



CITY COUNCIL MEETING SUMMARY MINUTES

Special Meeting
April 5, 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:

Study Session

1. Report and Discussion Regarding Police Services, Including Policy Updates, Crime Statistics, Radio Encryption, and Independent Auditing.

Robert Jonsen, Police Chief, reported the Police Department's goals were to provide excellent service, proactively enforce the law, and serve the community with extreme professionalism. During the Shelter-in-Place Order, Police personnel continued to respond to emergency calls, investigate crimes, make arrests, and fulfill obligations associated with emergency response. Significant budget reductions resulted in a 17-percent decrease in overall staffing. The Dispatch Center was the third busiest in Santa Clara County with more than 140,000 calls for service to the Police Department, Fire Department, Public Works, Emergency Medical Services (EMS), Utilities, Animal Control, and Stanford Public Safety. More than 99 percent of 911 calls were answered within ten seconds, and the average arrival-on-scene time was slightly more than six minutes. Palo Alto remained a very safe city. Property crimes continued to be the most common types of crime. Police reform measures focused on community engagement, transparency, and accountability. The Police Department expanded the Independent Police Auditor's (IPA) scope of review and facilitated more than 30 demonstrations and marches during the summer and fall of 2020 with no arrests. Notable changes included an online reporting system, which received more than 300 reports and saved more than 400 hours of staff time. Staff worked closely with the Silicon Valley Regional Interoperability Authority (SVRIA) to develop work-arounds for radio encryption so that the Police Department complied with the Department of Justice (DOJ) mandate to protect personally identifiable information (PII). The mandate provided two methods of compliance, neither of which mentioned the use of personal phones or distribution of radios to outside entities. Seven SVRIA partners implemented encrypted communications prior to Palo Alto. Police personnel contacted

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PulsePoint the prior week to discuss the creation of a platform for law enforcement communications similar to the one available for Fire Department and EMS communications. Any alternative solution had to protect PII as required by the mandate. In 2020, a handful of complaints filed by members of the public resulted in seven supervisory inquiry investigations and one internal affairs investigation. Use of force incidents totaled 12 in 2020. All use of force incidents involving serious injury from 2020 forward were going to be referred to the IPA. Currently, the Police Department had two K-9 units, both of which were highly trained. From 2018 to 2020, K-9 teams deployed 350 times, five which resulted in a bite/hold of a suspect, and completed 250 public relations details. The Department sought Council's guidance regarding evaluation of a drone program for high-risk incidents. The Palo Alto Police Department hoped to launch a Psychological Emergency Response Team (PERT) and planned to continue meeting with the Chief's Advisory Group, implementing technology, adapting to fiscal challenges, and prioritizing the safety of residents, businesses, and visitors. Public Safety was not an easy profession, but personnel continued to strive to meet expectations.

Rebecca Eisenberg remarked that the Police Department needed accountability to prevent further violent incidents against minorities. Law enforcement communications were not to include public identifiable information (PII); therefore, encryption was not necessary.

Aram James commented that Chief Jonsen was the least transparent Police Chief in Palo Alto's history. K-9 public relations details with children were not appropriate. The Police Department had an unabated history of racist practices. City Staff did not respond to his requests for public information.

Hamilton Hitchings supported development of a platform similar to PulsePoint for law enforcement communications and the use of a drone in high-risk situations. Hopefully, union concessions helped increase transparency and accountability.

Rita Vrhel did not understand the Police Department's encryption of communications in light of incidents of police brutality. The Council needed to investigate activities that did not serve the community.

Kelsey Banes inquired regarding the accountability action taken in 2018 in response to a K-9 incident.

Kevin Ma suggested the Council increase accountability for the Police Department given the incident with the K-9 team. Encryption of radio communications needed to be analyzed and discussed prior to implementation.

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Salim Damerdji commented regarding the recent K-9 incident and Officer Enberg's history of incidents. Police reform was needed.

Winter Dellenbach hoped the Council addressed the delay in releasing information about the K-9 incident and supported a less onerous solution to encrypted law enforcement communications. Questions about incidents needed to be answered.

Sunita de Turreil suggested the Council implement audits of Police Department incidents and revisit the policy for qualified immunity.

Emily Lacroix supported the call for increased transparency and accountability within the Police Department. PERT included Police Officers who were not necessary and many times more harmful than helpful. The Police Department needed to explore other solutions.

Raven Malone felt the Council had done nothing to reform the Police Department. There was no accountability or transparency in the Police Department. Qualified immunity needed to end.

Eva Tang remarked regarding litigation involving Officer Enberg and requested the Council hold him accountable for his actions.

Ola Abiose concurred with comments regarding the K-9 incident. The Palo Alto Police Department received a score of 48 percent on Campaign Zero's score card. Use of drone surveillance was regressive, not progressive.

Council Member Stone noted the scrutiny of law enforcement officers and the transparency required in law enforcement. He inquired whether the Department objected to unencrypted communications over the main radio channel and encrypted communications for PII over a secondary channel.

Chief Jonsen advised that absent the DOJ mandate, the Police Department did not object to unencrypted communications. Not a single law enforcement agency found a viable option to encrypted communications. Technology was the most likely avenue for a viable option.

Council Member Stone asked if the Police Department utilized a secondary channel that had to be encrypted to comply with the DOJ mandate.

Chief Jonsen replied yes. The Police Department utilized an unencrypted channel, but its use for PII was not allowed under the mandate.

Council Member Stone requested clarification of the reasons for using an encrypted channel for routine communications that did not contain PII.

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Chief Jonsen explained that most Police Department communications contained PII.

April Wagner, Police Captain, reported three employees in the Dispatch Center handled more than 400 calls per day for different services. A fourth employee was needed to answer 911 calls during peak hours. A fifth employee was needed to staff a channel utilized solely for PII. In addition, a Police Officer on patrol was unable to listen to multiple channels simultaneously and may miss emergency information broadcast on an alternate channel. Large cities had the ability to hire sufficient dispatchers and staff patrols with two officers so that use of an unencrypted channel was possible.

Council Member Stone inquired whether the Police Department was operating under the DOJ memorandum released in the fall of 2020.

Ms. Wagner advised that the DOJ informed her that there was no legal exception for the public or press to listen to PII. Policies were in place for quite a while, but digital communications were needed to implement them.

Council Member Stone felt the mandate impeded the First Amendment rights of the press. Alternatives to encrypted communications were needed. At a minimum, the press needed to monitor police communications. The Council or Policy and Services Committee (P&S) needed to develop a transparent policy that met the DOJ mandate and protected the public's right to access information.

Vice Mayor Burt inquired about the status of Chief Jonsen's letter requesting a temporary rescission while Staff sought alternatives to encrypted communications, whether the rescission applied to State and/or Federal requirements, and about legislative changes needed at the federal level.

Chief Jonsen indicated he sent a letter to the California DOJ requesting permission to utilize unencrypted communications until the end of the year while evaluating alternatives, but the DOJ had not yet responded. The SVRIA Executive Director informed him of the complications caused by Palo Alto not using encrypted communications during a regional situation.

Vice Mayor Burt inquired whether the Police Department was able to toggle between encrypted and unencrypted channels.

Chief Jonsen answered that switching between two channels was very problematic. Council Member Kou recently joined the SVRIA Board and was going to speak for Palo Alto in these matters.

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Vice Mayor Burt noted Council Members' interest in legislative reform, and subregional or regional collaboration was possible. He asked if effective legislative reforms were identified.

Chief Jonsen responded no. With a new Attorney General, perhaps a conversation about reforms was an alternative.

Ed Shikada, City Manager, advised that a bill in the prior legislative session proposed a means through which members of certified news organizations were allowed to receive communications. That bill died in session but offered an alternative.

Vice Mayor Burt asked if Staff learned the reasons for the bill's failure from the City's lobbyist.

Mr. Shikada related that the bill's author was no longer in the Legislature. Staff indicated the City's interest in the proposal in conversations with local media.

Chantal Cotton Gains, Deputy City Manager, added that the City's advocate mentioned a few Legislators were potentially willing to consider the topic for the next session.

Vice Mayor Burt suggested advocacy was possible in the current legislative session.

Council Member Cormack recalled community members' positive comments regarding the Police Department's handling of protests in 2020. She supported the media having access to Police Department communications. She requested the number of personnel who left the Department in 2020 and the number of vacant positions at the end of 2020.

Chief Jonsen indicated two Lieutenants, the Technical Services Director, and the Communications Manager were laid off, and 11 Police Officer and four Dispatcher positions were vacant. Community Service Officers were reduced by two positions.

Council Member Cormack inquired regarding the Social Psychological Answers to Real-world Questions (SPARQ).

Andrew Binder, Assistant Chief, reported a survey was being prepared for the Police Department.

Council Member Cormack requested an update regarding implementation of the Racial and Identity Profiling Act.

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Ms. Wagner related that data was going to be collected through the new records management system. Test data submissions were planned for the near future.

Council Member Cormack asked when data was going to be input.

Ms. Wagner advised that input prior to the end of the workday was the best practice.

Council Member Cormack remarked that IPA reviews did not need to be the only emphasis. Employees also needed to be encouraged to behave as expected. She expressed interest in learning whether the right people were conducting welfare checks and about traffic stops for minor issues. A Study Session regarding mental health calls was needed at some point.

Council Member Filseth commented that the DOJ mandate did not seem to solve a problem that occurred in Palo Alto. He inquired whether P&S planned to review the IPA's scope of work and audit plans.

Mr. Shikada noted P&S was scheduled to review personnel-related items and the overall IPA contract with a presentation to the Council in the next 60 days or so.

Council Member Filseth supported the IPA's review of the incident with the K-9 unit. Fast-tracking review of incidents, when warranted, was useful.

Council Member Kou suggested sending a letter to determine the interest of SVRIA member agencies in legislation regarding encrypted communications.

Mr. Shikada believed a discussion with SVRIA members was worthwhile.

Chief Jonsen indicated each agency had its own perspective and hoped technology that met the needs of the community and the DOJ was developed.

Council Member Kou agreed with the Police Department's use of technology, but a physical presence in the community was also needed.

Council Member Tanaka asked if hate crimes were tracked.

Chief Jonsen reported the vast majority of hate crimes were related to property damage, but an incident report was prepared for all calls. Members of the public were encouraged to call the Police Department any time they felt at danger or at risk.

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Council Member Tanaka stated the priority was to ensure residents felt safe and to stop crime as much as possible. Other cities successfully implemented drone programs. Some cities utilized fixed license plate readers (LPR) for property crimes, and he encouraged Chief Jonsen to explore such a program. Transparency regarding body-camera recordings and reports was important as was responding to requests for public information.

Chief Jonsen noted the effects of reduced staffing on proactive crime prevention. A drone program and an LPR program were potentially valuable programs for the Police Department.

Mayor DuBois wanted the Council to receive IPA reports more quickly. He supported reversing the decision to encrypt communications immediately and seeking an alternative. Technology that provided a flood of generic text messages was not helpful. Text messaging PII to Police Officers was a possible alternative. He wanted the Police Department to release body-camera video daily and a Council review of redacted policies to determine if they needed to be redacted. Perhaps releasing to the public aggregated reports of incidents that led to investigations was possible. Noise and privacy issues were likely with a drone program. Perhaps the Chief's Advisory Group could hold public meetings.

Vice Mayor Burt supported agendaizing an Action Item and expressed interest in a more immediate response to communications with the public.

NO ACTION TAKEN

Council took a break at 6:41 P.M. and returned at 6:50 P.M.

2. Discussion of Services for the Unhoused in Palo Alto.

Chantal Cotton Gaines, Deputy City Manager, reported the item was before the Council in response to community interest and Council direction. The County of Santa Clara (County) was working with many communities and providing direct services.

Cathryn Kaminski, Santa Clara County Office of Supportive Housing Deputy Director, advised that the guiding values of the County's Community Plan to End Homelessness (Plan) were to raise the voices of people with lived experiences and to focus on policies and programs that reduced racial inequity and reversed the disproportionately high rates of people of color in the unhoused community. The 2020 Plan was a roadmap for addressing homelessness over the next five years. Strategies included addressing systemic factors that influenced the root causes and inflow into

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homelessness, expanding homelessness prevention and housing programs to better meet the need, and improving the quality of life for unsheltered individuals and creating healthy neighborhoods for all. From 2015 to 2019, the County helped more than 8,800 households resolve their homelessness, doubled the number of supportive housing units, doubled temporary housing and emergency shelter capacity, launched a new homelessness prevention system that served more than 1,500 households annually, led a community-wide campaign that successfully housed more than 1,600 veterans, and engaged nearly 800 private landlords. In addition, voters approved Measure A, a \$950 million affordable housing bond. Unfortunately, homelessness continued to grow.

Ray Bramson, Destination Home Chief Operating Officer, indicated the new Plan called for reducing inflow into homelessness by 30 percent, housing 20,000 people through the supportive housing system, expanding the homelessness prevention system to serve 2,500 people per year, doubling the temporary housing and shelter capacity, and addressing racial inequities present among unhoused people and families. No one jurisdiction had the resources to eliminate homelessness. The City of Milpitas funded case managers. The City of Mountain View provided rapid rehousing subsidies. The City of San Jose funded a planner to review projects aligned with Measure A guidelines. Measure A revenues funded 34 housing developments with more than 3,300 housing units. In 2020, Destination Home, Facebook, and Local Initiatives Support Corporation (LISC) launched a \$150 million community fund for affordable housing projects.

Ms. Kaminski related that Project Homekey was acquiring hotels to convert to permanent and temporary housing.

Philip Dah, Opportunity Center Director, described the Opportunity Center's program that provided one-time assistance to prevent homelessness. Emergency shelters in Palo Alto were the Heart and Home Collaborative and Hotel de Zink. He requested the City explore permanent funding for Project Homekey.

Rachel Tanner, Planning and Development Services Assistant Director, shared the two Safe Parking approaches utilized in the City and highlighted the collaboration with Stanford University and other community partners. One permit was issued for a congregation-based Safe Parking Program, and two applications were pending.

Amber Stime, Move Mountain View, reported children enjoyed playing in the fenced area of the Safe Parking lot located on Geng Road. Children's Library and community members were creating a library for the site. The Safe

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Parking lot provided a sense of safety for clients and facilitated a move to permanent housing.

Meghan Swezey Fogarty, Stanford University Community Engagement, advised that her position focused on building strategies to enable Stanford University's research and teaching resources to more effectively address regional issues. Last fall, Stanford University along with community partners launched a monthly meeting of stakeholders concerned about vehicle dwellers. Stanford University provided in-kind support for a survey and collaborated with community partners to host a community day on February 27, 2021.

Ms. Tanner hoped to present the Council with a permanent Ordinance for congregation-based Safe Parking sites in August 2021.

Minka van der Zwaag, Human Services Manager, indicated the City worked with a variety of organizations to provide a mix of vital services for the unhoused through Human Services Resource Allocation Process (HSRAP) and Community Development Block Grant (CDBG) funding.

Ms. Cotton Gaines suggested the Council discuss vehicle dwelling policy and availability, support for the Plan, housing and shelter development options, outreach and case workers, and resources required for follow-up.

Rebecca Eisenberg noted the City provided no shelter beds and a conflict between her and Staff's statements regarding Project Homekey. She alleged that the Staff Report contained inaccurate information regarding Project Homekey.

Angie Evans remarked that notifying vehicle dwellers of plans to tow their vehicles was not acceptable. Building stable, affordable housing for those who needed it was imperative.

1646***704 supported the Safe Parking Program and its goals but expressed concerns regarding lot monitoring and enforcement.

David Grossman believed quantitative measures of the successes and failures of the Safe Parking Program were needed and proposed the City issue comprehensive reports of successes and problems. The City needed to emulate Mountain View's Safe Parking Program.

Grace Mah suggested the City notify residents located within half a mile of an applicant's address of the application for a Safe Parking permit. The \$600 fee to appeal a decision on a Safe Parking permit seemed prohibitively

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high. She inquired about metrics and the number of applications for the Safe Parking Pilot Program.

Aram James issued a verbal request for public information to learn the entity that authorized ticketing of vehicle dwellers. Safe Parking Programs that allowed 24/7 parking were needed. The City was woefully behind in helping the homeless.

Valerie Sarma opposed the proposed apartment complex project on Wellesley Street because the project did not serve future residents or the community of College Terrace.

Roberta Alquist, Women's International League for Peace and Freedom, requested the Council direct the Planning Commission to cease the development and approval of projects converting housing into condominiums. The City needed rent control, shelters, and low-income housing.

Kelsey Banes encouraged the Council to support the Plan with timely and substantive policy changes.

Kevin Ma noted the City did not fund a single case worker for the unhoused community. Requiring vehicle dwellers to move every three days was inhumane. Renter protections prevented homelessness.

Rohin Ghosh commented that the City had a responsibility to serve all residents, reduce barriers to services, and encourage affordable housing.

Sunita de Turreil, speaking as an individual, proposed students tutor children living at the Safe Parking site.

Wendy Yu proposed a residency requirement so that the Safe Parking Program served Palo Alto community members only. She expressed concern that a high concentration of Safe Parking lots was going to be located on Middlefield because of the number of religious organizations in the area.

Alan Miller recommended the documentary "Fight for the Soul of Seattle" and noted the use of buzz words and shaming.

Valerie Stinger, speaking as an individual, remarked that 55 to 60 percent of social services funding was expended for homeless services in 2019-2020, and these sources of funding were not sustainable. A more strategic approach to homelessness was needed. The Council needed to learn which programs served which needs the best.

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Carolyn W suggested background checks as a best practice for the Safe Parking Program.

Mayor DuBois requested the expectation of additional funding for Project Homekey.

Ms. Cotton Gaines related that funding was included in the Governor's proposed budget.

Consuelo Hernandez, Santa Clara County Office of Supportive Housing Director, added that a proposal needed to be ready when Project Homekey opened for applications. In 2020, a notice of funding was released on July 14, and the deadline to submit an application was less than three weeks later. The County received its first award for a Project Homekey site by August 25, 2020.

Mr. Bramson noted the proposed allocation for 2021-2022 \$750 million.

Mayor DuBois wanted the City to engage more with the County. Perhaps the Council wished to utilize some COVID-19 relief funding to increase human services funding. Mountain View's ban on recreational vehicles (RV) became effective soon and was likely to impact surrounding cities. Projects for assisted living facilities and housing over City parking lots were ways to increase housing. Multilingual communications with vehicle dwellers were needed. The survey was going to be important for understanding the different populations and needs. There was an opportunity for a special needs housing project in Palo Alto. The development of temporary Safe Parking lots was incredibly slow. Perhaps some owners of hotels in need of repair were interested in selling their properties to the County for conversion to housing.

Ms. Hernandez advised that the County was working with Mountain View to convert a hotel to housing with the use of Measure A funding. In Milpitas, a 146-unit extended stay hotel was converted to 132 permanent housing units. Measure A funding of \$21 million and a Homekey Project grant of \$29.2 million funded the two projects.

Council Member Filseth inquired whether the goal was to reduce homelessness inflow by 30 percent while the inflow was increasing 100 percent annually.

Ms. Kaminski clarified that goals were to reduce inflow and to increase the number of people housed over the next five years.

Council Member Filseth asked about ways to balance inflow and outflow.

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Ms. Kaminski advised that additional housing and a targeted campaign resulted in a reduction of the total number of homeless veterans.

Council Member Filseth inquired about changes in the homeless population over the past decade.

Ms. Van der Zwaag indicated the last two point-in-time (PIT) counts reflected an increase from 279 to 313 in the Palo Alto homeless population. Approximately six years ago, the population decreased. The population ebbed and flowed with the economy and available housing options.

Ms. Kaminski stated the survey was useful in determining the homeless population and the level of need.

Council Member Cormack was interested in seeing the strategies map actions with funds and time. She requested comments regarding allocation of time and funding across the three strategies.

Ms. Kaminski related that the strategies were a roadmap for potential opportunities. The Council needed to allocate resources in each area.

Council Member Cormack asked if the County tracked expenditures for each strategy.

Ms. Kaminski explained that spending was tracked by affordable housing development, crisis response, emergency shelter, outreach, and those types of things.

Ms. Hernandez added that in-kind opportunities were available for cities.

Council Member Cormack asked if the homeless population count included vehicle dwellers.

Ms. Van der Zwaag reported the PIT count attempted to reach people living in shelters, on the street, and in vehicles.

Council Member Cormack supported the City exploring the conversion of a hotel to housing and providing public land for housing. Ms. Tanner was aware of the concern about background checks for participants in the Safe Parking Program. She inquired whether the City previously funded a program that provided phones or phone service to the homeless.

Ms. Van der Zwaag replied no, but it was discussed. In some instances, service providers gave phones donated by community members to clients. Phones were a necessity for case workers to contact homeless clients, especially during the pandemic.

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Council Member Cormack appreciated Staff and partners for providing information in a structure that helped the Council consider gaps and ways to fill the gaps.

Council Member Stone asked if shelters for families were located in Palo Alto.

Ms. Van der Zwaag answered no.

Council Member Stone requested the location of a family shelter near Palo Alto.

Mr. Dah advised that the nearest was located in Menlo Park, and others were located in San Mateo and San Jose.

Ms. Kaminski added that a family shelter was located in Sunnyvale, and a cold-weather program was located in Mountain View.

Council Member Stone inquired about a nonprofit organization that conducted outreach to unhoused and mental health communities.

Ms. Van der Zwaag indicated the Opportunity Center conducted case management with people in the shelter. The Downtown Streets Team conducted outreach to bring people into its program. Momentum for Mental Health previously provided outreach once per week in Palo Alto. The City did not have a contract for street outreach with any service provider through HSRAP or CDBG programs.

Council Member Stone asked if Staff was aware of a provider of street outreach.

Ms. Van der Zwaag suggested contacting current providers that were not funded for street outreach.

Council Member Stone requested possible reasons for only 14 persons being sheltered in Palo Alto at the time of the 2019 PIT count.

Ms. Van der Zwaag explained that the 14 sheltered persons were living in the Hotel de Zink. The County's report for the 2019 count provided data about Palo Alto residents living in shelters outside Palo Alto.

Council Member Stone requested the State and local laws that addressed abandoned vehicles and vehicles parked on streets for more than 72 hours.

Andrew Binder, Assistant Police Chief, agreed to provide the information at a later time.

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Council Member Stone felt increasing funding for human services was extremely important. The City needed a strategic plan to address homelessness.

Vice Mayor Burt concurred with comments regarding the need for a strategic plan and to increase HSRAP funding. He inquired whether the County considered micro-grants for religious organizations that provided temporary Safe Parking lots.

Ms. Hernandez replied no. Efforts were directed to leveraging nonprofit partners.

Vice Mayor Burt asked if older hotels were surveyed to determine their interest in selling the property for conversion to housing or providing temporary housing.

Ms. Cotton Gaines reported Staff contacted hotels and was working to determine the feasibility of the hotels.

Vice Mayor Burt believed some of the owners may find an offer attractive. If the City had available property, it was on a fast track for Measure A funding. As part of the project to remake the golf course, 10 acres was set aside for playing fields. He encouraged Staff to look at the site as a potential Safe Parking lot. He suggested the Council consider increasing Development Impacts Fees and implementing a business tax as potential funding sources.

Council Member Kou urged Ms. Stime to work with residents to address concerns about the Safe Parking lots. Staff needed to reach out to residents who owned and occupied below-market-rate (BMR) housing about resources for repairs and maintenance. Housing on City-owned surface parking lots was a possibility. She inquired about COVID-19 vaccinations for vehicle dwellers.

Ms. Stime advised that Valley Health had been to the Geng Road site twice, and staff notified participants of dates Valley Health planned to be at the site.

Mr. Dah indicated vaccination clinics were held at the Opportunity Center on the past three Fridays.

Council Member Kou asked if children were attending school.

Ms. Stime answered yes.

Council Member Kou asked if Hotel de Zink provided temporary housing for families.

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Mr. Dah responded no, only single adults.

Council Member Tanaka inquired whether the problem with repeat offenders at the Opportunity Center was resolved.

Mr. Dah replied yes. After speaking with the Police Department and neighbors, the people loitering in front of the building were no longer present.

Council Member Tanaka agreed with public comments regarding the fee to appeal a Safe Parking permit decision, the potential for a concentration of temporary Safe Parking sites on Middlefield, background checks, monitoring, enforcement, and metrics. The Council needed to understand the root causes of homelessness in order to address them.

NO ACTION TAKEN

Agenda Changes, Additions and Deletions

None.

Oral Communications

Fred Balin, speaking for Melanie Grondel, Diane Finkelstein, Doria Summa, Annette Ross, and William Heaton, recommended the public view the documentary "The Chinese Exclusion Act" and read "The White Devil's Daughters."

Aram James appreciated the Council proposing an Action Item regarding police reform and questioning Chief Jonsen. The Police Department had one active African-American Police Officer.

Rob Levitsky thanked the Council for modifying the Castilleja School expansion project and indicated residents were going to judge Castilleja's integrity by the way it treated Tree Number 89.

Hank Edson urged the Council to reject the apartment project on Wellesley Street; to permit construction on single-family residential (R-1) parcels owned by people who committed to occupying the home for two years after construction; and limit titleholders to one property per neighborhood.

Bill Ross complimented Utilities Staff for repairs to facilities on March 27, 2021 and inquired if the facilities had redundant sewer pumps. Without redundant pumps, the City was not able to address critical issues of fire and life safety.

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Keith Bennett, Save Palo Alto's Groundwater, commented that dewatering regulations needed to be modified to quantitatively limit groundwater discharge.

Rebecca Eisenberg concurred with Mr. James', Mr. Levitsky's, and Mr. Bennett's comments. The City had no right to grant an amended Conditional Use Permit (CUP) unless Castilleja demonstrated a public benefit.

Council took a break at 9:22 P.M. and returned at 9:32 P.M.

Minutes Approval

1. Approval of Action Minutes for the March 15 and March 22, 2021 City Council Meetings.

MOTION: Council Member Cormack moved, seconded by Mayor DuBois to approve the Action Minutes for the March 15 and March 22, 2021 City Council Meetings.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Council Member Cormack moved, seconded by Council Member Kou to approve Agenda Item Numbers 4 and 5.

4. Approval of the Traffic Data Collection Surveillance Use Policy and Approval of a Contract With Traffic Data Service, Inc. for a Total Not-to-Exceed Amount of \$200,000 to Provide On-call Traffic Data Collection Services.
5. Ordinance 5519 Entitled, "Ordinance of the Council of the City of Palo Alto Adopting an Administrative Amendment to the 2019 California Fire Code, Palo Alto Municipal Code Section 15.04.075 (Definitions Added to Section 202) (FIRST READING: March 15, 2021 PASSED: 7-0)."

MOTION PASSED: 7-0

City Manager Comments

Ed Shikada, City Manager, reported the County of Santa Clara (County) Public Health Department announced a growing number of COVID-19 variants were present in the county. On April 1, 2021, California residents aged 50 and older were eligible for the vaccine. Residents aged 16 and older were eligible on April 15, 2021. COVID-19 testing was available every Tuesday, every Wednesday, and on April 16, 2021. Children's Library was

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going to reopen by appointment only on April 13, 2021. An online survey regarding extension of the parklet and street closures on and off University Avenue and California Avenue was available. The May Fete celebration was scheduled for May 1-8, 2021. The Highway 101 Bike Bridge was awaiting permit approvals to install the trusses.

Action Items

6. Discussion and Selection of Members for an Advisory Housing Element Working Group to Assist With the Preparation of a new Housing Element.

Jonathan Lait, Planning and Development Services Director, reviewed the Council's direction to Staff on February 1, 2021. Staff received 80 applications for the Housing Element Working Group (Working Group). An at-places memorandum organized the applicants into four groups. The Working Group was going to identify housing sites and draft housing policies and programs. Staff proposed a kickoff meeting for the Housing Element Update on May 10, 2021 as well as a Joint Study Session for the Council and Planning and Transportation Commission (PTC). The first Working Group meeting was tentatively scheduled for May 6, 2021.

Aram James asked if Working Group meetings were going to be subject to the Brown Act. The Working Group needed three or four unhoused persons.

Anya Bida introduced herself as an applicant for the Working Group.

John Hickey introduced himself as an applicant for the Working Group and shared his experience with planning.

Arthur Keller suggested the Working Group be subject to the Brown Act and prepare its meeting agendas.

Jean Snider hoped to be selected for the Working Group and shared her experience with land management.

Jessica von Borck related the value she could add to the Working Group.

Kelsey Banes, Peninsula for Everyone, recommended the Working Group reflect the community's diversity and include young people, renters, and people of color.

Chris Labonte introduced himself as an applicant for the Working Group.

Tim McKenzie believed the Working Group needed to include renters and was surprised to hear Stanford University employees offer to utilize their

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professional teams for civic work. An apartment complex was more appropriate than a parking garage on California Avenue.

Jeffrey Hook stated the world's population was likely to decrease by 1 billion by the end of the century. Converting commercial space to residential reduced demand and increased supply.

Anna Toledano requested the inclusion of renters on the Working Group.

Council Member Cormack inquired about the role of the alternate members.

Mr. Lait explained that the alternates were intended to replace members who resigned from the Working Group.

Council Member Cormack inquired about the concept of affirmatively furthering fair housing.

Mr. Lait read the definition contained in State law. Additional aspects were attempting to include those who typically were not represented in housing issues and drafting a chapter that identified constraints and barriers to fair housing and added or modified policies to create more equitable housing for all.

Council Member Cormack appreciated Staff's use of a broad range of communications to announce the Working Group and translation of applications into Spanish and Chinese. Her criteria for Working Group members included the ability to understand data and rules.

Vice Mayor Burt wanted the Working Group to reflect the breadth of perspectives and backgrounds in the community, have a mixture of experiences and expertise, and focus on problem solving. Fifteen members and three alternates were acceptable.

Mayor DuBois expressed concern that the Working Group's work was going to be constrained by the City's large allocation of housing units. Perhaps the Council wished to consider a number less than 6,000 units. Criteria for members included problem-solving, data analysis, ability to collaborate, social media behavior, diversity, previous service on Boards, Committees, and Commissions, and residency in Palo Alto.

MOTION: Council Member Filseth moved, seconded by Council Member Stone to:

- A. Appoint a Housing Element Working Group as follows:
 - i. Appoint the following people to the Working Group:

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1. Anupa Bajwa
 2. Sheena Chin
 3. Aishetu Fatima Dozie
 4. Hamilton Hitchings
 5. Rahsan Hosgur Karahan
 6. Kathryn Jordan
 7. Arthur Keller
 8. Sheryl Klein
 9. Ed Lauing
 10. Jennifer Liu
 11. Pat Markevitch
 12. Keith Reckdahl
 13. Jean Snider
 14. Jessenia Solorio
 15. Randolph Tsien
- ii. Appoint the following people as Alternates:
1. Jessica von Borck
 2. Dina Bartello
- B. Direct Staff to coordinate a joint City Council and Planning and Transportation Commission Housing Element Kick Off Meeting, tentatively scheduled for May 10, 2021.

Council Member Filseth commented on the challenges of satisfying State requirements and community priorities. The task for the Working Group was analytical. He shared the Housing Ad Hoc Committee's analysis of membership.

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Council Member Stone added that the Housing Ad Hoc Committee wanted members who were able to analyze data, understand long-term implications of decisions, collaborate, and debate in a civil manner.

Council Member Cormack did not believe the list was balanced. Social media posts were not part of her criteria. She did not anticipate that the Housing Ad Hoc Committee's role included review of applicants.

AMENDMENT: Council Member Kou moved, seconded by Council Member XX to replace Jean Snider with Arthur Liberman.

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

Council Member Kou concurred with many of the Housing Ad Hoc Committee's criteria.

Vice Mayor Burt preferred to allow Council Members to add applicants to the list in the Motion and vote on each. The applicants with a majority were going to be selected for the Working Group. If the number of applicants with a majority vote exceeded 15, Council Members were going to vote to remove applicants.

SUBSTITUTE MOTION: Council Member Cormack moved, seconded by Council Member XX to:

- A. Appoint a Housing Element Working Group as follows:
 - i. Appoint the following people to the Working Group:
 1. Jessica von Borck
 2. Antonia Mendoza
 3. Donald Barr
 4. Jessenia Solorio
 5. Gregg Johnson
 6. Kevin Ma
 7. Helen Carnes
 8. Robert Chun
 9. Aishetu Fatima Dozie

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10. Lisa Ratner
 11. Keith Reckdahl
 12. Jessica Resmini
 13. Cara Silver
 14. Mele Tupou
 15. Brigham Wilson
- ii. Appoint the following people as Alternates:
1. Peter Baltay
 2. Raven Malone

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

SUBSTITUTE MOTION: Council Member Tanaka moved, seconded by Council Member Cormack to direct the City Council to email their selections to the City Clerk to be tallied for majority prior to appointment.

Molly Stump, City Attorney, advised that the proposed methods to select members were permissible.

Beth Minor, City Clerk, indicated tallying the votes was likely to require 10 to 20 minutes.

SUBSTITUTE MOTION FAILED: 3-4 DuBois, Filseth, Kou, Stone no

Mayor DuBois reviewed the list of applicants in relation to the stakeholder categories.

Vice Mayor Burt did not agree with the process as it was not appropriate. He moved to reconsider the Substitute Motion.

Ms. Stump advised that a Council Member who voted in the majority was allowed to move to reconsider a Motion. Vice Mayor Burt did not vote in the majority on the Substitute Motion.

AMENDMENT: Vice Mayor Burt moved, seconded by Council Member Cormack to add Cara Silver, Daniel Mendez, Raven Malone, Jessica Resmini and Justine Burt to the Motion Part A. i. for the purpose of voting to appoint members to the Housing Element Working Group.

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Vice Mayor Burt felt many of the applicants on the list were good, but the Housing Ad Hoc Committee's mandate did not include proposing applicants for the Working Group.

Council Member Cormack asked if the full list of applicants captured the senior demographic.

Council Member Filseth indicated five were in the age range of 56 to 70, and one was in the over 70 age range.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add Steven Levy to the list.

Mayor DuBois asked if the Amendment intended to add applicants to the list but not appoint them to the Working Group.

Vice Mayor Burt answered correct. Ultimately, the Council was going to vote on each applicant.

AMENDMENT RESTATED: Vice Mayor Burt moved, seconded by Council Member Cormack to add Cara Silver, Daniel Mendez, Raven Malone, Jessica Resmini, Justine Burt, and Stephen Levy to the Motion Part A. i. for the purpose of voting to appoint members to the Housing Element Working Group.

Council Member Kou believed some of the applicants in the Amendment had conflicts of interest. One was involved in discussions with the Association of Bay Area Governments (ABAG) regarding the Regional Housing Needs Allocation (RHNA), and one owned a business building or designing accessory dwelling units (ADU).

AMENDMENT FAILED: 3-4 DuBois, Filseth, Kou, Stone no

Mayor DuBois commented that a majority of Council Members had to pass a Motion, and a majority of Council Members appeared to support the Motion. The process for selecting members for the Working Group was not ideal.

Vice Mayor Burt supported most of the applicants on the list, but the process was wrong. The applicants who Council Member Kou indicated had conflicts of interest did not have legal conflicts. The list contained applicants who worked for affordable housing or Stanford University.

Mr. Lait reported none of the applicants appeared to have experience developing market-rate multifamily housing or to represent Palo Alto Unified School District (PAUSD).

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Council Member Kou related that experience with below-market-rate (BMR) housing was more important than market-rate housing.

Mayor DuBois suggested the Council proceed with the vote and request PAUSD Staff attend Working Group meetings and report to the PAUSD Board of Education (Board).

Council Member Tanaka concurred with Vice Mayor Burt's comments regarding the process.

MOTION RESTATED: Council Member Filseth moved, seconded by Council Member Stone to:

- A. Appoint a Housing Element Working Group as follows:
 - i. Appoint the following people to the Working Group:
 1. Anupa Bajwa
 2. Sheena Chin
 3. Aishetu Fatima Dozie
 4. Hamilton Hitchings
 5. Rahsan Hosgur Karahan
 6. Kathryn Jordan
 7. Arthur Keller
 8. Sheryl Klein
 9. Ed Lauing
 10. Jennifer Liu
 11. Pat Markevitch
 12. Keith Reckdahl
 13. Jean Snider
 14. Jessenia Solorio
 15. Randolph Tsien

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ii. Appoint the following people as Alternates:

1. Jessica von Borck
2. Dina Bartello

B. Direct Staff to coordinate a joint City Council and Planning and Transportation Commission Housing Element Kick Off Meeting, tentatively scheduled for May 10, 2021.

MOTION PASSED: 4-3 Burt, Cormack, Tanaka no

Council Member Questions, Comments and Announcements

Council Member Cormack announced she was appointed to the Board of California Cities formerly known as the League of Cities Women's Caucus.

Council Member Tanaka thanked Council Members for supporting Council Member Kou and him by attending the Asian hate rally on Sunday. Another rally was planned for May 1, 2021.

Vice Mayor Burt reported the Caltrain Local Policy Maker Group (LPMG) received an update regarding scenario planning and was probably going to consider forming a subcommittee for design alternatives and pursuing funding for grade separating the Caltrain Corridor. The Santa Clara Valley Transportation Authority (VTA) Board was ready to make decisions pertaining to CEO recruitment, Assembly Bill (AB) 1081, and Measure B funding.

Council Member Stone encouraged the community to get their COVID-19 vaccinations.

Mayor DuBois expressed interest in resuming Town Hall meetings. Several May Fete activities were scheduled for May 1, 2021.

Adjournment: The meeting was adjourned in honor of the Stanford Women's Basketball Championship at 11:28 P.M.