



CITY COUNCIL SUMMARY MINUTES

Special Meeting
Monday, February 27, 2023

CALL TO ORDER

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

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

Present Remotely: Burt

Absent: None

SPECIAL ORDERS OF THE DAY

1. Proclamations to Community Leaders in Honor of Black History Month

Mayor Kou stated that each council member would pay tribute to members of the community, and she thanked the Palo Alto Museum for doing the research and writing of the proclamations.

Council Member Lythcott-Haims spoke about Sam McDonald, who was one of the first black lawmen in the state of California and the first black administrator at a major university. She detailed his accomplishments and contributions, notably his support for the Stanford Home for Convalescent Children.

Vice Mayor Stone acknowledged Roy Clay, Sr., known as the Godfather of Silicon Valley, who was a pioneer in computer software and for African Americans breaking into the tech field. He spoke about Clay's developments and work in the software industry.

Mayor Kou read about Joseph Leopold Eichler, a 20th century postwar American real estate developer. Eichler was a social visionary who commissioned designs primarily for middle-class Americans, constructing inclusive and diverse planned communities. She detailed his work toward antidiscrimination laws and fair housing laws.

Council Member Lauing spoke about Albert Wilson, who became famous as a garden expert throughout the Bay Area. He taught gardening and landscaping at several colleges and universities and died at the age of 93 after a lifetime of encouraging avid gardeners on the peninsula.

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Council Member Veenker read about Fran Hinson, a popular Palo Alto shop owner for 36 years. Hinson established Fran's on Litton Avenue in 1948 and was loved by many frequent visitors to his shop. A lithograph of Hinson outside of Fran's is one of the most memorable images of Palo Alto.

Council Member Tanaka acknowledged June Fleming, the first and only woman and the first member of a minority to serve at Palo Alto City Manager. One of Fleming's biggest achievements was the streamlining of the city budget to a mission-driven document that any citizen could review.

Council Member Lythcott-Haims described Cole and Doris Richmond, founders of the Chestnut Wilton Homeowners Association, later the Ventura Neighborhood Association. Doris Richmond, treasured for her extensive knowledge of the library collection, was honored for her long service upon her retirement from the library. Cole Richmond served on Palo Alto's first Human Relations Commission and was president of the Palo Alto Stanford NAACP chapter.

Council Member Veenker was pleased to read the proclamation honoring Judge LaDoris Cordell, who opened the first private law practice in east Palo Alto. She listed Judge Cordell's numerous achievements and accomplishments, including implementing a minority admissions program at Stanford Law School, becoming the first African American woman judge in Northern California, becoming the first African American superior court judge in Santa Clara County, and many other notable contributions. She stated the City Council expressed sincere thanks and appreciation to LaDoris Cordell for her meritorious service and numerous contributions made during her many years of professional and public service.

LaDoris Cordell described that in school growing up, she did not learn about a single African American who had done anything in history. In the 1960s and 1970s, the teaching of African American culture eventually became a part of school curricula. Now in 2023, that agenda is still being pushed against those who want to suppress the teaching of African American history and culture. She described the history of the Peninsula Housing Association of Palo Alto, which purchased a 260-acre ranch adjacent to the Stanford campus with a plan to build 400 homes. Banks would not provide construction financing without the approval of the Federal Housing Administration, which refused to insure the loans to the co-op because it had included African American members. The private developer who later purchased the land went on to build and sell houses to whites only in the Ladera subdivision. She stated black history is history and thanked Mayor Kou for recognizing African Americans who have contributed to Palo Alto's history.

Council Member Lauing was honored to read a proclamation for Loretta Green, a longtime feature writer and columnist. He described her human interest stories, her combination of having a great eye for news and being a great storyteller, and her gracious and elegant writing style. He listed her numerous awards, accomplishments, and achievements as well as the various boards she has served on. He stated the City Council expressed sincere thanks and

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appreciation to Loretta Green for sharing her elegantly professional writings and for her numerous contributions made during her years of community service and leadership.

Loretta Green stated it was an incredible honor and that it was amazing to be praised for doing things she really loves. She stated there has been a stormy history but also a lot of progress, and efforts like this continue to bring attention that progress.

Council Member Lythcott-Haims had the honor or reading a proclamation for Dr. Clayborn Carson, the foremost scholar on the life of Martin Luther King, Jr. He has been a professor at Stanford University for more than 40 years, where he has taught U.S. History and African American History. She listed Carson's work, including a project to edit and publish an authoritative edition the speeches, sermons, correspondence, publications, and unpublished writings of Martin Luther King, Jr.; the founding of the Martin Luther King, Jr., Research and Education Institution to endow and expand the educational outreach of the project; and many other projects, books, documentaries, educational courses, podcasts, and plays. She listed his numerous awards, honors, and commendations. She stated the City Council expressed sincere gratitude and appreciation to Dr. Clayborne Carson for his meritorious years of service rendered and numerous contributions made during his many years of professional and personal dedication.

Clayborne Carson felt honored to be given the same award as Judge Cordell and Ms. Green. He stated one of the proudest days in his history in Palo Alto and Stanford was when City Hall was the center of a celebration of the 50th anniversary of the March on Washington. He thanked the Council for everything they have done.

PUBLIC COMMENT:

1. Aram James commended the City Council for honoring African Americans in the Palo Alto community. He recalled the bias of many white male judges against Judge Cordell in the past and also recalled Judge Cordell being fair and just with public defender cases. He added that Palo Alto has yet to have a black mayor, so there is a lot further to go.
2. Karen Holman thanked the Staff for honoring these people, their accomplishments, and their commitment to fairness and justice. She hoped that the community would evolve to embrace each other simply because we are.

AGENDA CHANGES, ADDITIONS AND DELETIONS

None.

PUBLIC COMMENT

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1. Neva Yarkin stated that electric outages occurred all over the Bay Area last week and suggested thinking about electric outages overloading the electric grid, updating older houses, and other problems that may arise if Palo Alto decides to convert from gas to electricity. She stated that to replace the electric panel and adding a heat pump in her own home, the cost could be around \$20,000 and asked if all citizens would be able to afford that cost.
2. Bruce Grimes spoke about the weather, not just the impact to utility bills but also the people who are unhoused. He asked whom to speak with to find out what sort of plan has been put together to deal with those who are unhoused.
3. Roger Smith was pleased to see the new organization chart for the city with the residents on the top. He suggested reducing the entrance fee at Foothills Nature Preserve from \$6 to \$5 in order to save time when customers pay cash. He offered a check for \$3000 to the city of Palo Alto to cover the next 3000 cars coming into the preserve with a lower entrance fee.
4. Gene Buttrill stated he has been trying to find ways to engage in the community through the food closet and getting to know the unhoused people in Palo Alto. He invited the City Council to pass a resolution that Palo Alto will take reasonable steps to prevent unhoused people from dying on the streets of Palo Alto.
5. Aram James felt there were unprofessional comments made against him by City Manager Ed Shikada during the January 30 City Council meeting. He also commented regarding what he felt were incidents of micro-aggression by several council members.
6. Jennifer Landesmann asked the Council to focus on making decisions about objectives related to the priorities set at the retreat rather than on Staff's work plans. She felt Palo Alto Airport speeding up plans for electric planes was a distraction from the airport's real pollution footprint. This venture is on the agenda next week, cutting in line as a priority, while SFO and next gen-noise are being neglected. She felt the City was prioritizing machines over the health of residents.
7. Rebecca Ward stated that one of the Council's priorities was community health and safety. She stated property crime was well above the median for California and the national median and needed to be addressed. She discussed the health impact and adverse effects of airplane noise and engine emissions over the City. She stated the Council needs to apply resources to neglected community health and safety priorities in 2023.

CONSENT CALENDAR

2. Approval of Minutes from the February 13, 2023, City Council Meeting

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3. Adoption of a Memorandum of Agreement with the Fire Chiefs Association; CEQA Status - Not a project
4. Approval of Construction Contract with O'Grady Paving, Inc., (#C23186898) in the Amount of \$2,509,460 and Authorization for the City Manager to Negotiate and Execute Change Orders up to a Not-to-Exceed Amount of \$250,946 for the Fiscal Year 2023 Street Resurfacing Project, Capital Improvement Program Projects Street Maintenance PE-86070, and Storm Drainage System Replacement and Rehabilitation SD-06101; CEQA status—exempt under CEQA Guidelines Section 15301(c)
5. Appointments of 2023 Emergency Standby Council

Council Member Tanaka registered a no vote on Agenda Item Number 3.

MOTION: Vice Mayor Stone moved, seconded by Council Member Veenker, to approve Agenda Item Numbers 2-5.

MOTION PASSED ITEM 3: 6-1, Tanaka no

MOTION PASSES ITEMS 2, 4, and 5: 7-0

Council Member Tanaka described massive layoffs in the private sector and high utility bills. The average Palo Alto family earned about \$194,000 in 2021. He felt increasing compensation by \$108,000 each a year was unconscionable and questioned if this was the best use of money, which could have been used to help some of the unhoused this winter or perhaps to reduce some of the crime. He stated no one in the private sector was getting a 20% bump in compensation.

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City Manager Ed Shikada added that the action in the consent calendar was pursuant to the City's imperative to continue to provide effective recruitment and retention, in particular for key positions, such as battalion chiefs who are responsible for 24/7/365 command of fire and EMS response teams throughout the City. The compensation changes requested and approved were specifically intended to address that need. He gave a coronavirus update, including that the state of emergency in the State of California will end on February 28. He described the Palo Alto Link shuttle service starting March 7, and he listed several community engagement opportunities. He listed notable upcoming Council items.

Council Member Lauing asked who will bring back the Council objectives.

City Manager Shikada stated the date was not yet set and he would get back with that information.

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ACTION ITEMS

6. PUBLIC HEARING: Objections to Weed Abatement and Adoption of a Resolution Ordering Weed Nuisance Abated; CEQA status – exempt (Class 8, 14 CCR section 15308) (6:00 – 6:20 PM)

Palo Alto Fire Chief Marshall Tammi Jesso related that on December 19, the Council adopted a resolution that declared weeds to be a nuisance and ordered the abatement of that nuisance. This hearing allows those affected to be heard and have their objections and comments considered by the Council.

Santa Clara County Weed Abatement Manager Moe Kumre stated that after passing the resolution with any changes necessary, the Council will approve the department going out to do inspections and determine if properties are in compliance or bring them into compliance at the expense of the property owners. Between late June to early August, there will be an assessment report with a chance to contest any fees assessed.

There was no public comment and no written communication regarding this item.

Mayor Kou closed the Public Hearing.

MOTION: Council Member Lythcott-Haims moved, seconded by Vice Mayor Stone, to approve the final list of affected properties for weed abatement in 2023 following the Public Hearing, and direct weed abatement activities to commence at those properties in accordance with Resolution 10087.

MOTION PASSED: 7-0

7. Parks and Recreation Commission Recommendation to Adopt an Ordinance Amending PAMC Section 22.04.220 to Regulate Electric Bicycles and Electric Coasting Devices in Parks and Open Spaces

Assistant Recreation Director Daren Anderson reviewed the current E-bike law, with all E-bikes currently allowed on Park and Open Space Preserve trails, except at Foothills Nature Preserve where no bicycles are allowed. He discussed the factors involved in developing the new policy and reviewed the policy recommendation for Parks and for Open Spaces. He spoke about the Midpeninsula Regional Open Space District's E-bike policy, which the PRC used in creating this policy recommendation. The PRC also met several times with PABAC, who did not approve of the original draft policy and formed an E-bike subcommittee to work on this issue with the PRC. PABAC supported the current draft policy with the exception that they supported allowing E-bikes on unpaved trails at the Baylands Nature Preserve.

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Parks and Recreation Commissioner Jeff Greenfield stated that balancing conflicting goals required difficult decisions and compromise. He discussed the findings that were the basis for the Commission's recommendation, including prioritizing local safe routes and transportation corridors as well as prioritizing environmentally sensitive enjoyment. He reviewed alternative considerations that were not ultimately recommended and stated the recommended next steps were to monitor evolving trends with tracking and assessment.

PUBLIC COMMENT:

1. Arthur Liberman felt E-bikes should be allowed on the unpaved trails in the Baylands and stated it was clear the Open Spaces and even the regulations in the Baylands themselves were not uniform. E-bikes are becoming more popular, making enforcement difficult. These proposed regulations will rely on the good intentions of riders, which can be reinforced with signs on trailheads and other areas.
2. Aram James stated it was frightening when bicycle riders come up behind someone while walking and felt that most riders were not as conscientious as they could be. He did not believe bicycles and E-bikes could coexist safely with walkers and recommended trails specifically for bikes and E-bikes and others for pedestrians, possibly a center divider on trails.
3. Kira wanted to see a policy of no motorized vehicles, including E-bikes, on the Baylands levees and trails. She listed some negative impacts of E-bikes and scooters and felt E-bikers were less respectful and more disruptive on the trails. She asked that E-bikes were limited to paved surfaces only.
4. Mathew Dodder, Executive Director of Santa Clara Audubon Society, expressed support for the proposed Baylands bike trail map limiting E-bike use to the paved sections. He was concerned that the growth of E-bikes posed a threat to sensitive wildlife, including Ridgway's rail, salt-marsh harvest mouse, common yellowthroat, among many others.
5. Rani Fischer, Santa Clara Audubon Society, urged the Council to approve PRC's recommendations. The Palo Alto Baylands provide the largest tract of undisturbed marshlands remaining in the South San Francisco Bay. She listed ways not obvious to humans in which E-bikes and other assisted mobility devices may increase environmental harm.
6. Penny Ellson, PABAC member and Bay Trails hiker, thanked the PRC for eliminating the original proposal to ban E-bikes from in-town park trails that serve as off-road school routes for families but felt the proposed ban of E-bikes from unpaved Bay Trails was excessive. She stated the environmental studies offered as evidence of environmental harm were not conclusive. She added that some of the unpaved Bay Trails were essentially roads, designed for much heavier motorized vehicles, and felt it was unlikely E-bikes would impact those roads more than trucks. She asked the Council to consider a

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1-year trial of regulating E-bikes as a sensible first step and also noted the lack of available bike parking.

7. Lynn Chiapella, speaking as an older adult who frequently walks around town, stated that bike riding on city streets was becoming more common and it was frightening when young people on bikes fly past as she is walking. She believed if E-bikes were allowed on trails, people would want to speed, and she supported the recommendations by the PRC.
8. Eileen McLaughlin, Citizens Committee to Complete the Refuge, supported the recommendation and appreciated the work that went into it. She stated that there is not yet data regarding the environmental impacts of E-bikes and that wildlife can hear sounds from E-bikes that humans cannot hear. She hoped to stick with the current recommendations and keep an eye on the science that comes out to keep the Baylands and other open space areas protected.
9. Mark Shull suggested looking at the EU regulations on E-bikes, which are based on whether there is a throttle or it is pedal activated. He felt it was strange to encourage people who are unable to walk to certain trails to put a bike on their vehicle and drive to a trail to ride the bike yet not allow an E-bike. He added that the City should support the bigger picture of trying to use E-bikes instead of cars.
10. Michael Ferreira, Sierra Club, stated he participated in the MROSD hearings on this matter as well as the PRC hearings. He felt pilot programs should be avoided because they grant a foothold. He understood that E-bikes were a good transportation alternative but felt they did not belong on nature trails, especially given conflicts with pedestrians and the speeds he has witnessed E-bike riders traveling.
11. James Eggers, Director of Sierra Club Loma Prieta Chapter, stated the Sierra Club strongly supported bicycling as one of the most responsible forms of transportation but felt E-bikes should be considered motorized vehicles. He added that where motorized use is prohibited, E-bike use should also be prohibited. He believed the distinctions between the different E-bike classes were too difficult to determine, making it unenforceable and effectively opening non-motorized trails to motorized bikes.
12. Jose Garcia Franco was against the ban of the bikes when there was no problem to solve. He added that it was good to be mindful of the environment but it would be hard to establish whether E-bikes would add a serious disturbance to the status quo in the Baylands where there is already an airport, utility vehicles, caravans of visitors. On the matter of safety, he suggested that excessive speed was related more to the rider than the type of bike used.
13. Keith Wandry stated he has done a lot of work in the South Bay, teaching environmental science to students from preschool to high school age. He stated unpaved trails tend to be more in environmentally sensitive areas and felt experiences in this type of habitat

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were valuable for children. Bikes can be ridden anywhere and should remain on paved trails.

Council Member Lythcott-Haims questioned how to deal with conflicts of opinion within different realms of city government, in this case between PRC and PABAC.

City Manager Ed Shikada felt this was an opportunity for the Council to balance the interests of the PRC and PABAC.

Council Member Burt asked if there were currently any bike speed limits in the Baylands or Arastradero Preserve and whether there was signage regarding that. He was concerned with the speed of downhill bikes at Arastradero and asked if Staff had looked into whether those were E-bikes or all bikes. He questioned whether bikes in general were currently restricted on the single-track trails and whether there was a discussion by PRC about the issues of speed and which trails are appropriate for bikes or horses versus E-bikes.

Assistant Recreation Director Anderson responded that there was a 15-MPH speed limit at all preserves and parks. One thing that came out of the discussions with PRC and PABAC was the need for more signage. Regardless of the type of bike, he agreed the downhill speed was a concern. He also stated that bikes were still allowed on the single-track trails.

Parks and Recreation Commissioner Greenfield stated the current focus and work plan was on E-bikes and electric devices. Throughout the process, it was considered that some trails may not be appropriate for bicycles, and the single-track trails were the obvious first place to look.

Council Member Burt asked if there was any plan to increase enforcement in general, whether on speed or form of bike. He stated it seemed that compliance relied more on general compliance with rules than enforcement by rangers. He asked if there was consideration of the Human Relations Commission having input regarding accessibility.

Assistant Recreation Director Daren Anderson responded that enforcement was predominantly complaint driven or when the rangers happened to observe something. By and large, it was incumbent on the user to follow the rules. He stated accessibility was not discussed with Human Relations but was addressed by both PABAC and PRC in trying to balance those with special needs at the same time as guarding the habitat and wildlife. He added that the ADA policy would override the City's policies, and if someone needed extra exemptions, they could request it on an individual basis.

Parks and Recreation Commissioner Greenfield added that allowing E-bikes on unpaved trails would require better education and communication of the rules.

Council Member Veenker thanked everyone who took the time to write in or speak on this issue. She believed it was unlikely that E-bikes capable of going 20 to 30 MPH would stay within the 15-MPH speed limit and that while it was difficult to enforce classes of bikes, it was more difficult to enforce speed limits. She believed E-bikes on unpaved paths felt inconsistent with

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open space and supported the PRC's recommendation. She also wanted to ask the PRC to investigate installing improved safe parking facilities for bikes and E-bikes.

Vice Mayor Stone agreed with Council Member Veenker and also wanted to see more bike parking at the trailheads. He questioned the dotted section of the Bay Trail map.

Assistant Recreation Director Anderson stated the dotted line was Faber Place, which is paved and would allow for E-bikes.

Vice Mayor Stone felt the ban was reasonable based on the desire to protect open spaces. Since the Baylands is first a foremost a nature preserve and there is a lack of data, he believed the attitude should be a "first do no harm" approach, going slowly and cautiously, banning E-bikes and studying it further over the next couple years. It can be addressed again at the time of the BPTP if necessary. He stated the PRC did a good job of balancing the interests of nature-goers and the delicate ecosystem while also providing access to the Baylands and other nature preserves, a good example of different community groups working together to better an original proposal. He was also interested in ensuring those who need additional access through the ADA or other reasons were able to obtain that and questioned that process.

Assistant Recreation Director Anderson responded that the guidance from the City Attorney's office was that it should be done on a case-by-case basis because everyone has different needs.

City Attorney Molly Stump stated there was not a typical timeline. The statutes require consideration of individual circumstances, and Council does not need to adopt something to codify that.

Council Member Lauing commended the process of working with different groups to get the full picture and appreciated the work by the PRC. He also appreciated the input from the public and stated the emails to the Council on this issue were 88% in support of the PRC proposal. He agreed with previous comments that there was not enough data about the environmental impacts and felt it was important to wait. He believed people go to preserves for peace and tranquility and that any bike zooming by would disrupt both people and animals; there are many other great paved roads available for bikes. He stated that supporting a unanimous decision from the PRC on an issue they worked on in depth for a year reinforces the value the Council places on the work of the Commission.

Council Member Tanaka thanked the public for their input. He felt E-bikes were important to the community's goal of trying to reduce greenhouse gas. He stated he has begun using an E-bike to travel and showed a map of one of his routes, which was extended by about 9 miles each way by not being able to use the Bay Trail. He felt that shutting this path off would cause more people to drive, creating more traffic, parking problems, and greenhouse gas. He wanted to be careful of the implications of blocking trails off.

Council Member Lythcott-Haims was grateful for all the work and the public comments, particularly comments from an individual who was both a cyclist and a birder. She wondered

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about PABAC's opinions beyond what was shared by the PRC. She mentioned wanting to incentivize and not restrict the use of E-bikes and was concerned by the point about an important bike corridor being impacted. She agreed that restrictions should be based on speed and not class of bike and asked if there had been any conversation on whether there are resources available to effectively enforce speed violators.

Assistant Recreation Director Anderson stated there were not enough resources to enforce over 25 miles of trail in an open space on a regular basis. It would be more complaint driven or placing a ranger in an area known to have a problem.

Council Member Lythcott-Haims was worried about the ADA exception and how someone would prove they have the right to be on an E-bike, possibly having to disclose a disability or health issue. She asked if there was staff ready to explore the exceptions as she anticipated an increase in people seeking an exemption.

City Attorney Stump explained the process is based on the individual and the service being sought, not about diagnoses but about limitations and needs. She believed the number of requests would be modest based on disability as defined in the law.

Council Member Lythcott-Haims replied that she was more concerned about an individual encountering someone on the trail who makes it difficult for that individual. She cited the National Park Service's rule allowing E-bikes where traditional bicycles are allowed and not where they are prohibited and stated she was inclined to support the idea of a 1-year trial to study the impacts.

Mayor Kou thanked the PRC for all their work. She felt Mr. Landry's comment about giving kids a chance to experience nature was compelling. She feared children would lose the opportunity to experience the wonder of nature and that there need to be regulations in place for these places. She noted that E-bikes can add to the rutting of paths, especially during wet weather, which leads to the creation of spur trails and is also a danger to pedestrians. She stated the policy recommended prioritizing environmental and ecological protection over the recreational desires of the community.

There was some discussion about the Bay Trail commuter corridor and its accessibility to E-bikes. Parks and Recreation Commissioner Greenfield stated the shortest path on the Bay Trail was completely accessible to E-bikes; the Adobe Creek Loop Trail was part of the Bay Trail but was a less efficient and less common path for commuters to take.

ORIGINAL MOTION: Council Member Lauing moved, seconded by Mayor Kou, to:

- A. Adopt an amendment to PAMC 22.04.220 to regulate electric bicycles and electric coasting devices 1 in city parks and open spaces
- B. Support the updated Parks and Open Space Regulation R1-18 and R1-37 to regulate electric bicycles and electric coasting devices

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C. Refer to Staff for consideration for all bikes in Baylands and Arastradero Preserves:

1. Reduction of speed limit
2. Whether and where to restrict bicycle and horse access
3. Add bike racks at trail heads to the open space where lacking

D. Evaluation of a streamlined accessibility waiver for seniors to be able to obtain a permit to utilize Class 1 electric bikes on unpaved roads that are at least 15 feet wide and routinely used by motorized service vehicles in the Baylands and Arastradero Preserve

Council Member Lauing added that the idea of a pilot was already rejected by PRC and preferred to wait for scientific evidence.

Council Member Burt stated that much of the Faber Track was unpaved and there would be a gap in that part of the Bay Trail. He had concerns that the solution was not well enough aligned with the problem. He was concerned about the speed of bikes in open spaces, the safety of bikes on single-track trails, and the erosion they cause. He thought there should be greater restrictions on speed and on horses and bikes on narrow trails.

There was discussion about potential amendments to the original motion and the wording of those amendments. The amendments proposed by Council Member Burt regarding the speed limit, bicycle and horse access, bike racks at trailheads, and a streamlined access waiver for disabilities were accepted by the maker and seconder.

Council Member Tanaka proposed an amendment that the restrictions would not apply to bike commute rails, whether paved or unpaved.

Assistant Recreation Director Anderson stated the unpaved portions of the trail were outside the City of Palo Alto and this rule would not apply there.

Council Member Tanaka was concerned that this motion restricts the device and not the behavior, adding that a certain make of car would not be banned because it was able to go too fast.

There was further discussion about the wording of the motion and amendments.

Council Member Veenker questioned the definition of a single-track trail.

Assistant Recreation Director Anderson considered the trails in the Baylands between 4 to 5 feet to be single track.

There was discussion on the wording of item D.

City Attorney Stump stated the disability waiver process was as streamlined as possible already.

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Council Member Veenker was concerned about allowing Class 1 E-bikes on narrow single-track trails for those seniors without disabilities and suggested changes in wording of item D.

Council Member Lauing felt item D was a constraint for Staff and made the motion less readable.

Council Member Veenker did not intend to support Item D.

Council Member Lythcott-Haims agreed that it should be the behavior and not the device that is restricted. She described that many people may be unable to use standard bicycles, not because of disability but because of simply being less fit, and would thus be excluded from using unpaved trails. Because E-bikes give access to those who have previously been unable to get out and enjoy the trails, she was not comfortable allowing exceptions for disabilities and seniors but not those with other physical limitations.

SUBSTITUTE MOTION: Council Member Lythcott-Haims moved, seconded by Council Member Tanaka, to:

- A. Adopt an amendment to PAMC 22.04.220 to regulate electric bicycles and electric coasting devices 1 in City parks and open spaces
- B. Direct Staff to update the Parks and Recreation Parks and Open Space Regulations to allow electric bikes on trails 12 feet or wider at the Baylands and Arastradero Preserve with a speed limit of 10 MPH

There was discussion on the wording of the substitute motion.

Council Member Lauing suggested that not allowing E-bikes on one section of the Baylands would not nullify the ability for people to see great nature on paved roads. He felt this substitute motion reversed what the PRC wanted and what the environmental groups advocated, which was to protect things as there is not enough data. He did not support this substitute motion.

Vice Mayor Stone asked why the PRC did not pursue the recommendation of a speed limit.

Assistant Recreation Director Anderson stated PRC did not think a speed restriction was adequate to address the sensitive areas of open space, in particular the Baylands.

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

Council Member Lythcott-Haims quoted the Palo Alto Open Space Director that there was not much difference in the results of the pilot program between E-bikes and regular bikes, and the decision was to allow bikes on trails. She felt there was evidence for regulating the speed, not the type of vehicle. She stated it is not easy to tell friends you do not have the same level of fitness as they do and feared this decision would perpetuate exclusion.

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There was more discussion on the wording of the original motion.

ORIGINAL MOTION SPLIT FOR THE PURPOSE OF VOTING

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

- A. Adopt an amendment to PAMC 22.04.220 to regulate electric bicycles and electric coasting devices 1 in City parks and open spaces
- B. Support the updated Parks and Open Space Regulation R1-18 and R1-37 to regulate electric bicycles and electric coasting devices
- C. Refer to Staff for consideration for all bikes in Baylands and Arastradero Preserves:
 2. Whether and where to restrict bicycle and horse access in the Baylands and Arastradero Open Space Preserve

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

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

- C. Refer to Staff for consideration for all bikes in Baylands and Arastradero Preserves:
 1. Reduction of speed limit
 3. Add bike racks at trail heads to the open space where lacking

MOTION PASSED: 7-0

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

- D. Evaluation of a streamlined accessibility waiver for seniors to be able to obtain a permit to utilize Class-1 electric bikes on unpaved roads that are at least 15 feet wide and routinely used by motorized service vehicles in the Baylands and Arastradero Preserve

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

The Council took a break from 9:26 to 9:35 P.M. and reordered the remaining agenda items, hearing Item 9 and then Item 8.

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9. Rescheduled Item from February 6, 2023: Professional Services Agreement with Townsend Public Affairs Contract

Deputy City Manager Chantal Cotton Gaines stated this item had been summarized in a prior memo. She reviewed the background of Legislative Services and Grant Consulting Services as well as the services covered.

Assistant Director Administrative Services Christine Paras briefly reviewed the solicitation process and evaluation. After interviews and scoring, Townsend Public Affairs scored the highest. The firm's cost proposal and services provided were also considered. She described the performance expectations for Grant Services.

Deputy City Manager Chantal Cotton Gaines described the performance expectations for Legislative Services. She explained the timeline and work plan for the 2022-2023 Legislative Session. She presented the Staff recommendation for approval of the contract with Townsend Public Affairs for 3 years along with an alternative recommendation for a 1-year contract.

PUBLIC COMMENT:

1. Aram James spoke about police canine bites, particularly toward African American individuals. He wanted to ban the use of force canines and asked if Townsend would pay attention to the progress of a related bill.
2. Jennifer Landesmann felt the City needed to be transparent and show a work plan for legislative priorities in 2023 regarding the FAA reauthorization. She questioned where the City stands, what Townsend's May update should look like regarding airplane noise, and whether the City would take positions as an airport or a representative for the neighborhoods negatively affected. She asked Council to take up this issue as soon as possible with specific positions and priorities because steps taken now matter in the legislative timeline.

Mayor Kou stated there was a changing landscape, with lawmakers taking more local control, especially in land use. She felt Townsend did a good job at a high level, regarding what kind of funding is needed, etc., but that when it came to analyzing bills, it was more a summary of each bill rather than an analysis. She would like information in an analytical format with pros and cons and wanted to ensure that was included in the contract. She questioned if there were any recommendations for means of interacting with the Department of Transportation, FAA, or congressional representatives in addressing airplane noise and environmental issues.

Deputy City Manager Cotton Gaines stated it would need to be discussed with TPA but believed they would be amenable to having those relationships with DOT and FAA, if they do not already.

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City Manager Ed Shikada believed the type of analysis requested by Mayor Kou would be easily accommodated within the contract but felt that because of the time that would be required by the Policy and Services Committee and the Council, it may not be a functional approach.

Deputy City Manager Cotton Gaines understood the full Council wanted more opportunities this year to have bills brought forward to them. She felt having analysis on high-impact bills was doable. Staff has brought bills based on their analysis and potential for impact, and the Council has also shared information about bills they are interested in. If there were particular areas of bills the Council wants to focus on, Staff could be more diligent.

Council Member Veenker suggested P&S could work with Townsend on proposals to the full Council to make policy decisions. She questioned doing the legislative dinner later in the year. She preferred the 1-year contract and questioned monthly versus hourly rates in the contract and how hours worked are tracked. She identified that in the list of key state committees, none of the ones on climate are listed and wanted to ensure relationships would be established with climate-related committees at the state level. Similarly, the Department of Energy was not noted in the federal departments listed, and she wanted to note that the City has a relationship with the Assistant Secretary of the Department of Energy that should be nurtured under this contract.

Deputy City Manager Cotton Gaines stated there was flexibility in the timing of the legislative dinner.

Assistant Director Administrative Services Paras explained the contract was structured as a flat retainer every month and the hourly rates were included in case a breakdown or analysis was needed. By default, Townsend does not show the hours worked.

Deputy City Manager Cotton Gaines stated the detail could be requested in an invoice if it is advantageous and also that the agencies mentioned could be added in the contract.

Council Member Burt stated it was a significant change to have one firm handle all three categories of federal, state, and grants. Staff works with the consultants on a routine basis, and the Council works with lobbyists on advocacy with legislators, so he believed the Council should have been involved in this decision. More engagement with lobbyists leads to more results and should be considered as part of the process. He was concerned about other local agencies pursuing grant opportunities more aggressively and sometimes obtaining more grant opportunities. He questioned if the process was based only on proposals or also on knowledge of capabilities, references from other cities, and potential collaboration with other cities. He suggested leveraging with other cities and community resources, for instance collaborating with nonprofit groups who track climate legislation. He suggested a 1-year contract extension with the current providers and more Council involvement on the criteria being sought.

Deputy City Manager Cotton Gaines stated that Staff wanted direction from the City Council on the legislative program regardless of who the advocates were, to make sure the work plan could be met. The scope developed for the RFP process was based on dialogues with City

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Council around the work plan. Staff can update that if needed. In terms of the process and services, what was evaluated was the information submitted in the proposals. Some proposals were stronger than others in how they could meet the needs of the City, but the evaluation was based on what was presented.

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

1. Approve a Professional Services Agreement with Townsend Public Affairs to perform state and federal legislative advocacy services and grant support and compliance services in an amount not to exceed \$186,000 for State and Federal Legislative Advocacy Services and Grant Consulting for a period of one (1) year period with options to renew for four periods of one year each
2. Establish an ad hoc committee directed toward legislative matters
3. Develop a scope of services and contract structure for the City's grant plan and to address the City's legislative work plan
 - a. Explore incentives in year two for achievement of specific milestones if the contract is renewed

Council Member Tanaka agreed with Council Member Veenker's comments about the contract. He questioned how the rates compared to the prior consultant fees. He also liked the 1-year approach but wondered how performance would be judged. He felt there had been lack of action by the prior federal lobbyist regarding the airplane noise issue and felt it would help to be clear about the objectives. He wanted to see updates on clear results from this relationship. He agreed that the Council should have more control over the process than it has had so far.

Assistant Director Administrative Services Paras stated these rates were less than the previous provider, especially with the bundled services.

Council Member Veenker suggested offering bonuses for hitting grants, which could be explored in year two.

There was extensive discussion on the wording and intention of the motion.

MOTION PASSED: 7-0

8. Discussion and Possible Revision to 2023 Standing Committee Topics (Continued from February 13, 2023 agenda)

MOTION: Council Member Lauing moved, seconded by Council Member Veenker, to continue Item 8.

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MOTION PASSED: 7-0

COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Burt provided an update from Caltrain that the board adopted a set of guiding principles for negotiation on the South County services to Salinas. He felt it was a positive development.

Council Member Veenker reported that the Cities Association of Santa Clara County appointed her to the County Recycling and Waste Reduction Commission and also to the Bay Area Air Quality Management District Board, and she was happy to engage with Council on any issues with respect to that.

Mayor Kou reported that the Stanford Ad Hoc was moving forward and consisted of Council Member Burt, Council Member Lythcott-Haims, and Mayor Kou.

ADJOURNMENT: The meeting was adjourned at 11:06 P.M.