



CITY COUNCIL SUMMARY MINUTES

Special Meeting
February 22, 2021

The City Council of the City of Palo Alto met on this date in virtual teleconference at 5:01 P.M.

Participating Remotely: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent:

Special Orders of the Day

1. Palo Alto Community Fund Presentation.

Mayor DuBois reported the Palo Alto Community Fund (PACF) served the community for 40 years. Lisa Van Dusen was named Executive Director in August 2020.

Lisa Van Dusen, Palo Alto Community Fund, advised that she lived and worked in Palo Alto for 35 years. Her work always centered around community building and matching resources with needs. PACF was the only organization solely dedicated to connecting local donors with nonprofits serving Palo Alto, East Palo Alto, and Menlo Park. PACF believed people collectively made a bigger difference than any one individual. Donations typically totaled \$400,000 annually, but 2020 donations totaled nearly \$2 million. She summarized a list of services PACF funded in 2020. Mayor DuBois was the first Council Liaison to PACF. She encouraged residents and businesses to partner with PACF.

Mayor DuBois announced Palo Alto Players were scheduled for the next community presentation in March 2021.

NO ACTION TAKEN

Closed Session

2. CONFERENCE WITH CITY ATTORNEY - EXISTING LITIGATION

Subject: Miriam Green v. City of Palo Alto

Santa Clara County Superior Court

Case No. 16CV300760 (One Case, as Defendant)

Authority: Government Code Section 54956.9(d)(1).

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Rebecca Eisenberg noted the court ruled against Palo Alto and encouraged the City to repay customers as soon as possible.

MOTION: Council Member Cormack moved, seconded by Council Member Kou to go into Closed Session.

MOTION PASSED: 7-0

Council went into Closed Session at 5:17 P.M.

Council returned from Closed Session at 6:21 P.M.

Mayor DuBois announced no reportable action.

Study Session

3. Status Report on 2021 Sustainability and Climate Action Plan (S/CAP) Development and Engagement.

Brad Eggleston, Public Works Director, reported Staff launched a Sustainability and Climate Action Plan (S/CAP) Update in 2020 in order to refine strategies needed to achieve the 80 by '30 goal. Additional goals were categorized as energy, mobility, electric vehicles (EV), water, climate adaptation and sea level rise, natural environment, and zero waste. The main sources of greenhouse gas (GHG) emissions in Palo Alto were natural gas consumption in buildings and gasoline and diesel-powered vehicles. The S/CAP team was composed of Staff from multiple departments. Key milestones in updating the S/CAP to date included a community engagement workshop, a webinar series, and meetings with Council and Commissions. On June 16, 2020, Staff reviewed S/CAP Potential High Impact Goals and Key Actions and the Spectrum of Tools for Achieving Climate Goals and received Council feedback. The Spectrum of Tools ranged from voluntary market-driven solutions to Council policies and Ordinances to voter-approved mandates. He summarized Key Actions. Most climate action plans focused on high-level costs and emissions numbers without evaluating funding sources, financing, key performance indicators (KPI), and impacts on individual customer sectors, which led to challenges for monitoring success and ensuring resources were available for implementation. Climate change was urgent, and there were costs to inaction. The costs and logistics of taking action were significant. The City needed to be able to address concerns about utility services and emergency preparedness in a future electrified world. The S/CAP was not complete without addressing issues specific to the business community, low-income residents, and renters.

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Jonathan Abendschein, Utilities Assistant Director, advised that the community had to commit to all technically feasible avenues for emissions reductions in order to achieve the 80 by '30 goal. Types of outcomes needed to achieve S/CAP goals were reduction in vehicle miles traveled, ownership of at least one EV, and electrification of all single-family residential buildings. Residents needed financial support and programs that simplify conversion. There were multiple ways to approach implementation other than a ballot measure, such as raising awareness, activating early adopters, rewarding neighborhood-level action, demonstrating care for low-income households, owners and tenants of multifamily residential buildings, and small businesses, and seeking ways to increase funding prior to a ballot measure. Foundational implementation activities included high-participation voluntary programs, an extensive awareness campaign, plans to preserve and enhance electric reliability and resiliency, and streamlined permitting processes.

Mr. Eggleston indicated Staff was working on various deliverables that were soon to be final. Community engagement and Council Study Sessions were planned for the spring with the S/CAP scheduled for Council acceptance in the summer of 2021. Staff anticipated presenting the Sea Level Rise (SLR) Plan to the Council in the fall, completing the California Environmental Quality Act (CEQA) evaluation by December, and seeking Council approval of the S/CAP, SLR Plan and CEQA review in December 2021.

Rebecca Eisenberg urged the Council not to do something bad, such as approving projects that increased car trips.

Hamilton Hitchings noted the S/CAP did not include telecommuting. Palo Alto's electric grid had to be redundant. Underground utilities were beneficial in wind events but not in floods and earthquakes.

David Coale remarked that the City needed unprecedented and far-reaching actions. Based on the Staff Report, no real actions were going to occur prior to 2024. The Council needed to ensure that Climate Action and Adaptation was a true Priority and that there were no more delays. He proposed a program for climate action captains in neighborhoods.

Joe Spaulding proposed converting surface parking lots to nature preserves to reduce the number of cars throughout the City. Arranging the City in certain ways drastically reduced carbon output.

Council Member Filseth inquired whether the City needed to reduce GHG emissions from 470,000 metric tons per year to 150,000 metric tons per year in order to achieve the 80 by '30 goal.

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Mr. Eggleston replied yes.

Council Member Filseth noted that that was a 70-percent reduction. He requested the amount of GHG emissions that resulted from restaurants cooking with gas.

Mr. Abendschein related that it was a small amount, perhaps 10 percent.

Council Member Filseth requested the amount of emissions caused by vehicles registered in Palo Alto.

Mr. Abendschein clarified that evaluations were continuing, and any numbers were not final. Vehicles registered in Palo Alto, visitors, and commuters each contributed about one-third of emissions.

Council Member Filseth suggested eliminating natural gas usage and banning all gas-powered vehicles registered in Palo Alto were needed to attain the 80 by '30 goal.

Mr. Abendschein was not comfortable agreeing or disagreeing with the statement.

Council Member Cormack expressed more concern regarding travel within Palo Alto than with the origin of vehicle trips. She asked if Staff was contemplating adaptation strategies for categories other than sea level rise.

Mr. Eggleston related that the S/CAP was limited to sea level rise. Staff was thinking about other areas of adaptation as they prepared a workplan for the Climate Protection and Adaptation Priority.

Council Member Cormack appreciated Staff's review of other cities' climate action plans. Palo Alto's largest employers were healthcare providers, and not all of their services were provided via teleconference. Community education was necessary. She requested Council Members consider forming a new Board or Commission to work on the S/CAP.

Vice Mayor Burt remarked that mega fires were a new climate impact. The Council needed to elevate climate impacts in order to increase public support for the Council's actions. Joint Venture Silicon Valley's new initiative, Beyond Gasoline, recommended cities review gasoline sales in their cities. Carbon capture needed to be considered in order to achieve the 80 by '30 goal. Technologies that reduced the carbon footprint of concrete were available. He suggested the Council explore more aggressive adaptation of mandates for electrification of commercial buildings prior to electrification of residences.

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Council Member Stone supported Council Member Cormack's proposal for the formation of a Board or Commission. He had some concerns about how the S/CAP related to low-income communities and households that did not qualify as low income but struggled financially. He requested clarification of the proposal to impose an internal-combustion-engine vehicle fee.

Mr. Eggleston explained that the fee was an example of an aggressive strategy that had legal issues.

Molly Stump, City Attorney, advised that the S/CAP was bold, and some aspects of it were subject to financial and/or legal issues. The law was not well developed with respect to innovative concepts, and certain courses of action carried moderate to high risks.

Council Member Greer proposed the Council direct state lobbyists to begin addressing these issues.

Council Member Kou emphasized the importance of engagement with all Palo Alto stakeholders. Residents and small businesses needed to understand the reasons for implementing action items. The natural environment needed to be included in key action items. State legislation for the construction of infrastructure that supported electrification was needed to build community confidence. The purchase of EVs was a social equity issue. The City needed a plan for telecommuting.

Council Member Tanaka remarked that climate adaptation and protection began with each person and their decisions. Not all residents and workers were able to afford EVs. Therefore, incentives for electric bikes, scooters, and skateboards were going to be important. The concept of rewarding blocks for electrification was innovative. Protected bike lanes increased bicyclist safety and could increase bicycling. Faster and more reliable internet service was needed to promote telecommuting and reduce vehicle trips.

Mayor DuBois asked if the City was behind or ahead on reaching the 80 by '30 goal.

Mr. Eggleston answered behind. GHG reductions were substantially flat since the electric utility achieved carbon neutrality.

Mayor DuBois believed the City needed to post some very public targets to spur GHG reductions. He inquired about the timeline for AECOM to provide deliverables.

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Christine Luong, Public Works Management Analyst, reported AECOM and Staff were finalizing the 2019 GHG inventory and the business as usual forecast. The climate modeling team was finalizing the results of their analysis, which AECOM was going to incorporate into recommendations.

Mayor DuBois requested a timeframe for the Council to review the memorandum summarizing all analyses and providing recommendations.

Mr. Eggleston indicated Staff planned to present the 2019 GHG inventory and business as usual forecast to the Council in April 2021. Staff needed to vet the analyses that supported the S/CAP and planned to present them in May 2021.

Mayor DuBois felt there was interest in Staff providing more frequent Study Sessions and Action Items and discussion of tactics, near-term goals, and KPIs. There were local and regional resources for Staff to leverage.

Ed Shikada, City Manager, requested Council Members provide their preferences for engaging community experts, whether through a Committee or Commission.

Vice Mayor Burt related that projections indicated the cost of EVs was going to drop drastically in the next few years. The City could offer a program that subsidized the cost of electric bikes and scooters for lower-income workers. A potential metric for effectiveness of programs was dollars per carbon unit avoided. The Council needed to understand the policies and programs that were best handled regionally rather than locally. The City had to accelerate its efforts to address climate change. A Council Ad Hoc Committee was best suited to leverage resources and lead a collaboration among Staff, consultants, community members and corporate members. Perhaps the Council needed to integrate performance on climate protection into department heads' performance reviews.

Council Member Cormack preferred to form a business roundtable. A Council Ad Hoc Committee did not obtain public input. Climate change deserved sustained attention from experts. Neighborhood programs had the potential to increase awareness of changes and programs.

Council Member Stone understood a Council Ad Hoc Committee was allowed to hold public meetings and obtain public input. He inquired about State funding for cities' efforts to reach the State's 80 by '50 goal.

Mr. Abendschein reported City of Palo Alto Utilities (CPAU) participated in programs related to the Cap and Trade Program. The programs were fairly

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substantial funding sources. Staff reserved some of that funding for local decarbonization programs.

Council Member Stone hoped the State provided more funding as 2050 grew closer. He supported telecommuting as a way to reduce GHG emissions. He inquired about a group formed by the County of Santa Clara (County) to work on telecommuting policies.

Mr. Shikada was not aware of the County forming such a group. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) discussed overall policies.

Council Member Stone asked if Staff tracked the environmental impacts of demolition and construction and the impacts of both on GHG emissions.

Mr. Eggleston advised that Staff did not track the GHG impacts of demolition and construction. Zero Waste included monitoring of the City's Deconstruction Ordinance.

Council Member Stone proposed Staff review the GHG emissions from the City fleet and Police Department vehicles.

Council Member Kou commented that the City needed to demand that MTC and the State invest in public transportation and infrastructure. Neighborhood programs needed to begin now.

Mayor DuBois believed the City needed to think about ways to move a suburban city to zero GHG emissions, perhaps through focusing on EVs of all types and time-of-day charging. He wanted to see concrete steps for electrification and billing used as an incentive. The presentation seemed to focus on residences, but commercial uses might be easier targets for electrification goals. Staff needed to execute on medium-hanging fruit and not wait to finish the S/CAP.

NO ACTION TAKEN

Agenda Changes, Additions and Deletions

Mayor DuBois announced Agenda Item Number 7 was continued to March 8, 2021.

Council Member Kou inquired about hearing Agenda Item Number 9 prior to Agenda Item Number 8.

Mayor DuBois preferred to continue with the order as published.

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Council took a break at 8:05 P.M. and returned at 8:10 P.M.

Oral Communications

Andrew Fetter opposed the proposal to rezone 2239 and 2241 Wellesley Street for an apartment complex. The developer did not meet with neighbors, and the proposal exceeded requirements for single-family residential developments.

John Kelley referred to a newspaper article published February 12, 2021 and requested the Council educate the public to enhance the quality of political discourse in the community.

Neva Yarkin proposed the Castilleja expansion project utilize shuttles rather than a parking garage for students to decrease traffic congestion and greenhouse gas emissions.

Rebecca Eisenberg opposed the Castilleja project.

Lori Khoury remarked that the ban on flavored tobaccos had a disastrous effect on her store, Mack's Smoke Shop. She asked the Council to allow the sale of flavored tobaccos, not vape liquids, so that her shop can remain in business.

Hank Sousa discussed enrollment at Castilleja and favored increasing Castilleja's enrollment to 448.

Joe Spaulding asked community members to read the *New York Times* article about the kidnapping of Paul Rusesabagina.

Todd Simon, Louis Road Alliance, requested the installation of two speed bumps on Louis Road to slow traffic.

Minutes Approval

4. Approval of Action Minutes for the February 01, 2021 City Council Meeting.

MOTION: Council Member Cormack moved, seconded by Mayor DuBois to approve the Action Minutes for the February 01, 2021 City Council Meeting.

MOTION PASSED: 7-0

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Consent Calendar

Mayor DuBois noted a memorandum correcting dates for Agenda Item Number 6.

Rebecca Eisenberg, addressing Agenda Item Number 6, suggested the Council shorten its Summer Break and Winter Closure to build trust with the community.

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

MOTION: Council Member Filseth moved, seconded by Council Member Kou to approve Agenda Item Numbers 5-6.

5. Approval of an Agreement With Utilities Management and Professional Association of Palo Alto (UMPAPA) for Payments to Current and Former Employees Totaling \$1,860,900 to Comply With Public Employees Relations Board (PERB) Decision Number 2664-M; and Adoption of an Agreement Extending the Memorandum of Agreement Between the City and UMPAPA for One-year.
6. Resolution 9944 Entitled, "Resolution of the Council of the City of Palo Alto Scheduling the City Council Summer Break and Winter Closure for 2021."

MOTION PASSED FOR AGENDA ITEM NUMBER 5: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBER 6: 7-0

Council Member Tanaka hoped senior Staff did not make an unauthorized proposal to the bargaining unit. The Staff Report needed to provide additional details. This was an expensive mistake, especially in light of the City's financial situation.

City Manager Comments

Ed Shikada, City Manager, reported Agenda Item Number 5 pertained to wages for a period during which a dispute was raised and resolved. The County of Santa Clara (County) remained in the purple tier. The Palo Alto Restaurant Relief Grant Program was established to support restaurants. Restaurant Rescue was launched to encourage the community to support Palo Alto and East Palo Alto restaurants. The State of the City address was scheduled for March 4, 2021. Assistant City Manager Ziesenhenne was retiring effective March 12, 2021. Chief Financial Officer Nose agreed to serve as Interim Assistant City Manager. The deadlines to submit applications for the Planning and Transportation Commission (PTC) and the

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Housing Element Working Group were February 23 and March 5, 2021 respectively. The San Francisquito Creek Joint Powers Authority scheduled community meetings for February 23 and March 2, 2021.

Action Items

- ~~7. SECOND READING: Adoption of a Temporary Ordinance Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Broaden Permissible Uses and Raise Thresholds for Conditional Use Permits for Some Land Uses Throughout the City. Environmental Review: California Environmental Quality Act (CEQA) Exemption 15061(b)(3) (FIRST READING: December 14, 2020 PASSED: 7-0) (Continued From January 25, 2021).~~

THIS ITEM CONTINUED TO MARCH 8, 2021

8. Adoption of an Ordinance Changing the Name of Foothills Park to Foothills Nature Preserve; and Adoption of Emergency Ordinance 5516 Entitled "Amending the Municipal Fee Schedule to add Annual Vehicle Entrance Fees and Adjust Attendance Limits at Foothills Park" and Regular Ordinance to add Annual Vehicle Entrance Fees and Adjust Attendance Limits at Foothills Park.

Kristen O’Kane, Community Services Director, reported on January 19, 2021, the Council approved a \$6 vehicle entrance fee and a visitor capacity limit of 400 to 500 people at any one time and directed the Parks and Recreation Commission (PARC) and Staff to recommend fees, discounts, rules, and enforcement policies for Foothills Park. At a special meeting on February 11, 2021, the PARC recommended changing the name of Foothills Park to Foothills Nature Preserve, a fee structure for annual passes, and adjustments to the capacity limits.

Anne Cribbs, Parks and Recreation Commission Chair, advised that the PARC recommended a \$65 annual pass for nonresidents, \$50 annual pass for residents and City employees, a 25 percent discount for seniors, persons with disabilities, active military members, and veterans, and a 25-50 percent discount for low-income households. An annual pass was applicable to passenger vehicles with nine or fewer people. The PARC's ad hoc committee recommended waiving the daily entrance fee for vehicles with a handicapped placard. The PARC was scheduled to discuss Foothills Park further and proposed progress reports to the Council in the early fall and at the end of the year.

Jeff Greenfield, Parks and Recreation Commission Vice Chair, indicated the PARC recommended increasing the capacity limit to between 300 to 650

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people or the equivalent number of vehicles. This change provided Staff with flexibility to determine the optimum capacity limit and to avoid closing the park when the limit was reached. The PARC also recommended visitors with reservations, permitted recreation and education groups, and Foothills Park volunteers not count toward the capacity limit.

Daren Anderson, Community Services Assistant Director, related that annual passes were going to be available for purchase online and by phone beginning February 27, 2021. Staff was working on physical locations to sell annual passes. The PARC planned to discuss policy topics on February 23 and to make recommendations on March 23, 2021.

Ms. O’Kane noted the at-places memorandum contained an Emergency Ordinance and a Regular Ordinance.

Tim Shimizu, Deputy City Attorney, suggested Section 3 of both Ordinances read "the City Manager or designee may establish a capacity limit in the range of 300 people to 600 people at Foothills Park" to clarify the upper and lower limits for visitors to Foothills Park.

Aram James remarked that the PARC did not discuss his suggestion to name Foothills Park for LaDoris Cordell.

Winter Dellenbach supported the implementation of an annual pass, the proposed name change, and different fees for residents and nonresidents. Low-income was the only category necessary for the discount. She inquired regarding the number of people that potentially was not going to be counted toward the capacity limit.

Hamilton Hitchings commented that wildlife was not visible in Foothills Park since it opened to the general public. The 650 capacity limit was far too high. He supported a capacity limit of 500 people on weekends and 400 people on weekdays.

Rebecca Eisenberg opposed the entrance fee as it discriminated against people of lesser means. If adopted, these Ordinances were going to place the City in breach of the permanent injunction.

Jill O’Nan proposed the City follow the National Parks System model of free lifetime access for people with disabilities, not count visitors with disabilities toward the capacity limit, and waive fees for people who qualified for federal stimulus checks.

Council Member Cormack asked if fees were dedicated to Foothills Park or deposited into the General Fund.

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Ms. O’Kane answered the General Fund.

Council Member Cormack asked if the PARC considered free days or free passes.

Ms. Cribbs noted the PARC was going to discuss free days at its next meeting.

Council Member Cormack asked if the PARC considered waiving fees for third grade Palo Alto Unified School District (PAUSD) students.

Ms. Cribbs indicated the PARC was going to discuss allowing students to visit at no cost.

Council Member Cormack expressed concern about the time required to collect fees causing vehicles to queue on Page Mill Road.

Mr. Anderson agreed that moving vehicles through quickly was going to be a challenge during peak times. The PARC discussed the annual pass as a way to reduce the number of vehicles paying fees at the gate. The PARC planned to discuss charging fees for pedestrians and bicyclists.

Council Member Cormack asked if annual passes could be purchased at the gate.

Mr. Anderson replied not at the current time.

Council Member Cormack reiterated that collecting the fee at the gate was going to cause problems on Page Mill Road. The Council needed to consider charging fees on weekends only. The fee was going to deter attendance. Only a handful of people walked into Foothills Park. She did not believe bicyclists were going to be present for long periods of time or cause any trouble.

Council Member Filseth requested clarification of the capacity limit.

Mr. Anderson advised that the range provided flexibility to allow more people into the park if they were spread around the park rather than congregated around Boronda Lake. The limit of 500 people or 200 vehicles was working well.

Council Member Filseth inquired whether Staff did not plan to allow 650 people into the park until the 7.7-acre area was open or mechanisms were in place to spread visitors around the park, provided the Council approved the 650 limit.

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Mr. Anderson stated the City Manager was designated to make the decision. Staff was going to evaluate use patterns and share that information with the City Manager.

Mr. Greenfield added that the PARC considered 650 a high number and did not believe it was going to be reached. It provided Staff with flexibility to adjust.

Council Member Filseth noted the 500 limit was reached multiple times. Therefore, 650 visitors at any one time were certainly possible.

Mr. Greenfield explained that Staff would set the limit daily. If the experience in the park suggested a greater capacity was possible, Staff was allowed to increase the limit for another day.

Council Member Stone requested clarification of not counting certain groups toward the capacity limit and the number of people from those groups Staff anticipated on a daily basis.

Ms. Cribbs explained that groups such as summer camps and Girl Scout camps typically utilized one area and remained in that area. The PARC planned to review data at the end of the summer. Volunteers visited the park for a specific project and were likely to be located in specific areas. Groups of more than 25 people needed to obtain a permit, and Staff usually knew where they were going in the park.

Mr. Greenfield noted school groups and camps typically visited on weekdays, which were not peak periods. Groups that made reservations usually visited low-use areas.

Council Member Stone supported the entrance fee, annual passes, waiving fees for veterans and students, and a 25-100 percent or 50-100 percent discount for low-income visitors. He questioned whether a discount for seniors was appropriate.

Vice Mayor Burt noted that costs for increased visitation were going to exceed fee revenues.

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

A. Adopt a Regular Ordinance to:

- i. Change the name of Foothills Park to Foothills Nature Preserve;
- ii. Amend the Municipal Fee Schedule to add annual vehicle entrance fees for Foothills Park, including the following:

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- a. Fees for veterans, low-income visitors, and students are waived;
- iii. Amend the Palo Alto Municipal Code (PAMC) Section 22.04.150(k) to authorize the City Manager to adjust attendance limits at Foothills Park- 300 people/120 vehicles not to exceed 650 people/260 vehicles at any one time. Subsection (k)(1) shall read as follows instead of as originally proposed:

The City Manager or designee may establish a capacity limit in the range of 300 people to 650 people at Foothills Nature Preserve in order to protect the health, safety, and welfare of preserve users; to protect the natural resources in the preserve; and/or due to limits in parking, facilities, or staff availability. The City shall not distinguish between residents and non-residents in setting any limits under this subsection.

B. Adopt an Emergency Ordinance to:

- i. Amend the Municipal Fee Schedule to add annual vehicle entrance fees for Foothills Park, including the following:
 - a. Fees for veterans, low-income visitors, and students are waived;
- ii. Amend the Palo Alto Municipal Code (PAMC) Section 22.04.150(k) to authorize the City Manager to adjust attendance limits at Foothills Park- 300 people/120 vehicles not to exceed 650 people/260 vehicles at any one time. Subsection (k)(1) shall read as follows instead of as originally proposed:

The City Manager or designee may establish a capacity limit in the range of 300 people to 650 people at Foothills Park in order to protect the health, safety, and welfare of park users; to protect the natural resources in the park; and/or due to limits in parking, facilities, or staff availability. The City shall not distinguish between residents and non-residents in setting any limits under this subsection.

Council Member Kou asked if students included college students.

Vice Mayor Burt answered yes.

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Council Member Kou advised that parcel tax revenue did not fund City parks and open space. She inquired whether the PARC planned to discuss traffic impacts to neighbors.

Ms. O’Kane reported Staff was working with Los Altos Hills Staff to identify concerns about traffic and was going to request assistance from other City departments to address concerns.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, “direct the Parks and Recreation Commission to provide an update to Council in August 2021.”

Vice Mayor Burt requested comment regarding not counting vehicles bearing handicapped placards toward the capacity limit. Reducing the total capacity limit in response to concern about the number of handicapped visitors was possible.

Mayor DuBois requested the capacity limits for Oak Grove and the Interpretive Center.

Mr. Anderson answered 150 and 30 people maximum.

Mayor DuBois inquired whether the City could limit the size of vehicles allowed in Foothills Park, such as tour buses.

Mr. Anderson reported vehicle weight was restricted at the Baylands. School buses were allowed to enter Foothills Park.

Mayor DuBois requested the definition of low income.

Ms. O’Kane explained that the fee reduction program for recreation classes used the U.S. Department of Housing and Urban Development (HUD) definition for low income.

Mayor DuBois wanted to limit vehicles by size or weight. A nature preserve was not an appropriate venue for large corporate events. Over time, visitor numbers needed to be based on people rather than vehicles. The hours of operation needed to consider impacts to wildlife. He preferred to keep the fee structure and capacity limit simple.

Council Member Cormack asked if an annual pass was intended for a person, vehicle, or household.

Mr. Anderson responded a household with up to two vehicles, each vehicle having a capacity of nine or fewer people.

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Council Member Cormack asked if a pass was associated with a license plate.

Mr. Anderson replied yes.

Council Member Cormack requested clarification of whether the Motion provided fees for persons with a handicapped placard.

Vice Mayor Burt advised that the Motion did not provide a discount for disabled persons. A fee waiver or discount was based on the driver's qualification rather than an occupant's qualification.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Parts A ii. and B. i. that fees are waived for persons with disabilities.

Council Member Cormack inquired whether a family with a student was charged a fee.

Vice Mayor Burt replied yes.

Mr. Anderson reported not all schools provided identification for all their students.

Vice Mayor Burt was not aware of a school that did not provide identification for their students who were old enough to drive. The Motion required the driver to provide an identification to qualify for a waiver or discount. The original Ordinance did not intend for every family with a child to receive a waiver.

Council Member Cormack expected to amend the regulations throughout the year.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part B. ii. to not count persons with disabilities toward the attendance limits.

Vice Mayor Burt felt the Ordinances were more inclusive with the changes.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the Motion Parts A ii. and B. i. to state "student drivers."

Vice Mayor Burt clarified that a vehicle containing a veteran or a person with disabilities, whether the driver or an occupant, was eligible to enter without paying a fee.

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Mayor DuBois further clarified that a person with disabilities meant the vehicle had a disabled or handicapped placard.

Council Member Tanaka did not understand allowing a student driver to enter without paying a fee but not allowing a family with students to enter without paying a fee.

Vice Mayor Burt intended to allow mainly college students into the park without paying a fee.

Council Member Tanaka asked if the primary intent was to allow low-income people to visit the park without paying a fee.

Vice Mayor Burt explained that discounts for low-income households applied to annual passes, not entrance fees.

MOTION AS AMENDED: Vice Mayor Burt moved, seconded by Council Member Stone to:

A. Adopt a Regular Ordinance to:

- i. Change the name of Foothills Park to Foothills Nature Preserve;
- ii. Amend the Municipal Fee Schedule to add annual vehicle entrance fees for Foothills Park, including the following:
 - a. Fees for veterans, low-income visitors, student drivers, and persons with disabilities are waived;
- iii. Amend the Palo Alto Municipal Code (PAMC) Section 22.04.150(k) to authorize the City Manager to adjust attendance limits at Foothills Park- 300 people/120 vehicles not to exceed 650 people/260 vehicles at any one time. Subsection (k)(1) shall read as follows instead of as originally proposed:

The City Manager or designee may establish a capacity limit in the range of 300 people to 650 people at Foothills Nature Preserve in order to protect the health, safety, and welfare of preserve users; to protect the natural resources in the preserve; and/or due to limits in parking, facilities, or staff availability. The City shall not distinguish between residents and non-residents in setting any limits under this subsection;

- a. To also include the change to not count persons with disabilities toward the attendance limits

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- B. Adopt an Emergency Ordinance to:
- i. Amend the Municipal Fee Schedule to add annual vehicle entrance fees for Foothills Park, including the following:
 - a. Fees for veterans, low-income visitors, student drivers, and persons with disabilities are waived;
 - ii. Amend the Palo Alto Municipal Code (PAMC) Section 22.04.150(k) to authorize the City Manager to adjust attendance limits at Foothills Park- 300 people/120 vehicles not to exceed 650 people/260 vehicles at any one time. Subsection (k)(1) shall read as follows instead of as originally proposed:

The City Manager or designee may establish a capacity limit in the range of 300 people to 650 people at Foothills Park in order to protect the health, safety, and welfare of park users; to protect the natural resources in the park; and/or due to limits in parking, facilities, or staff availability. The City shall not distinguish between residents and non-residents in setting any limits under this subsection;

 - a. To not count persons with disabilities toward the attendance limits; and
- C. Direct the Parks and Recreation Commission to provide an update to Council in August 2021.

MOTION SPLIT FOR THE PURPOSE OF VOTING

MOTION AS AMENDED PART B PASSED: 7-0

MOTION AS AMENDED PART A PASSED: 7-0

MOTION AS AMENDED PART C PASSED: 7-0

9. Approval of License Plate Reader (LPR) Surveillance Use Policy and Approval of Amendment Number 1 to Contract Number C18172676 With Duncan Solutions to add \$140,000, for a new Not-to-Exceed Amount of \$767,000 for License Plate Recognition Implementation in Parking Enforcement.

Philip Kamhi, Chief Transportation Official, reported the 2017 parking management study recommended implementing vehicle-mounted License Plate Recognition (LPR) units to improve efficiency. The 2019 Parking Workplan included recommendations to establish parking availability

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standards in the Residential Preferential Parking Permit Program (RPP) zones and review the level of funding subsidy for the RPP. The LPR was included in the Fiscal Year (FY) 2021 Operating Budget as a strategic policy change to allow the RPP to return subsidy to the General Fund and remain financially solvent.

Nate Baird, Transportation Planning Manager, advised that an LPR Surveillance Use Policy defined the use of data, type of information collected, security of data, retention of data, and access to data; enabled the potential development of contactless digital permits; streamlined enforcement; enabled live parking and utilization data; and implemented financial sustainability measures. Best practices for parking management required a data-driven approach. Major parking initiatives were consistent with LPR adoption. Online permit purchasing was launched in the fall of 2020 for College Terrace and Crescent Park and was planned for Southgate and Old Palo Alto in the spring of 2021. Resuming parking enforcement encouraged businesses and visitors to utilize available parking facilities and facilitated the tracking of permit demand. Staff was coordinating with businesses and stakeholders on a plan to resume parking enforcement. The use of LPR realized immediate and ongoing savings in contract enforcement costs. Any data transferred between the City and vendors were protected with secure data transfer protocols. Only authorized City Staff and vendor employees were allowed to access data through a secure access control process.

Aram James remarked that privacy issues and error rates were not discussed. Hopefully, Vice Mayor Burt and Council Member Tanaka were going to propose spending the \$767,000 for a Safe Parking Program.

Rebecca Eisenberg inquired about a public bid process for LPR. The City was going to provide personal data to a debt collection company.

Bill Ross suggested the contract require the payment of sales tax in Palo Alto. A State Auditor report regarding LPR found problems with account set up and maintenance. This was not reviewed in the privacy analysis.

Neilson Buchanan believed the primary concern was management of parking assets located in commercial zones. Staff needed to direct technology and resources to optimizing commercial public parking.

Hamilton Hitchings concurred with Mr. Buchanan's comments. Error rates were not a concern. Data was critical to parking management.

Carol Scott questioned the use of LPR technology in residential areas when the need was elsewhere. Residential neighborhoods were not commercial

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parking lots that needed to be managed for maximum use. There was no independent oversight of the use of personal tracking data.

Christian Pease questioned the launch of LPR in neighborhoods rather than in commercial areas and the primary objective of purchasing LPR technology now. The vetting of a substantive implementation plan was going to come after the commitment to purchase this equipment.

Council Member Kou inquired whether Staff engaged RPP residents for this project.

Mr. Kamhi answered yes, through Council and Planning and Transportation Commission (PTC) meetings.

Council Member Kou requested the rationale for focusing on the neighborhoods first.

Mr. Kamhi advised that using LPR in RPP neighborhoods was a strategy for understanding what was occurring in neighborhoods. Employees parked in neighborhoods regardless of the number of employee permits sold. The varying rules for commercial zones complicated implementation of LPR. A contractor enforced parking regulations in RPP zones, and Parking Enforcement Officers in the Police Department enforced parking regulations in other zones.

Council Member Kou believed residents in RPP zones would have more trust if they understood that this technology was being used to reduce the number of permits sold for RPP zones.

Mr. Shikada explained that the only data collected was the license plate and time and date of location. The technology did not track the movement of individuals or anything more elaborate. If a citation was issued, the data collected included the vehicle identification number.

Mr. Kamhi added that the database of customers was the existing database used for permit sales and purchases.

Mayor DuBois suggested the public's concerns were fair and equal enforcement of parking regulations across the City and security of personally identifiable information. The City worked with the American Civil Liberties Union (ACLU) on the Surveillance Ordinance. Residents wanted the data, once it was anonymized, to be made public. He inquired about plans to make anonymized data available through the Open Data platform.

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Mr. Kamhi advised that the Office of Transportation Staff authorized to access the data were the Parking Operations Lead, the Parking Manager, and possibly himself. A key feature of this technology was the ability to provide the data to the public.

Mayor DuBois wanted to ensure the technology was used to maximize efficiency rather than revenue. He inquired about fixed and variable costs contained in the contract.

Mr. Kamhi explained that the estimate of future citations was based on the number of citations issued in the past. Staff did not anticipate increased revenue from citations.

Mr. Baird added that the cost was focused on actual technology costs. The cost of devices plus a small fee for maintenance was included in the contract.

Council Member Cormack requested a description of the devices.

Mr. Kamhi described the device as a small camera attached to a vehicle just above the windshield.

Council Member Cormack asked if the vehicles were going to be identified as taking license plate photos.

Mr. Kamhi related that the vehicles were identified as parking enforcement.

Council Member Cormack requested the name of the entity conducting the LPR data audit.

Mr. Baird indicated the Office of Transportation Staff planned to work with the vendors to compile reports of data access.

Darren Numoto, Interim IT Director, reported the Information Technology (IT) Department intended to work with the Office of Transportation to ensure the setup and configuration of data security aligned with the contract. He recommended an audit at some point in the future.

Council Member Cormack requested clarification of the items being purchased.

Mr. Kamhi advised that the City was purchasing equipment and paying an annual licensing fee. The vendor, Cerco, was going to use the equipment while the vendor, Duncan, provided the permit and citation management system.

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Council Member Filseth commented that data security and privacy was a constraint on the use of innovative technology. He offered a hypothetical situation of his parking in an RPP district and asked who was going to be aware of his parking at that location.

Mr. Kamhi advised that assuming the vehicle did not have a permit for the particular district, the LPR collected the license plate, determined that the car was not exceeding the time limit, and deleted the license plate information. If the car remained parked in the space beyond the time limit, the LPR was going to issue a citation, and the license plate information was stored.

Mayor DuBois inquired whether a parking permit was associated with the license plate such that the permit did not need to be visible or on the vehicle.

Mr. Kamhi indicated that was a baseline assumption. Physical permits could continue to be used.

Council Member Filseth assumed that, if a vehicle exceeded the two-hour time limit in an RPP district, LPR was going to access the permit database to determine whether the vehicle had the appropriate permit and subsequently issue or not issue a citation. Somewhere in the system was the information that the vehicle was parked at a specific location for more than two hours.

Mr. Kamhi replied yes. LPR determined whether a vehicle had a permit for the RPP district the first time it scanned a vehicle.

Council Member Filseth asked if that information in the system identified the vehicle owner, given that the vehicle owner was also the permitholder.

Mr. Kamhi responded no. Names were going to be revealed to Staff only if an appeal was filed.

Council Member Filseth inquired whether the data included information that a license plate was parked in the same space every Monday afternoon for 2.5 hours for a month.

Mr. Kamhi answered no. The data reflected only that a vehicle was parked on a block.

Mr. Baird clarified that if a citation was issued for the vehicle each time it parked in that space, then the data included information about the license plate. If no citation was issued, the data was expunged after 96 hours.

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Vice Mayor Burt requested Staff comment on the implementation of LPR in RPP districts when cars were not parked in neighborhoods during the pandemic.

Mr. Kamhi advised that implementing LPR was going to take some time, and Staff was preparing for the return of parking demand and planning for enforcement in residential and commercial areas. Many neighboring cities reinitiated parking enforcement in RPP districts and commercial zones.

Vice Mayor Burt inquired regarding the rationale for not implementing LPR in non-RPP commercial areas.

Mr. Kamhi explained that parking regulations for commercial zones were more varied and complex than in RPP districts.

Mr. Baird noted the value of obtaining baseline data in residential areas.

Vice Mayor Burt asked if contracts allowed the negotiation of Palo Alto as the point of transaction for sales or use taxes.

Mr. Shikada related that that was the typical case for third parties purchasing materials. However, that was not the case for LPR.

Council Member Stone requested clarification of the provision for information retention found on PackeP 223.

Mr. Baird explained that scans of license plates were retained for 96 hours to determine whether time restrictions were violated. If no violation occurred, the data was expunged. Data obtained from the parking permit database was protected by City policy. Staff was interested in only a count of vehicles parked on a block.

Council Member Stone understood Staff was not interested in the data, but Staff's ability to access the data was a concern.

Mr. Kamhi commented that 96 hours was an extremely short timeframe for the retention of data. In many instances, a year was a short timeframe.

Council Member Stone inquired about a timeframe for implementing LPR in commercial zones.

Mr. Kamhi did not have a timeframe, but Staff was working to reduce the number of employee permits in RPP districts and to consolidate enforcement operations in the Office of Transportation.

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Council Member Stone inquired whether LPR was a tool for eliminating commercial intrusion into residential neighborhoods.

Mr. Kamhi responded yes.

Council Member Tanaka referred to Senate Bill (SB) 210, which limited the retention of data to 24 hours, whether it was retained locally or in the cloud. Aggregate data was better than raw data. LPR needed to be deployed at fixed locations, such as garage entrances. The cost of the two units seemed high.

Mr. Kamhi reported the \$140,000 included the two units, licensing fees for five years, and various other costs.

Council Member Tanaka asked if Staff used a bid process for the contract.

Mr. Shikada responded yes. The bid included an option to add LPR to the prior scope of services.

Vice Mayor DuBois noted the Council's interest in implementing LPR in commercial areas. Simplifying the parking regulations for commercial areas was going to be beneficial.

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

- A. Approve Amendment Number One to Contract number C19171363 with Professional Account Management LLC, dba Duncan Solutions (serving the Residential Preferential Parking Program, and previously procured), to add Automatic License Plate Recognition (ALPR) technology to Office of Transportation parking management efforts and add \$140,000 to the total contract amount; and
- B. Approve the Automatic License Plate Recognition (ALPR) surveillance policy and use of ALPR technology for parking management uses including enforcement, parking time and permit tracking, and related parking data analysis.

Mayor DuBois understood the public's concerns. The goals and intentions for LPR were correct.

Council Member Tanaka proposed an amendment to require the contract to comply with SB 210.

Mr. Shikada advised that SB 210 was introduced recently, and a legislative analysis was not available. SB 210 required an annual audit of queries and

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searches on the database. A limit of 24 hours on data retention could be too short to ensure citations were issued correctly.

Mr. Kamhi reported the 96-hour limit on retention was meant to be 24 hours following any violation.

Mr. Stump added that SB 210 was not intended to regulate cities. It appeared to be directed to the California Highway Patrol.

Mayor DuBois inquired whether LPR was going to be used to enforce 72-hour parking restrictions.

Mr. Kamhi stated at the current time it was intended for permit parking only. Enforcement of the 72-hour limit was a potential future use of LPR.

Council Member Tanaka asked Staff to contact the vendor regarding compliance with SB 210. Without multiple bids, the City did not receive good prices for hardware.

Mr. Kamhi related that the purpose of the amendment was to add hardware.

Mr. Shikada reported there was not a bid. Staff issued a Request for Proposals (RFP). Staff selected the proposal that provided the best value. Cost was not the only factor in the selection.

Council Member Tanaka proposed adding an audit of queries and searches to the City Auditor's workplan.

Mayor DuBois understood the IT Department was going to be involved in an audit.

Kyle O'Rourke, City Auditor, advised that the City Auditor's Office had the capacity to perform this audit.

Mayor DuBois was unsure whether mandating an annual audit was a good idea.

Council Member Tanaka wanted an annual audit to mitigate the public's concern.

Mr. O'Rourke noted the policy in Attachment C required an annual audit.

Council Member Kou inquired whether Police Department personnel were authorized to access data.

Mr. Kamhi answered no.

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Council Member Kou inquired whether the LPR scan of a license plate was available to Office of Transportation Staff.

Mr. Kamhi replied no. The only information provided to the Office of Transportation was the number of vehicles parked on a block in a given timeframe.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part B. "... and add to the policy the purpose of reducing RPP employee permits issued in the neighborhoods consistent with previous Council direction."

Council Member Tanaka suggested the business community was not given an opportunity to provide feedback.

Mr. Shikada added that the Agenda Item was noticed as an equipment purchase rather than a policy change.

Council Member Kou remarked that the original intent of the RPP was to reduce employee parking in neighborhoods.

Ms. Stump advised that the intent of the Amendment was to refer to the prior policy.

Council Member Filseth indicated that LPR fundamentally determined whether a vehicle exceeded parking restrictions. That was a valuable tool as long as the data was protected and used appropriately.

Council Member Cormack asked if it was Council policy to reduce existing employee permits in the neighborhoods.

Mayor DuBois answered yes.

Mr. Kamhi reported the original intention was to decrease the number of employee permits sold for RPP districts while Staff figured out parking demand. The goal for the Office of Transportation was to reduce parking intrusion into residential neighborhoods.

Council Member Cormack understood this policy applied to the Downtown RPP district only and inquired whether Staff intended to take any action based on the Amendment.

Mr. Kamhi did not believe the Amendment was necessary for the Office of Transportation to do anything differently.

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MOTION AS AMENDED: Mayor DuBois moved, seconded by Council Member Tanaka to:

- A. Approve Amendment Number One to Contract number C19171363 with Professional Account Management LLC, dba Duncan Solutions (serving the Residential Preferential Parking Program, and previously procured), to add Automatic License Plate Recognition (ALPR) technology to Office of Transportation parking management efforts and add \$140,000 to the total contract amount; and
- B. Approve the Automatic License Plate Recognition (ALPR) surveillance policy and use of ALPR technology for parking management uses including enforcement, parking time and permit tracking, and related parking data analysis; and add to the policy the purpose of reducing RPP employee permits issued in the neighborhoods consistent with previous Council direction.

MOTION AS AMENDED PASSED: 7-0

Council Member Questions, Comments and Announcements

Council Member Kou reminded Council Members to submit their revisions to the Council Procedures and Protocols Handbook.

Council Member Cormack reported Valley Water was working with the City to obtain access to the Los Altos Water Treatment Plant and was going to conduct outreach in Palo Alto.

Mayor DuBois advised that the City submitted a letter to the Federal Government requesting COVID-19 aid. Council Member Filseth agreed to prepare a recommendation for the Finance Committee regarding the Council Budget. The Housing Element Ad Hoc Committee was composed of Council Members Filseth and Stone and himself. There was a Cubberley Community Center Ad Hoc Committee and potentially a Sustainability and Climate Action Plan Ad Hoc Committee.

Adjournment: The meeting was adjourned at 11:39 P.M.