusion as to why Staff was not seeking direction from Council on if the City should support SB 1000 or not. SB 1000 required that radio traffic be made available to the public through either an unencrypted frequency, online streaming of radio traffic or providing access to encrypted communications upon request and payment of a fee. Also, all broadcasts that contain PII must be used on an encrypted frequency on a mobile data

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terminal or through telephone or text messaging. He strongly encouraged Council to support SB 1000. Regarding the Police Calls to Service Interactive Map, the media was not involved in the discussion regarding the tool.

Mr. Jansen agreed with Mr. Price and Mr. Johnson on how quickly information is provided to the public. Also, PAPD interacted with the City of Menlo Park and the City of East Palo Alto on a very frequent basis and it did require a collaboration. Both City of Menlo Park and City of East Palo Alto did not have the infrastructure to implement encryption whereas Palo Alto invested in that infrastructure years ago. Also, the City was part of the SVRIA whereas San Mateo County was not. He noted he asked Senator Becker's aide why the DOJ could not retract the mandate and they stated it was too complicated. Coming in the next few months was the Military Equipment Policy which stated all agencies in the State of California have to adopt. Assembly Bill (AB) 481 addressed policy modifications pertaining to public disclosure of existing specialized law enforcement equipment or military equipment. PAPD was not asking for additional equipment but reporting on the equipment PAPD already had. He emphasized that PAPD does not have any equipment that was atypical for the region.

Council Member Stone referenced the letter from the Attorney General's Office dated July 2, 2021 that stated PAPD could not revert to the previous system and broadcast PII on a non-encrypted channel. He asked if PAPD followed up on the letter and did PAPD gain clarification on what additional actions could be taken to comply with the DOJ Mandate.

Mr. Jansen answered yes and that was why the CHP Policy was established. The City still has an unencrypted channel and so the City could follow the City of Roseville's approach. The DOJ did not dictate how an agency follows the mandate.

Council Member Stone inquired if it was explicitly stated that Palo Alto could not adopt the CHP Policy.

Mr. Jansen stated Santa Clara County was unique because it had a regional authority. If the City adopted a CHP Policy, the City would be taking on the liability if PII was released on the open airway.

Council Member Stone invited the City Attorney to weigh in on the Attorney General's letter and the Police Chief's liability concerns.

City Attorney Molly Stump stated the allocation of potential liability was a process the City dealt with daily. If Council wanted to adopt a CHP Policy, then a discussion could be held with SVRIA regarding liability.

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Council Member DuBois asked if the media channels found any value in the interactive map and what would make it more useful.

Mr. Price stated the primary problem with the interactive map was it shared the crime event after it had happened. He stated the map cannot be redesigned to mimic real time live discussions.

Mr. Johnson agreed and noted the interactive map did not share the texture of what was happening during the incident. He mentioned the City has a computerized dispatch system that has GPS mapping and other information that was relayed to officers in the field. The system did not include PII and he suggested having that data stream be available online.

Council Member Filseth asked what options did SB 1000 present for Palo Alto.

Mr. Johnson explained the problems that Mr. Jonsen described that are unique to Santa Clara County would be removed under SB 1000.

Council Member Filseth remarked that SB 1000 referenced items that were already being used.

Mr. Jonsen believed if SB 1000 passed it would be similar to the DOJ Mandate because PAPD would still have to comply with CLETS and the Federal Bureau of Investigation (FBI) policies and security agreements. He predicted many agencies would continue to use encryption because it guaranteed compliance.

Council Member Filseth mentioned the cons of the two-channel model was more dispatch Staffing and resources.

Mr. Jonsen explained having dispatchers and officers going back and forth between the two channels could result in them missing vital information. He shared he was curious to explore further the City of Roseville's model of having a dedicated frequency that put out only location awareness.

Council Member Filseth inquired why the media could not have an encrypted radio.

Mr. Jonsen stated CLETS would not authorize the media to have an encrypted radio.

Council Member Filseth understood from SB 1000 that any person interested would be allowed access to encrypted information if the bill is passed.

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Mr. Jonsen answered no. The CLETS policy stated any person authorized by law to receive a record or information obtained from a record who knowingly furnished the record or information not authorized by law to receive the record or information was guilty of a misdemeanor.

Mayor Burt asked if SB 1000 would supersede CLETS requirements.

Ms. Stump explained CLETS requirements were derived from the State and Federal Constitution from Federal Law that was administered by the FBI. The State legislature did not have the authority to override those requirements.

Council Member Filseth requested more details about the City's current equipment relaying information to officers in the field that could be live-streamed online.

Mr. Jonsen believed the Call for Service Interactive Map provided that information and the map could be adjusted to make the data available closer to real time. He noted there will be a 15-minute delay though.

Vice Mayor Kou understood for emergencies all of Santa Clara County used one system. She asked for everyday occurrences if PAPD used a different system.

Mr. Jonsen confirmed PAPD had its own channel it uses for daily occurrences.

Vice Mayor Kou stated the benefit of having encryption was to allow all agencies to switch over to the encrypted channel quickly. She asked what the difficulties were of having an encrypted channel and a non-encrypted channel if both were already in place.

Mr. Jonsen explained if Palo Alto used an unencrypted and there was a mutual aid request. If Palo Alto was patched into the encrypted channel then all the information would become unencrypted. He agreed there was a possibility to have a separate unencrypted channel that was kept separate from the encrypted channel.

Vice Mayor Kou asked if other jurisdictions were questioning the encryption mandate.

Mr. Price mentioned the Chief of Police for Santa Clara expressed concern about losing public access to their radios. He noted SB 1000, if adopted, would require all police agencies to convert to unencrypted radio frequencies.

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Vice Mayor Kou shared she served on the SVRIA and represented the City of Mountain View, the City of Los Alto and Palo Alto. The other members of SVRIA have not shared that their communities were concerned about encryption and the loss of transparency. SVRIA will be meeting on May 26, 2022 and she invited folks to attend the meeting to share their concerns about encryption.

Public Comment

Bob Moss (In Person) stated one issue that had been passed over was the excessive UOF and employing officers who continued to issue excessive UOF. He agreed with the media that it was very important to provide timely and complete information on police activity. One benefit to having reporters on the scene in real time was police officers would be less likely to use excessive UOF. Also, keeping the community informed would make the community safer and increase neighborhood awareness.

Hamilton Hitchings acknowledged PAPD's commendable efforts to improve the department. He disagreed that an officer would be required to be near their vehicle if a CHP Policy was implemented. Any encrypted channel could be rebroadcasted unencrypted through a repeater. Also, each radio has two channels that can be switched between quickly that can accommodate an encrypted and non-encrypted channel. He strongly encouraged Council not to be deterred by the policies outlined by SVRIA and to correct the transparency issue. He stated the encryption of all police communication was a step backward with negative long-term consequences for civil rights, public safety and media access. He recommended the Council support SB 1000.

Aram James appreciated Staff inviting local media to the discussion. He noted PAPD should have involved the media and the public early in the process when encryption was first required.

Rebecca Eisenberg stated PAPD was not instructed to encrypt but was told to either encrypt or use other methods to communicate PII. She emphasized it has always been illegal to transmit PII through a radio.

Winter Dellenbach greatly appreciated the press's comments about encryption. She echoed all of Mr. Hitching's comments and strongly agreed with them. The City should support SB 1000 to facilitate a State-wide solution. She mentioned Chief Nickel's memo raised many red flags and she

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found the threatening nature of the memo very disturbing. She found the UOF report very flawed.

Scott O'Neil announced he was speaking on behalf of himself. He was surprised to hear from the Chief of Police that PAPD was running smoothly when in fact several disturbing incidents had occurred. He found the culture of police in the country very resistant to transparency and accountability. He did not find the Calls for Service Interactive Map a compelling idea to promote transparency.

Kat Snyder greatly appreciated Staff inviting the press. She tentatively supported SB 1000 and stated police radio was one of the last ways the community could provide oversight over the police.

Joe Landers strongly supported the PERT initiative. Regarding encryption, PII was not a public right and he believed that SB 1000 was not feasible to implement. He requested to hear from the CHP representative.

Mayor Burt encouraged Council to address all the issues in the agenda item and not focus solely on the encryption component.

Council Member Stone believed the item went well with Council's priority regarding health and safety. It was critical to have trust in the police department and it was critical to restore the community's faith in law enforcement. The Staff recommendation did not further those goals and he could not support it. He found the Staff report and memo from PAPD frustrating. He appreciated Staff inviting the media to share their comments with the Council. Folks had the right to a free press and police radio encryption did not further that right. The Council should support a correction of a major flaw in the City's current policy. He referenced PAPD's memo and inquired if the department felt that CHP was not in compliance with the DOJ's Mandate.

Mr. Jonsen stated he could not say whether CHP was complying or not. He assumed CHP was complying with the DOJ Mandate because they had to submit a policy to the DOJ for approval.

Council Member Stone agreed that it was a high probability that CHP was complying. He struggled to understand why Palo Alto could not follow CHP's approach to modify the practices and protect PII from an unencrypted radio. He confirmed the DOJ Memo did not require PAPD to encrypt and did not even list encryption as a way to restrict PII from being released.

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Mr. Jonsen mentioned in 2017 the California Values Act was passed to protect immigration enforcement and codified that law enforcement agencies could not release PII over the open airway. Listed under PII in the California Values Act were his or her name, social security number, physical description, home address, home telephone number, education, financial matters and medical and employment history. During every day incidences, officers needed to provide clarifying information to identify an individual. SVRIA recommended PAPD move toward encryption and that was why PAPD did it. He restated the process was complicated because many laws have to be complied with too.

Council Member Stone requested the CHP representative respond to Mr. Jonsen's comments.

Redwood City CHP Commander Jason Cavett confirmed that because of the infrastructure and the low band. The department was unable to encrypt as per the DOJ Mandate. The policy did not change any of the department's radio transmission operations, but the department did go through training to limit PII over the radio. Also, it was true the officers were near their patrol vehicles the majority of the time and motorcycle officers have tablets with cell data. He was not aware and could not speak to the comment that CHP used other technologies to encrypt.

Council Member Cormack was happy to see the Racial and Identity Profiling Act (RIPA) being implemented. The State report was to be published in April 2023 but the City had collected 353 stop data records by the end of January. She wanted to know if that information had been shared with the public already.

Mr. Jonsen remarked he would have to check the RIPA compliance order.

Council Member Cormack predicted many folks would be interested in having that information sooner. She asked if the statistic that the PERT team was able to divert 22 people from psychiatric hospitalization was considered a metric of success.

Mr. Jonsen agreed the team was on the right track and the City should be proud of all the programs that serve folks with mental crisis.

Council Member Cormack recommended the metrics be included in the annual report moving forward. She invited Mr. Jonsen to remind the community what they can do to prevent property theft.

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Mr. Jonsen applauded the Altaire Walk residents for taking responsibility for their property and working together to reduce the opportunity for property theft. He stated if the opportunity is removed then the thefts will go down.

Council Member Cormack appreciated the information about Staff's linguistic capabilities.

Council Member DuBois mentioned there was a feeling in the community that the City was in a crime wave but the 2021 Annual Report showed that crime was down compared to prior years.

Mr. Jonsen remarked that social media gives the perception that crime has increased regionally, but the City had seen a decrease in crime in every category.

Council Member DuBois asked if there was data available that was more detailed and provided dollar amounts and geographic distribution for thefts.

Mr. Jonsen stated it was a matter of capacity and PAPD did not have the Staff to take on that type of workload.

Council Member DuBois acknowledged PAPD had 125 full-time equivalents (FTE) positions but he noticed PAPD's budget was higher. He requested further details on that.

Mr. Jonsen predicted the increase was due to salary and benefits. He could not recall any major contractual increases over the past several years.

Council Member DuBois asked if there was a Staffing amount that would minimize overtime by having more employees but would cost less.

Mr. Jonsen confirmed many agencies will authorize overtime instead of hiring a new FTE position because overtime was a fixed amount. For the year 2021, overtime was allocated for suppression efforts.

Council Member DuBois echoed Council Member Cormack's comment about having access to the RIPA data earlier. Regarding the UOF Report, he asked if the report only highlighted UOF that resulted in an injury.

Mr. Jonsen stated in his opinion, anytime a person used physical effort to overcome the resistance of another would fall under the definition of UOF. The current policy and protocol was to do a force package when there was any type of injury.

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Council Member DuBois wanted to see the outcomes of the situations that the PERT team was dispatched to.

Mr. Jonsen believed the Department of Behavioral Health was tracking the data and would be producing a report. The City was the first City in Santa Clara County to deploy a PERT team, but Santa Clara County had three teams.

Council Member DuBois inquired if neighboring jurisdictions have reached out and asked how the program was doing.

Mr. Jonsen answered yes.

Council Member Tanaka appreciated the report and thanked PAPD for their work with Altaire Walk residents. He inquired what caused the emergency service calls to decrease from the year 2012 to 2020.

Mr. Jonsen remarked the COVID-19 Pandemic hit which caused traffic to decrease and restaurants and retail stores were closed.

Council Member Tanaka agreed. He asked why arson was at an all-time high.

Mr. Jonsen explained homeless folks were establishing encampments in parking garages which resulted in fires. PAPD and the Department of Public Works continued to disband encampments.

Council Member Tanaka believed with less activity in the City there would be less crime, but larceny and theft were relatively high. He wanted to understand why.

Mr. Jonsen explained that larceny was a combination of all situations that pertained to theft. Regarding stolen vehicles, that type of activity has become a popular activity due to grab and runs.

Council Member Tanaka remarked larceny was lower in prior years than in years 2020 and 2021. The population within the City had decreased due to the COVID-19 Pandemic but the crime rate was the same, if not higher.

Mr. Jonsen argued during the year 2020, many vehicles were parked at homes which increased car thefts.

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Council Member Tanaka noted that the City of Mountain View did not see a crime increase.

Mr. Jonsen stated the vast majority of crime incidents that Palo Alto residents were victims of were coming from criminals who are not Palo Alto residents.

Council Member Tanaka explained many members of the public have expressed concerns about crime within the City and the statistics match what residents have been saying.

Mr. Jonsen agreed that crime rates will decrease with Council's direction to restore Staffing within PAPD.

Mayor Burt was pleased to see how effective the PERT Program was. He pointed out there was a decrease in crime rates before the pandemic hit. He asked how many positions within PAPD have been Staffed versus authorized positions.

Mr. Jonsen answered there currently there were 125 FTE sworn positions but PAPD was greatly affected by attrition. The department had been successful in filling non-sworn positions.

Mayor Burt referenced a member of the public's letter stating that the Council should be receiving twice a year a UOF Report.

Chief Andrew Binder confirmed the member of the public was correct. The Council gave direction to increase the scope of the IPA at the end of 2020. The first IPA report covered the period from July 1, 2020 to November 1, 2021. He concurred Staff can provide a UOF Report twice a year but it will not include a large data set.

Mayor Burt understood the current Police Policy Manual only required a UOF report when there was an injury.

Mr. Binder answered yes but all officers are required to document any type of UOF and that report was reviewed and signed off by a supervisor. If there was an injury, then a Supervisor's Report on Force is generated.

Mayor Burt stated there was an important semantical distinction between UOF and UOF that generated a Supervisor's Report on Force. He requested that PAPD explain why they interpreted that reporting requirement was not all UOF but rather all UOF that triggered a Supervisor's report.

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Mr. Jonsen restated all UOF is documented in a criminal report. If there was an incident that could expose PAPD to civil liability, then a new report is generated.

Mayor Burt interjected Council wanted to know when all types of UOF occurred and PAPD has a different threshold from what Council thought UOF meant.

Mr. Jonsen stated if Council wanted to know all UOF incidents then that would require more Staff resources to comb through all criminal reports and then document the UOF.

Mayor Burt remarked the Council was not made aware that there was a threshold.

Mr. Jonsen argued Council did discuss the distinction when the City expanded the scope of the IPA.

Council Member DuBois recalled pointing a gun at somebody was a UOF.

Mr. Jonsen answered that was one of the modifications made to the policy and was now considered a reportable incident.

Mr. Binder confirmed PAPD will be incorporating those incidents in the UOF Report.

Mayor Burt mentioned that PAPD does not track ethnicity in UOF cases. He wanted to understand how the City could pursue collecting that data.

Mr. Jonsen explained PAPD did evaluate the past five years' UOF and arrest data and created a report for the Council. The RIPA data will provide a concise data collection point that will include ethnicity.

Vice Mayor Kou shared that in March of 2021 Palo Alto appointed a representative on the SVRIA. She found it concerning that encryption was planned for since the year 2011 but Palo Alto residents did not know about encryption until the changeover. She advised the City to evaluate the JPA with SVRIA and see what other options are available. She expressed concern about the statement in Director Nickle's memo that the authority will not take another member's non-compliance liability. She commended PAPD for the work that was accomplished even with decreased Staff. Many officers had expressed they were holding back UOF because they are

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concerned there will be repercussions. She inquired if their hesitation was hindering them from to do their job.

Mr. Jonsen strongly agreed there was high concerns about outside scrutiny. He acknowledged that officers are empowered with tremendous authority, but many officers do not feel it is worth the scrutiny to use that authority. That thinking puts the officer and the community at risk.

Vice Mayor Kou requested PAPD to provide updates on addressing that concern in the future. She requested more details about the Explorer Program.

Mr. Jonsen shared the program was disbanded during budget cuts but believed the program will resume shortly.

Vice Mayor Kou asked how many new hirers come from the Explorer Program.

Mr. Jonsen commented the Explorer Program is used to recruit folks into the police profession.

Vice Mayor Kou asked if there was a need to determine the ratio between the number of officers to the population.

Mr. Jonsen answered that the ratio was reviewed often. During the last evaluation, the City was receiving a higher number of psychiatric calls and that was why Santa Clara County offer the PERT position to Palo Alto.

Vice Mayor Kou asked if having one PERT team was sufficient for the City.

Mr. Jonsen stated the program was still new but the number of PERT teams may increase as the program grows.

Council Member Filseth stated SB 1000 allowed to either provide encrypted scanners or have two channels. He wanted to understand why there was no problem in the past when all radio frequencies were unencrypted.

Ms. Stump confirmed there was a problem and City risk did include the potential risk of a lawsuit from someone whose PII had been transmitted. Palo Alto had never received that type of lawsuit. The biggest risk was the regulatory risk.

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Mr. Jonsen agreed there has always been an issue, but it had just been allowed. There was a combination of factors where other entities became involved and the oversight became more enforced.

Council Member Filseth understood the DOJ would not allow the City to provide encrypted scanners to members of the public.

Ms. Jonsen confirmed CLETS would not allow it.

Council Member Filseth asked if the California DOJ or the U.S DOJ was providing the oversight.

Mr. Jonsen answered the California DOJ.

Council Member Filseth commented that SB 1000 may provide some relief to local agencies.

Mr. Jonsen restated PAPD would be violating the federal security protocol agreement because that was where criminal database information was stored.

Ms. Stump noted the City was waiting to hear what the California Attorney General will say about SB 1000.

Council Member Filseth stated the interactive map would not be allowed under SB 1000.

Mr. Jonsen noted PAPD was the only agency in the State of California that had an interactive map.

Council Member Filseth restated that SB 1000, as written, would not allow that type of approach. If adopted, the City would have to either have two channels or provide encrypted scanners. He asked what the second channel was for CHP and San Mateo County.

Mr. Jonsen explained they broadcast differently and have a protocol for separating the information.

Council Member Filseth inquired how CHP and San Mateo County complied with the requirement that PII is sent over encrypted radio frequencies.

Mr. Cavett explained CHP provided the last name only and eliminated any other PII unless it was through the computer system or other measures.

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Council Member Filseth summarized the second channel was through the computer system.

Mr. Cavett answered yes. A description can be put over the radio but must not include any PII.

Council Member Filseth asked if the DOJ has approved sending any information over an open channel.

Mr. Cavett predicted no. CHP did submit its policy and training to DOJ and they approved it.

Council Member Filseth inquired if an alternative protocol was included in the letter sent from PAPD to the DOJ asking to revert to unencryption.

Mr. Jonsen answered no.

Council Member Filseth assumed the majority of Calls to Service were internal to Palo Alto and did not interact with other agencies.

Mr. Jonsen confirmed that is correct.

Council Member Filseth asked if the City could have a protocol that Calls for Service within Palo Alto are unencrypted and calls working with other agencies are encrypted.

Mr. Jonsen understood from Director Nickel's memo that such a policy would require Palo Alto to be removed from SVRIA.

Council Member Filseth stated SB 1000 was highly relevant and the next steps for encryption hinged on if SB 1000 was approved or not.

Council Member Cormack stated the concerns about transparency and police services being held more accountable were completely valid concerns. She referenced the Health Insurance Portability and Accountability Act (HIPPA) and summarized the problem was the City was not allowed to authorize a small number of people to hear the information. HIPPA was another approach the City could explore. She understood that because the City has the technology to encrypt, the City was not allowed to explore a different policy.

Mr. Jonsen stated that was PAPD's understanding.

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Council Member Cormack mentioned one possibility was the DOJ would not allow Palo Alto to qualify for the exemption because the City was able to implement encryption.

Mr. Jonsen agreed.

Council Member Cormack asked why PAPD had access to CLETS through the City of Mountain View.

Mr. Jonsen explained that PAPD shared a lot of resources with the City of Mountain View and the City of Los Altos.

Council Member Cormack wanted to know if the City would put the City of Mountain View at risk if the City made a decision that was not consistent with what the City of Mountain View was doing.

Ms. Jonsen confirmed the City would be putting many agencies at risk.

Council Member Cormack asked how much the City receives in State and Federal Security Grant Funding.

Mr. Jonsen announced he would have to follow up with the answer.

Council Member Cormack inquired if PAPD's Twitter account was updated in real time.

Mr. Jonsen confessed that PAPD's social media could be improved.

Council Member Cormack understood that the City of Roseville had a separate dispatcher who listened to the encrypted conversation and translates it without PII.

Mr. Jonsen confirmed that is correct and the information was broadcasted in real time.

Council Member Cormack inquired if the scenario described by SVRIA regarding the in and out of text groups and chats was eliminated in the City of Roseville's system.

Mr. Jonsen stated that would not be an issue.

Council Member Cormack wanted to know if the City of Roseville's approach was working well.

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Mr. Binder remarked they have shared that there have been challenges. Officers have been on the encrypted channel and had a situation unfold. The other officers were on the unencrypted channel and were unaware a situation was happening. To address that, they assigned a dispatcher on each channel but there were still officer safety concerns.

Council Member Cormack suggested for a near-term solution, the City should have two dispatchers. Regarding SB 1000, she recommended the Chair of the Policy and Services Committee (P&S) work with Senator Becker. Regarding whether or not to restore non-sworn personnel to handle media inquiries, she announced Council will have to consider that through the budget process. She appreciated PAPD trying to find other methods to relay information to the public and she thanked the City Manager for inviting the press to engage in the dialog.

Mayor Burt noted SB 1000 provided three options with the third being online streaming. Based on the language in SB 1000, specific individuals would be allowed to access the encrypted channel under HIPPA-like conditions.

Mr. Jonsen understood that was the intent of SB 1000.

Mayor Burt asked why the DOJ denied that.

Mr. Jonsen explained the language in the CLETS protocol was law enforcement personnel only had access.

Mayor Burt inquired what would it take to have real time online streaming.

Mr. Jonsen remarked the technology was doable but a model had to be built. PulsePoint has the model but was not willing to expand it to police.

Mayor Burt asked what would it take to make the Calls for Service Interactive Map as close to real time reporting as possible.

Mr. Jonsen stated it was easy to adjust the timeframe but discussions have to happen with the Police Unions.

Mr. Shikada noted the Police Unions did raise a concern regarding officer safety with real time information being posted.

Mayor Burt argued how was that different than when all the calls were unencrypted.

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Mr. Jonsen wanted to continue the collaboration that was built with the Police Unions and discuss it further with them.

Mayor Burt did not understand why the Police Unions would be opposed to a process when there was more exposure to officers when things were not unencrypted.

Mr. Jonsen stated there was a lot of concern from officers regarding safety.

Mayor Burt noted CLETS was not put in place for officer safety.

Mr. Jonsen confirmed it was put in place to protect PII.

Mayor Burt understood the push back from the Police Union was to not allow the City to do something that essentially was past practice.

Mr. Shikada shared that the interactive map maintained a record of the call.

Mayor Burt asked if having a record of the call increased the concern regarding officer safety. He believed a recorded call was not related to the concern about officer safety.

Mr. Jonsen noted officers had no problem with there being a record. Their concern was they would still be on scene handling an incident and everyone would know where they were.

Mayor Burt inquired if that was different than nonencrypted.

Mr. Jonsen shared one concern folks could see was officers would be located in one area of the City and the criminals would go commit a crime in another area of the City.

Mayor Burt asked if the interactive map showed the officers on the scene or just the location of the incident.

Mr. Jonsen remarked the incident was being mapped.

Mayor Burt stated when folks were listening to a call, they knew where officers were going.

Mr. Jonsen noted now those calls are marked on a map.

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Mayor Burt wanted to explore all solutions to the problem that did not rely on State legislation. The interactive map was the best solution currently. He wanted to understand the legitimate concerns of the officers.

Mr. Jonsen agreed. He suggested using the City Manager's idea to invite members of the community to explore the interactive map and provide feedback on how to make it better.

Mr. Binder restated officers were concerned that their movements could be more easily tracked on an interactive map than through radio transmission.

Mayor Burt highlighted there have been discussions about posting the locations for a specific amount of time and that would address officers' concerns.

Mr. Binder noted Mr. Jonsen and himself were trying to strike the balance between the department, the Council and the community.

Mayor Burt remarked the tension was between the CLETS Program and the First Amendment of the Constitution.

Council Member Stone commented the DOJ mandate did not express that they would deny alternative methods for concealing PII if a city had the technology to implement encryption. He referenced the March 31, 2022 letter from SVRIA and asked how was CHP authorized to use mutual aid radios when CHP did not use encryption.

Mr. Jonsen explained a person would have to patch the unencrypted channel into the encrypted channel. When that happens, it exposes the encrypted channels to digital radio.

Mr. Cavett added CHP also used radios from other agencies that have encrypted radios.

Council Member Stone asked if the City's unencrypted channel was digital or analog.

Mr. Jonsen answered all the channels are digital.

Council Member Stone recall that it was not a complex procedure to switch between channels on a radio.

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Mr. Jonsen concurred. In situations though, police officers have to respond quickly and do not remember they moved from an encrypted channel to an unencrypted channel.

Council Member Stone summarized that PAPD has the capability of providing access to unencrypted conversations but it was not the easiest solution to the problem.

ORIGINAL MOTION: Council Member Stone moved, seconded by Vice Mayor Kou to direct staff and PAPD to:

- A. Contact State Department of Justice regarding CLETS and inform them of:
 - i. Operational deficiencies in our current digital system; and
 - ii. Inquire into whether PAPD can revert back to encryption only after policies are implemented that will fully protect personal identifying information (PII)
- B. Direct staff and PAPD to develop policies in order to protect PII on unencrypted radio transmission;
- C. Support Senator Becker's proposed SB-1000;
- D. Increase communications between PAPD senior staff and the media, as staffing permits; and
- E. Refer to Policy and Services Committee review and discussion of Use of Force (UOF) reports to evaluate current policies and effectiveness of the UOF reports and recommend modifications if necessary.

MOTION PASSED/FAILED: 7-0

Mayor Burt remarked the motion referred to CLETS but the mandate was from the State DOJ. CLETS gave the directive that drove DOJ to direct local agencies.

Mr. Jonsen noted the DOJ was the authorizing authority.

Ms. Stump understood the DOJ oversaw the CLETS Program.

Mayor Burt wanted to understand from Mr. Jonsen if he had the Staff resources to implement Item D of the motion.

Mr. Jonsen reported PAPD did not have the Staffing.

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Council Member Stone was supportive of changing the language in Item D to reflect that the intention is to implement Item D when the department is fully Staffed.

Mayor Burt asked if any changes could be made now that would allow the press to have access quickly to senior officers.

Mr. Jonsen supported having a senior officer available for calls and to answer questions.

Council Member Stone could not foresee how the motion would willfully disregard the Criminal Justice Information Services (CJIS) Policy.

Council Member DuBois expressed concern about Items A and B of the motion. He understood the motion would establish a communication protocol that no PII would go out unencrypted. He recommended refining the interactive map and post crimes while they are in progress. Also, to indicate in real time the severity of the situation and share the location of the incident. He supported having only registered users be able to access the online tracker as well as post the incidents for a specific amount of time. If streaming was the quickest solution, then he supported it but wanted it to be in real time and more precise. He wanted to see the City retain the radio encrypted line that was linked to the other agencies in Santa Clara County. He supported Items C, D and E of the motion.

Mayor Burt asked if restricting access to the online streamline would be more receptive to PAPD.

Mr. Jonsen confirmed PAPD can support and implement Items C, D and E of the motion. Items A and B would be more challenging because they went against the other Santa Clara County partners. He asked for clarity on what system Item A(i) was referring to.

Council Member Stone answered the current digital radio system.

Mr. Jonsen stated the argument was that there are no deficiencies in a digital radio system and it complied with the DOJ Mandate. There has not been one incident where PII has been compromised over an encrypted channel.

Council Member Stone clarified there were deficiencies in the digital radio system when police officers are in the Foothills.

Mr. Shikada noted those may not be operational deficiencies so much as they were characteristics of a radio signal.

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Council Member Stone stated if there are no operation deficiencies then he supported removing A(i).

PROPOSED AMENDMENT: Mayor Burt proposed to change Item B of the motion to develop policies to pursue real time streaming for Calls of Service and with restricted access to the near real time streaming.

Council Member Stone remarked some models work without encryption and he wanted the City to explore those further.

Mayor Burt noted those jurisdictions were not governed by the SVRIA.

Council Member Stone understood if there was a mutual emergency then PAPD would switch to the regional encrypted channel.

Mr. Jonsen restated an unencrypted channel has to be patched into the encrypted channel.

Council Member Stone declined the amendment.

PROPOSED AMENDMENT RESTATED: On motion by Mayor Burt seconded by Council Member DuBois to replace Item B: Develop policies to pursue near real time streaming for Calls of Service with restricted access to the near real time streaming and narrow location.

Council Member DuBois seconded the amendment but suggested it include the location of the incident.

Information Technology Operation Manager Darren Numoto confirmed Staff could pinpoint the location if the information is available.

Mayor Burt asked if there are concerns about providing the specific address.

Mr. Shikada suggested the amendment include discussing with labor groups on achieving the stated goals. He noted it was an officer safety concern on providing the precise location of an incident in real time.

Council Member DuBois commented that if there are concerns about providing the location in real time. The system could be providing the information quickly but would be unusable.

Mayor Burt inquired if providing the information within 5-minutes of the incident occurring was sufficient.

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Mr. Price answered it depended on the incident and for many incidents, a 5 or 15-minute delay in posting would be insufficient. The benefit of radio transmissions was they were immediate.

Council Member DuBois withdrew his second to the amendment.

Council Member Cormack seconded the amendment but suggested language changes to the amendment.

Vice Mayor Kou asked how PulsePoint worked.

Mr. Jonsen explained the dispatcher enters the call into the system, PulsePoint extracted the data from the system and placed it on the PulsePoint App.

Vice Mayor Kou wanted to know how long that process took.

Mr. Jonsen answered it has a 15-minute delay.

Council Member Tanaka asked how PII would be concealed in Item A(i) of the motion.

Mr. Jonsen confirmed the City would have to develop a policy where PII was not part of the system.

Council Member Tanaka inquired if there were concerns about having a registration system for folks to access the encrypted conversations.

Mr. Jonsen apologized and confessed he misunderstood the question. There was no PII on the Calls for Service Interactive Map.

PROPOSED AMENDMENT AS REVISED: On motion by Mayor Burt seconded by Council Member Cormack to delete A and replace as B: Develop programs to pursue near real time streaming of Calls for Services and to narrow location of the calls. Registration will be required to access the platform. Staff shall confer with labor on implementation of this direction.

Council Member Stone wanted to know what the timeframe would be for implementing the online streaming.

Mr. Shikada predicted 2- to 4-weeks.

Mr. Numoto confirmed it would be at least 4-weeks.

Council Member Filseth stated the original motion wanted to explore the CHP model and the amendment wanted to make the streaming solution work. He

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stated it was important to work with the press on the online streaming because the point of the item was to facilitate transparency. He supported moving forward with the streaming solution but noted SB 1000, if it passed, will not support a streaming service. He encouraged the City to work with Senate Becker on the language of SB 1000.

Vice Mayor Kou supported deleting A(i) but foresaw no concerns with A(ii).

Council Member Cormack stated the City already used encryption and so the City could not revert back to encryption.

Council Member Filseth understood A(ii) meant to revert to the CHP model.

Council Member Stone clarified it should say un-encrypted.

Council Member Cormack agreed the item was a two-step problem and Item C was step two. The focus of the motion was to identify options that were available now and would allow the City to function in a disaster. The answer was to remain encrypted to continue the partnership with the other agencies in Santa Clara County.

Motion to approve Amendment: Approved 6-1, Stone No

Mr. Shikada recommended the motion allow Staff to seek amendments to authorize the streaming solution as part of SB 1000.

Council Member Stone declined.

Mayor Burt confessed he was not clear on the definition regarding online streaming of radio communications in SB 1000.

Deputy City Manager Chantal Cotton-Gaines remarked a letter of support for SB 1000 could include the high-level concerns that have been referred to in the discussion.

REVISED MOTION: Council Member Stone moved, seconded by Vice Mayor Kou to direct staff and PAPD to:

- A. ~~Contact State Department of Justice regarding CLETS and inform them of:~~
 - i. ~~Operational deficiencies in our current digital system; and~~
 - ii. ~~Inquire into whether PAPD can revert back to encryption only after policies are implemented that will fully protect personal identifying information (PII)~~

SUMMARY MINUTES

- B. Develop programs to pursue near real time streaming of Calls for Services and to narrow location of the calls. Registration will be required to access the platform. Staff shall confer with labor on implementation of this direction;
- C. Support Senator Becker's proposed SB-1000;
- D. Increase communications between PAPD senior staff and the media, as staffing permits; and
- E. Refer to Policy and Services Committee review and discussion of Use of Force (UOF) reports to evaluate current policies and effectiveness of the UOF reports and recommend modifications if necessary.

MOTION PASSED: 7-0

- 17. Clarification of In-Person Attendance Protocols for Council Committees and Boards and Commissions.

Mayor Burt announced item 17 would be continued to a future meeting.

Council Member Questions, Comments and Announcements

Vice Mayor Kou announced planning had begun for AAIP Heritage Month in May. The month of April was National Volunteer Month and she invited Council Members to serve meals a La Comida.

Mayor Burt mentioned Senator Becker held a town hall meeting on funding for grade separations. The Metropolitan Transportation Commission (MCT) continued to develop criteria to allocate the funds and prioritized projects based on shovel-ready and safety. He submitted a letter to Santa Clara Valley Transportation Association (VTA) requesting to grant the City latitude for using Measure B funds to draft the remaining engineering studies as well as construct related bicycle and pedestrian separation upgrades. VTA provided preliminary support for the request.

Adjournment: The meeting was adjourned at 12:45 P.M.