



CITY COUNCIL
SUMMARY MINUTES

CITY OF
**PALO
ALTO**

Special Meeting

Monday, March 6, 2023

CALL TO ORDER

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

Present Remotely: None

Absent: None

SPECIAL ORDERS OF THE DAY

1. Adopt Resolution Honoring Roland Rivera for 21 years of service to the City of Palo Alto

ACTION: Council Adopted Resolution Honoring Roland Rivera.

Director of Planning and Development Services Jonathan Lait reviewed Roland Rivera's career in the Planning and Development Services Department before his retirement last week. He stated Mr. Rivera was a valued public employee whose impact was felt by many and who would be missed.

Council Member Lauing read the resolution: "This is an expression of appreciation to Roland Rivera upon your retirement. Whereas Roland Rivera began his career with the City of Palo Alto on July 2, 2001, and has provided exemplary service throughout his 21-year tenure; and whereas Roland Rivera has enthusiastically served the citizens of Palo Alto for over two decades, supporting Planning and Development Services and leading the department-wide transition of data and technology efforts; and whereas Roland Rivera began as an Associate Planner supporting long-range planning for almost 18 years and contributed to the development and adoption of three city Housing Elements and one Comprehensive Plan; and whereas Roland Rivera developed the City of Palo Alto GIS parcel report and was

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awarded the 2007 Innovative Use of Technology Award; and whereas Roland Rivera implemented Buildingeye and the 311 CRM system to further customer service; and whereas Roland Rivera built the data group within Planning and Development Services and has mentored and trained a reliable team; and whereas Roland Rivera was instrumental in providing continuity of services to the Planning and Development community through the implantation of the online permit system at the start of the pandemic; and whereas Roland Rivera is recognized by his peers and City Staff for being a dedicated, knowledgeable, conscientious, dependable, and supportive team member, now therefore let it be resolved that the City of Palo Alto hereby gratefully records and extends its sincere appreciation to Roland Rivera for his dedication and excellent services rendered to the City this date of March 6,2023," signed by Mayor Kou.

Roland Rivera thanked his wife and family for their support over his years of work with the City and was also thankful for the opportunity to contribute and be a part of the City of Palo Alto and the community.

2. Select Applicants for Interviews for Board and Commission Openings on the Historic Resources Board, Human Relations Commission, Parks and Recreation Commission, Planning and Transportation Commission, Utilities Advisory Commission

City Clerk Lesley Milton explained that the City Council changed the process for appointing boards and commissions, with a 2-term limit and a consolidated recruitment period with old terms ending March 31 and new terms beginning April 1 rather than occurring multiple times throughout the year. She discussed the process of appointment and listed the open positions, with a total of 56 applications. She gave options on how to proceed with the selection of applicants to interview for the positions.

Mayor Kou asked for clarification on a Council CAO committee versus an ad hoc committee.

City Attorney Molly Stump responded that a Council CAO committee is a Brown Act body that would need to do its work at a noticed and open public meeting with no basis to go into closed session. An ad hoc committee created with the limited purpose of addressing this large volume of applicants this year could be directed to meet publicly or informally, with more flexibility.

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Council Member Lythcott-Haims understood the Human Relations Commission was interested in increasing their number from five to seven and questioned if Council would consider that.

City Attorney Stump responded that Council could take this topic up but it would need to come back in the future as it was not on the current agenda. It would also require an ordinance because the HRC is described in municipal code as a body with five members.

City Manager Ed Shikada stated that could be done through a referral tonight as not much analysis was needed.

Council Member Burt expressed some concerns about the policy changes, including the issue of cutting back on the size of some of the commissions and the HRC requiring all members to be residents. He was also concerned about whether the limit of two consecutive terms should be applied to all commissions as the loss of so much institutional knowledge at once creates a commission that will have a harder time getting up to speed and making valuable recommendations. He felt that all commission appointments occurring at once created difficulty in scheduling interviews for so many applicants at a busy time of year. He preferred that if it was referred to another body, those meetings be done publicly and transparently regardless of whether it was legally obligated.

Vice Mayor Stone was agreeable to include expanding the HRC in the motion. He felt the process needed to be refined and this was a good learning opportunity to see what works. He was interested in articulating standards for who may get an interview.

City Manager Shikada stated that the Rule of Five is often used for personnel interviews, interviewing no more than the number of vacancies plus five.

City Clerk Milton stated previous applicants were approached to see if they were interested in the process again. There was no one who wanted to interview again, with some stating they did not want to repeat the process after interviewing and being rejected.

Vice Mayor Stone wanted to respect those who take the time to apply but not put every applicant through the interview process if the number could be whittled down. He liked the suggestion of an ad hoc committee and was interested in discussing the specifics.

City Attorney Stump clarified what is on the agenda and which topics could be discussed under this item.

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Council Member Lauing felt the fundamental problem of trying to screen and fairly narrow down applicants was that a number of the jobs had no qualifications other than residency. He felt it was implied that all applicants would get interviews and did not want to change that. He suggested prioritizing the gap areas; for example, UAC was down by three members. He wanted to include HRC as part of the current business in order to determine how many were interviewed and selected.

Council Member Veenker asked how many people typically withdraw applications.

City Clerk Milton responded that it was typically a small number, one or two.

Mayor Kou appreciated anyone who submitted an application and generally felt it was worthy to hear from each of them. At the same time, with the large number, she supported the suggestion of seeing which ones were of more urgency. She was in favor of the CAO committee.

Council Member Burt asked if the issue of increasing the size of the HRC could be added to a future agenda on consent. He questioned whether a current board or commission member could serve after their term has expired if a new member has not been appointed.

City Attorney Stump stated the issue of the HRC could move forward if the majority of Council supported it.

City Clerk Milton stated it was possible for members to continue to serve if a new member was not yet appointed but added that several commission members did not wish to extend their terms.

Council Member Burt started it would be important for prioritizing to know which board or commission had members willing to extend their terms another month or so. He preferred either the full Council doing interviews or referral to a CAO committee to screen for those who would get in-person interviews but did not support the CAO committee interviewing on behalf of the Council. He felt the Council could give guidance on the extent the CAO should narrow applicants or could give discretion to the CAO to recommend interview of the candidates they believed met the qualifications. Regarding previous applicants feeling discouraged, he stated all applications were valued and it was often a choice between very qualified candidates. He recalled a number of occasions when someone was appointed on a second or third application.

Council Member Tanaka was not in favor of having a separate committee interview only or selecting who interviews. He preferred each council

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member getting a certain number of votes to say who they want to interview or to interview everyone. He supported the HRC increase.

Council Member Lythcott-Haims asked for clarification on Council Member Tanaka's suggestion on the interview process. She was also not in favor of the CAO doing a screening or a full vote and wanted to see the whole Council participate.

Council Member Tanaka explained that each slot had a certain number of open positions and suggested each member select someone they think is appropriate and turn it in to the clerk. Any applicant receiving at least one vote would be interviewed.

MOTION: Council Member Tanaka moved, seconded by Council Member Lythcott-Haims, to use the established list of candidates and allow council members to submit to the City Clerk by Wednesday the candidates they wish to interview, and have it placed on the next agenda as an action item for discussion, according to the following votes per council member per opening, and agendize at the next opportunity an ordinance to increase the size of the HRC from 5 to 7 members:

HRB – 3 openings, all applicants to be interviewed

HRC – 2 openings, all applicants to be interviewed

PRC – 4 openings, 6 votes each

PTC – 3 openings, 5 votes each

UAC – 4 openings, 6 votes each

Council Member Burt was receptive to the process but not to doing it at this meeting. He suggested adopting the process and continuing this item to the next meeting.

There was further discussion about the process, including the amount of votes for each board or commission, submission of votes to the City Clerk, how many votes would be required to ensure an interview, and whether this item would come back on consent or as an action item.

APPROVED: 7-0

CLOSED SESSION

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3. CONFERENCE WITH LABOR NEGOTIATORS City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Kiely Nose, Sandra Blanch, Tori Anthony, Molly Stump, and Jennifer Fine) 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); Authority: Government Code Section 54957.6 (a)

MOTION: Council Member Veenker moved, seconded by Council Member Lauing, to go into Closed Session.

APPROVED: 7-0

The Council adjourned to Closed Session at 6:04 P.M.

The Council reconvened the meeting at 7:52 P.M.

STUDY SESSION

4. Comprehensive Status Update and Long-Range Planning Discussion on the Palo Alto Airport

Public Works Director Brad Eggleston stated that in the eight years since the City took back the airport from Santa Clara County, there had been significant progress in improving customer service and airport infrastructure. This item was to review the overall status as well as describe the long-range facilities and sustainability plan process required by FAA regulations.

Airport Manager Andrew Swanson gave an overview and history of the airport. Since the transfer from the County in 2014, the airport completed major projects to assure safety and bring up its standards. He reviewed the general role of PAO as a reliever airport supporting general aviation traffic. Palo Alto's Comprehensive Plan for the airport involves ensuring economically viability with minimal environmental impacts. He described the PAO community, including 360 aircraft and 5 flight schools. He explained the stakeholder engagement and community outreach and reviewed plans for the future, in the short-term fuel updates and funding opportunities.

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Kelly Moulton, Director of Aviation C&S Companies, discussed the Long-Range Facilities and Sustainability Plan to determine the needs of the airport for the next 20 years, balancing FAA rules, safety regulations, Comp Plan, community input, and stakeholder output. She described expected improvements. There were four phases: overall airport understanding, vision and goals for the airport, requirements and alternatives, and recommended alternatives. Engagement and public input will be done throughout the whole process.

Public Works Director Eggleston noted this will return to Council during phase 3 to check in during the development of alternatives, most likely in the fall of this year.

PUBLIC COMMENTS

1. Natasha felt the Palo Alto Airport was an important resource. She described her career history leading up to obtaining a Commercial Multi-Engine Certificate at PAO and an Airline Transport Certificate at Reid-Hillview. She believed learning to fly at the local Bay Area airports was the best training, preparing one to fly in any airspace, and wanted to keep PAO open and thriving.
2. Jennifer Chang Hetterly spoke on behalf of the Sierra Club's Bay Alive Campaign, which advocates locally and regionally for preservation and enhancement of Bay ecosystems and for community resilience to sea level rise. The Campaign would like to see resiliency for the natural environment reflected in the airport's high-level goals and see more detail about the various initiatives. They wanted to be included in stakeholder outreach.
3. Jennifer Landesmann noted East Palo Alto and noise were not mentioned in the long-range initiatives. She stated the FAA circulars guiding the planning process were half a century old and asked if planning will be done with those methods or the 2023 big data to understand airport impacts and operations. She quoted a comment from 2016 from a middle school student complaining about SFO noise and stated the nighttime noise had still not been addressed. She felt Palo Alto had a responsibility to do better than SFO.
4. Aram James stated this would have been a perfect time to have a joint study session with East Palo Alto, as they are the victims of much of the toxicity, noise pollution, and accidents. He believed the airport should be relocated onto Stanford property with PAO turned into a park.

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5. Karen Porter stated a downside of the airport was the lead emissions generated by single-engine piston aircraft. She was encouraged by the City's actions to make unleaded fuel available. She described the negative effects of lead and related data about lead air pollution, with Palo Alto being #19 in the top lead polluting airports in the country.
6. Carol Munch spoke representing Palo Alto Disaster Airlift Response Team (DART), which was established in 2020 as another means of helping in times of disaster, such as earthquakes, fire, and floods. DART has participated in four exercises, three of them bringing face shields and PPE and one moving search and rescue dogs. She stated this was something communities can do for each other in times of disaster, and she wanted to continue to see the airport operating.
7. Tom Myers stated he learned to fly 35 years ago in Palo Alto and now runs the world's largest flying club with 60 airplanes, 40 instructors, and 10 employees, putting over \$6M a year into the Palo Alto economy. He watched the airport deteriorate under the control of the County and was very grateful for the support under the City.
8. Bob Lenox previously served for two decades on the County's Airport Commission. He stated DART, Angel Flights, and Stanford Life Flight were all dependent on PAO and that thousands of pilots used the airport. He felt it was an incredible and irreplaceable regional asset.

Council Member Burt described Palo Alto has had success with the financial plan since taking ownership of the airport. Part of the plan was reflected in a series of recommendations, largely folded into the Comprehensive Plan, around reconciling the contributions the airport makes to the community, emergency services, economic value, and value to many residents with the competing environment interests. He felt it was important to look beyond the ways the airport could be internally sustainable to how it contributes to the sustainability of the City as a whole, for example, solar arrays with the potential to have a significant micro-grid increasing the resilience and reliability of the system. Regarding leaded gas, he wanted clarification on what percentage of flights would be trainers and what the next steps would be. Regarding land use, there had been discussion on how having space adjacent to the wastewater treatment plant for environmental treatment processes. He estimated the area designed for a second runway exceeds 10 acres and asked if there was a reason that area needs to be part of the airport.

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Airport Manager Andrew Swanson responded that the study would look at that. He stated more area is needed for safety now than before.

Vice Mayor Stone asked if there were plans to ban leaded fuel in the near future.

Public Works Director Eggleston replied there was no plan to ban leaded fuel because of FAA requirements. Reid-Hillview is in litigation with the FAA because of that.

Vice Mayor Stone was concerned about unintended consequences of the sustainability goals, like waypoints and charging stations for future electric airplanes. He questioned if the airport could sustain future volume if it is one of few waypoint airports on a busy flight path.

Airport Manager Swanson responded that all of that would be looked at in the study.

Vice Mayor Stone asked how staffing issues have been impacting service levels.

Airport Manager Swanson stated that has been a challenge and the airport continues to look at ways to develop more revenue to bring staff in.

Public Works Director Eggleston added that annual revenues are about \$2.7M with about \$2.1M in regular ongoing operating expenses. The difference is the funding available for adding more staff or matching FAA grants. With such a small amount, it can be a stretch to come up with matches for projects. It has been a balance of stabilizing the airport financially, paying back the initial loan from the general fund, and slowly adding staff.

Mayor Kou asked how much authority was given to FAA as the airport sponsor and if there was a time limit on that.

Public Works Director Eggleston stated that the FAA's grant assurance requires a commitment to operate the airport following their guidelines, and it is 20 years from the last grant.

Mayor Kou stated the Santa Clara County CLUP (Comprehensive Land Use Plan) identified the flight paths for takeoffs and approaches, and she questioned if it was possible to ask them to identify flight paths for takeoffs and approaches over water, adjusting direction at a higher altitude.

Airport Manager Swanson stated that can be looked at but there is a voluntary noise abatement procedure and guidelines that will be reviewed

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during the planning process, looking for opportunities to improve it. He felt the departures and arrivals would most benefit from improving the voluntary noise abatement procedures.

Mayor Kou believed the main conflict between the airport users and residents in the neighboring communities was the noise. She stated there are no noise monitors and felt that data was needed. She also wanted to discuss measurement for lead levels to provide a threshold as all these measurements would be needed to continue monitoring safety. She was concerned about capacity issues and was interested in lowering the CNEL from 60 dB if possible.

Council Member Lythcott-Haims felt PAO was exceptional, offering emergency response and the opportunity for noncommercial pilots and residents interested in recreational flying but also in that a city that is a world leader in climate still allows lead gasoline use at the airport and has the noise of planes after declining to give residents with mobility issues the right to use E-bikes partly because of noise. These are all choices about what type of recreation matters and which natural environment matters enough to protect. She was excited by the planned changes. She questioned when the airport will have paid back the loan to the City's General Fund and whether the airport will be self-sustaining at that point or require additional subsidies.

Public Works Director Eggleston believed it was 4 to 5 years into a 15-year repayment schedule.

Council Member Lythcott-Haims wondered how to enhance the community benefit of this airport and how the children of Palo Alto and neighboring cities are involved in the life of the airport.

Mr. Myers responded that West Valley Flying Club has made a \$40,000 flying scholarship available for a student from East Palo Alto to be taught how to fly.

Airport Manager Swanson added there are other programs and different groups bridging the gap and would report back with more information.

Council Member Lauing stated the City is the landlord of the airport, a high-demand resource, and questioned the rents and whether there was a possibility of more hangars to house more planes. He wanted a more official regulation of noise than just making pilots aware. He questioned the cost differential between leaded and unleaded fuels. He asked about the regional impacts of closing of Reid-Hillview and whether there would be a partnership between airports to take the extra planes.

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Airport Manager Swanson stated there have been two appraisal processes and will soon be another to ensure the correct rates and fees for the airport. The upcoming study will look at the current hangars to make sure they can support the solar arrays and also look at solar arrays over the aircraft to potentially allow a shade port storage hangar. He stated the noise program was voluntary and could not be regulated due to federal requirements but was taken seriously by the pilots. The 94 unleaded fuel was a dollar more than leaded, and going to 100 unleaded fuel would allow all airplanes to use unleaded. He stated PAO was already almost full and would not be able to take many additional planes.

Council Member Veenker was proud of the airport and the emergency services it provides to the area and was encouraged by the advances in sustainability. She also shared the frustration over the use of leaded fuel and asked if there were incentives that could be offered to encourage the adoption of unleaded fuel.

Public Works Director Eggleston replied that the focus right now was working with the airport users groups to make sure they were on board and committed to making the switch. He felt good about the acceptance of that fuel and the intent to use it once it is brought on.

Council Member Tanaka asked how PAO's fees compare to other similar airports. He felt there should be some type of direct benefit to Palo Alto residents, such as lower fees or hangar preference. He asked if there was something about the fund that restricted moving money from this to other funds or vice versa. He wanted to see a more detailed income statement for the airport. Regarding electric vehicles, he wondered if anything could be done to encourage this technology to be developed in Palo Alto.

Airport Manager Swanson stated PAO was usually at the higher end of rents and fees, comparable to San Carlos, and was a desired place to rent. He did not believe the grant assurance allowed charging different rates for residents. The grant assurances require operating the fund as an enterprise fund that must remain at the airport.

Public Works Director Eggleston stated the most income detail available would be the annual budget and would bring that next time.

Council Member Burt was interested in prohibiting leaded gas sales for all craft approved to use unleaded gas, as soon as possible. He asked about the timeline for having the unleaded tank up and running. He added that Reid-Hillview not selling leaded fuel does not mean the planes arriving and departing there are not using leaded fuel; they are simply shifting the point of sale. He stated he received a complaint last year regarding the noise of

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middle-of-the-night departures and felt that not addressing that type of issue would lead to pushback for the closure of the airport. He wanted to hear more about the ability to control that.

Airport Manager Swanson stated that as long as the equipment arrives in late May, the first load of fuel will be taken in June. The airport used a flight tracking system that is available to anyone and was looking at programs to improve tracking. He stated there were not a lot of nighttime flights but there was a mix of essential services, like medevac flights or law enforcement surveillance, and recreational flights.

Council Member Burt asked if it was possible to control nighttime recreational flights.

Airport Manager Swanson replied that it would be very difficult to do that with the grant assurances.

Council Member Burt stated the prospective revenue from solar awnings could be added to the enterprise fund, which could then be used to fund things for the airport like training programs for youth, environmental initiatives, and even a restaurant on airport property to service both the airport and golf course. He felt that for PAO to be a model in sustainability for aviation and aviation-related activities, something important was the transformation not only from lead-free gas but to zero-emission vehicles, which also address the noise issue. He would like to see this airport become a center of zero-emission vehicle development and aviation.

Mayor Kou asked if it was possible to impose higher fees for night flights and also suggested the Airport Association could help in getting all the pilots to understand the noise problem. She asked how long before the second fuel tank would be switched to unleaded. She wanted to ensure engagement with East Palo Alto and Menlo Park regarding the noise issue and asked whether Mountain View was affected by the airport. She mentioned a nonprofit contacting her about getting a hangar to let kids learn how to disassemble and reassemble a broken airplane and asked if that was something any flying schools had considered.

Public Works Director Eggleston responded that increased fees for night flights would be investigated. The goal was to move from a complaint system to being proactive.

Airport Manager Swanson added that once the unleaded fuel began to move, the other tank could be transferred. The 100 possibly being available sooner would transform that much sooner. He stated there were not many noise

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reports from Mountain View. There had been talk about partnerships to bring youth to the airport, but there was not enough hangar space currently.

AGENDA CHANGES, ADDITIONS AND DELETIONS

None

PUBLIC COMMENT

1. Katie Reuff and Julia Zeitlin, cofounders of the Palo Alto Student Climate Coalition (PASCC), extended an invitation to the 2023 March and Rally for Climate Justice on April 21 from 4:00 to 6:30, a community event with local activists, leaders, and community organizations from across the Bay Area. They asked if the City of Palo Alto was interested in becoming an official sponsor and also requested Mayor Kou speak at the event.
2. Aram James reported that he felt he was the victim of a hate crime in which bumper stickers opposing aid for Israel were removed from his car. He asked that the individuals involved would start a conversation with him instead of vandalizing his bumper sticker. He had reported the incident to the police and commended the professionalism of Agent Erin Goodell in taking the complaint.
3. Phoebe Mota-Judges, representing PASCC, spoke about the increase in gas utility bills. With climate change worsening, there will be more unpredictable and devastating storms, making natural gas even more unreliable. PASCC urged the Council to set a sunset date for natural gas to transition the City to a reliable energy source. A shutoff date would speed up the process of electrification.
4. Jeff Greenfield stated next week's agenda includes permanent parklet fees and license fees for restaurant use of parklets, and he hoped the Council would consider license fees for similar usage of planned community public-benefit outdoor spaces as well. He gave examples of those spaces taken over by restaurants for outdoor dining, closing them off from public use, which was directly analogous to the current temporary use of parklets for outdoor dining. He felt it was reasonable for restaurants to be charged for use of what was intended to be a shared space.

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CONSENT CALENDAR

Council Member Tanaka registered a No vote on Items 5 and 7.

MOTION: Mayor Kou moved, seconded by Council Member Stone, to approve the Consent Calendar Items 5-9.

5. Approval of Contract Number C23186274 with Monterey Mechanical Co. in an Amount Not-to-Exceed \$1,500,000 to Provide On-Call Emergency and Critical Construction Services at the Regional Water Quality Control Plant – Wastewater Treatment Fund Capital Improvement Program Project WQ-19002; CEQA status: Exempt under CEQA Guidelines sections 15301(b)
6. Approval of Construction Contract with L.D. Strobel Co., Inc. (C23186775) in the amount of \$414,486 and Authorization for Change Orders up to a Not-to-Exceed Amount of \$41,449 for the Purchase and Installation of Radio Antennas for the Public Safety Building Capital Improvement Program Project (PE-15001); CEQA: Environmental Impact Report for the PSB and the New California Avenue Area Parking Garage (Resolution No. 9772).
7. Approval of a Purchase Order with Badger Meter, Inc. in the Amount of \$3,000,000 for FY 2023 to Purchase Additional Badger Water Meters and Registers for the Advanced Metering Infrastructure Project; CEQA Status – Exempt (existing facility)
8. Adopt a Park Improvement Ordinance to Allow Construction in Greer Park to Replace a Private Sewer Connection from the 2850 W. Bayshore Housing Development; CEQA status – Class 32 infill exempt Supplemental Report
9. Adoption of an Ordinance amending Chapter 16.52 (Flood Hazard Regulations) to Correct an Error in Ordinance 5566. Environmental Assessment: Not a Project.

MOTION SPLIT FOR THE PURPOSE OF VOTING

PASSED ITEMS 6, 8, and 9: 7-0

PASSED ITEMS 5 and 7: 6-1, Tanaka No

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Council Member Tanaka stated the actual bid amount for number 5 was only \$282,000 but it was approved for \$1.5M. It was a single bid, not competitive, so it would have been better to approve it as it goes as opposed to authorizing all \$1.5M. He was confused about the way the costs were split in terms of capital charges being fixed or based on usage. On number 7, he was not opposed to the meters but felt it was difficult to tell if it was a good price without previous cost information.

CITY MANAGER COMMENTS

City Manager Ed Shikada described the upcoming State of the City Address on Wednesday, March 22, at 6 p.m. He shared some opportunities for community engagement, including an event regarding art at Boulware Park, spring activities and programs, a San Francisquito Creek JPA Board Meeting, and an Automated License Plate Recognition technology information session. He discussed a survey about the experiences of Asian Americans, Native Hawaiians, and Pacific Islanders in Palo Alto. He listed notable upcoming City Council items; items on next week's agenda were an economic development study session, prescreening for properties on Middlefield Road, and discussion and direction of next steps related to parklets.

Council Member Burt asked if there was an update from Caltrans on the repeated flooding of the University Avenue underpass.

City Manager Shikada did not have the information available but would inquire further with Caltrans.

The Council took a break from 9:55 to 10:00 PM.

ACTION ITEMS

10. Adopt Emergency (4/5 vote required) and Standard Ordinances Prohibiting Possession of Firearms in Sensitive Places Recognized by the Supreme Court; Potential Direction to Staff to Develop an Ordinance Further Expanding the List of Sensitive Places; CEQA Status – Exempt Under CEQA Guidelines Section 15061(b)(3).

Deputy City Attorney Madeline Salah gave background on the ordinances being considered, including the current restrictions on carrying firearms. In consequence of a recent Supreme Court decision ruling that requiring

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applicants to demonstrate a special need for a concealed carry permit violates their Second and Fourteenth Amendment rights, California can no longer enforce its good cause requirement for those permits. This decision also set a new standard for laws regulating firearms to focus on the historical tradition of firearm regulation. Under this regulation, the Court acknowledged that banning firearms in certain sensitive places can still be done consistently with the Second Amendment, but there was no consensus on the term sensitive places, currently interpreted narrowly by the courts. She explained the recommended approach to cover those sensitive places the Supreme Court has explicitly recognized: schools, government buildings, and polling places; Council may also direct Staff to continue to monitor ongoing litigation and work in conjunction with an ad hoc committee to develop an expanded list of sensitive places.

PUBLIC COMMENTS:

1. Stacey Ashlund of the League of Women Voters of Palo Alto stated 550,000 firearms were purchased and/or owned by Santa Clara County residents as of last year. The League of Women Voters urged the Council to expand the list of sensitive places to include houses of worship, sites of public demonstration and rallies, streets and sidewalks within 1000 feet of sensitive places, parks, playgrounds, stadiums, and libraries. She stated ideally these would be included in the emergency ordinance effective immediately or added by the ad hoc committee as soon as possible.
2. Aram James felt it did not make sense to make sensitive areas gun-free when the people exercising their Second Amendment rights legally were not the ones to be concerned about. He cited 1200 police killings last year and did not want to see all the weapons in the hands of law enforcement who have exceptions to be armed in sensitive areas.

Vice Mayor Stone asked if Staff was aware of any subsequent legal challenges to other key laws in California like background checks and safety training requirements. He wanted clarification on the time period referred to as historical tradition.

Deputy City Attorney Salah stated there were several high-profile gun-related cases making their way through the courts but there was no way to speculate on what would happen. The Court explicitly left the historical tradition question open, but the two potentially relevant historical periods were the period of the founding when the Second Amendment was ratified (1791) and when the Second Amendment was incorporated against the states (1868).

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Vice Mayor Stone stated that caused further concern on other restrictions related to gun ownership. He cited that regulations like licensing requirements did not happen in until the Federal Firearms Act of 1938 and background checks were not required until 1993. He did not have much hope for potential future cases based on that historic record. He felt the emergency ordinance needed to be passed and made permanent and that creating an ad hoc to further explore additional sensitive places was the bare minimum to accomplish tonight. He asked if the school prohibition also included after-school hours and wanted explanation of the prohibition of firearms in government buildings being used for the purpose government administration, whether that would cover much more outside of City Hall.

Deputy City Attorney Salah stated the sensitive place distinction was location based. The courts have specifically said that sensitive place restrictions in libraries will not stand. Staff will watch how litigation develops regarding the purpose of government administration requirement.

City Attorney Molly Stump stated what was put before the Council was what Staff was confident would be upheld. To take significant additional steps involved weighing the importance of the policy with fairly substantial legal risk.

Council Member Veenker recounted an experience of a threat against Paly High School when her daughter was a student there, which turned out to be a hoax. She agreed that it was time to address the public health crisis of gun violence and hoped that both the emergency and standard ordinances were adopted unanimously. She believed the ruling was misguided in placing the burden on the City to find historical evidence of consistent regulations or responses to societal problems existing more than 150 years ago in order to expand the spaces covered.

MOTION: Council Member Veenker moved, seconded by Vice Mayor Stone, to:

1. Adopt emergency Ordinance 5575 prohibiting the carrying of firearms in sensitive places recognized by the Supreme Court.
2. Adopt a standard ordinance prohibiting the carrying of firearms in sensitive places recognized by the Supreme Court, with the inclusion of other governmental properties, with their authorization.
3. Direct Staff to return with a draft resolution stating that the City of Palo Alto is deeply concerned for the safety of its residents given the epidemic of gun violence in our county, state, and country; and but for recent Supreme Court and other court decisions that

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substantially reduce the City's ability to ban firearms more broadly, the City of Palo Alto would prohibit firearms in a broader range of places; and the City calls on state and federal officials to do all they can to address this issue and broaden the list of sensitive places where firearms may be prohibited.

4. Direct the City's legislative activity team to support SB 2.
5. Direct the City Attorney to monitor the evolution of caselaw and evaluate legal risks and options, and to make recommendations to Council from time to time regarding additional sensitive places where firearms can be prohibited.
6. Adopt a determination that this project is exempt under CEQA Guidelines section 15061(b)(3).

Vice Mayor Stone appreciated Council Member Veenker's emphasis on the City's advocacy at the state level and also appreciated her sharing the story of the threat at Paly, where he was a teacher at that time. He stated what Palo Alto does tends to reverberate across the country and hoped to be leaders on some of these issues.

Council Member Lythcott-Haims was in agreement with adopting the emergency and standard ordinances. She suggested adding language to include not only city-owned government buildings but also those operated by other levels of government.

City Attorney Stump stated government buildings owned by other governmental bodies could be included. She presented the language of Sunnyvale's ordinance and suggested this be added to the standard ordinance on the second reading.

Council Member Burt wanted to be judicious on ad hoc committees and felt this could be referred to the City's legal staff.

There was further discussion on this issue.

Mayor Kou questioned Mountain View's ordinance and whether their wording of "city properties" was specific to where administrative work was being done or broad enough to include parks and any land the City owns. She questioned why Palo Alto did not include distance from sensitive places.

Deputy City Attorney Salah stated Mountain View had an existing ordinance banning firearms on city property, not in the context of a sensitive place ordinance. That ordinance had not been challenged to her knowledge.

SUMMARY MINUTES

City Attorney Stump stated the ordinances that include distance were pre-Bruen statutes.

Council Member Tanaka related his experience growing up in an area with significantly more violence than Palo Alto and felt Palo Alto was a relatively safe community where he does not have to think about buying a handgun for safety. He believed law-abiding citizens would obey the laws but that the ordinance assumes those who commit gun violence would obtain concealed carry permits. He asked if there was an intention to put in metal detectors.

City Manager Shikada answered there was no plan to install metal detectors. He added that the ordinance would provide an enforcement tool to allow preventative action to avoid the scenarios described by Council Member Tanaka.

Council Member Tanaka liked the spirit of the ordinance but was unsure if it would actually change anything as those people who commit gun violence would buy stolen guns or 3D print their own and would not bother with a concealed weapon permit.

Council Member Veenker listed a number of incidents of gun violence and felt that every step taken to limit guns in places where their use could be most tragic would help. She stated there will always be people who ignore laws but laws were still important to set the norms of expected behavior.

City Attorney Stump stated this was intended to reduce the number of weapons present in a place determined to be sensitive. Presumably, law-abiding people will comply with the law.

PASSED: 7-0

COUNCIL MEMBER QUESTIONS, COMMENTS, ANNOUNCEMENTS

Council Member Burt gave several updates: There was discussion at the recent BCDC board meeting on the impact of sea level rise and how that will drive elevations in groundwater. At a recent VTA workshop, there were discussions about the future service level and there seems to be progress on an expanded bus service the length of the San Antonio corridor. At a recent Caltrain board meeting, there was extensive discussion about the challenges with the prime contractor on electrification and the corrective actions in place. Caltrain is determined to hit the operational system by September 2024. He described an upcoming event on Thursday with the Nordic Innovation Center and colleagues from Linkoping, Sweden, on climate initiatives and collaboration.

SUMMARY MINUTES

Council Member Tanaka felt members, himself included, should try to respect the clock to ensure a more timely meeting. He felt the Council's job was to make the best decision for the people and that even when there was unanimous opinion, it was important to discuss issues, especially an action item. He encouraged respect and civility between members.

ADJOURNMENT

The meeting was adjourned at 11:07 P.M.