



# SUMMARY MINUTES

City Council  
Special Meeting  
August 30, 2021  
5:00 PM

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

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

Absent: DuBois

## Closed Session

### 1. CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Kiely Nose, Rumi Portillo, Sandra Blanch, Nicholas Raisch, Molly Stump, and Terence Howzell)  
Employee Organization: Service Employees International Union, (SEIU) Local 521, Utilities Management and Professional Association of Palo Alto (UMPAPA);  
Authority: Government Code Section 54957.6 (a).

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

**MOTION PASSED:** 6-0, DuBois absent

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

Council returned from Closed Session at 6:30 P.M.

Vice Mayor Burt announced no reportable action from Closed Session.

## Study Session

### 2. Foothills Fire Mitigation Strategies Study Session.

Palo Alto Director of Emergency Services Kenneth Dueker referred to the informational report presented to the Council on June 21, 2021 as it contained a great deal of background information. The City was obligated to prepare for all hazards. Everyone needed to be aware of the best practice known as "Ready, Set, Go" and various resources, such as [www.alertwildfire.org](http://www.alertwildfire.org), [KZSU](http://KZSU), [PulsePoint](http://PulsePoint), and [community.zonehaven.com](http://community.zonehaven.com), for

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alerts and warnings. Residents were encouraged to join the Emergency Services Volunteer (ESV) Program or Community Emergency Response Teams (CERT). In Santa Clara County, the Local Agency Formation Committee (LAFCO) was holding a series of community meetings regarding fire services and wildfires.

Cal Fire Santa Clara County Unit (SCU) Assistant Chief Nick Ciardella reported approximately 60 percent of SCU's resources were deployed to three wildfires, and resources were backfilled with local government agencies. Cal Fire responded to wildfires that occurred within the City of Palo Alto to help prevent the spread of a wildfire into the State Responsibility Area (SRA). Cal Fire partnered with the California National Guard Army, Pacheco Cal Fire, and California Conservation Corps to fight wildfires and perform fuel mitigation work. Cal Fire was transitioning its helicopters from Huey to Sikorsky to increase water and retardant capacity and speed. Statistics showed an increase in incidents and acres burned in 2021 over 2020. With the drought, the moisture content of fuel was lower than historic averages. However, the lack of rain resulted in a lower number of grass fires. From August through November 2021, the potential for fire was above normal in Northern California.

Palo Alto Deputy Fire Chief Kevin McNally defined the Wildland Urban Interface (WUI) as the area west of Foothill Expressway and Junipero Serra Boulevard to Skyline. The area contained open space, parks, homes, commercial buildings, and infrastructure. The Palo Alto Fire Department (PAFD) attempted to inspect all properties in the Foothills to ensure compliance with regulations and to make properties savable. Residents needed to understand the 100-foot defensible space concepts for homes. Fire Station 8 was built at Foothills Park following the Liddicoat Fire in 1985 and reduced the overall response time to the Foothills. In 2020, the CZU Fire was predicted to spread into Palo Alto, and PAFD prepared homes in the area. The Foothills included Local Responsibility Areas (LRA), SRAs, and Mutual Threat Zones (MTZ).

Santa Clara County Central Fire Protection District Acting Fire Chief Brian Glass described the agreement among the Los Altos Hills County Fire District (LAHCFD), the Santa Clara County Central Fire Protection District, and the City of Palo Alto for Fire Station 8's staffing and equipment, regional fire protection benefits, and mutual aid.

Midpeninsula Open Space District (Midpen) Area Manager Craig Beckman advised that Midpen had ranger patrols trained in wildland fire safety and suppression, an incident command system, and communications. Due to the changing environment, Midpen was enhancing its fuel reduction capabilities,

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recently completed an Environmental Impact Report (EIR) to perform fuel reduction work across all Midpen land, and annually assessed priority locations for this work. Midpen recently removed eucalyptus trees along Page Mill Road and expanded the fuel break along Monte Bello ridge. Annual maintenance was conducted to provide control points and emergency access. Future work included clearing areas around large parking lots for event staging, additional fuel reduction on Page Mill Road and Skyline Boulevard, and a longer-term review of the use of prescribed fire.

Stanford University Fire Marshall Aaron McCarthy related that Stanford University hired a consultant to prepare a Wildfire Management Plan after fires burned Stanford University land in 2019. The Wildfire Management Plan focused on fire behavior modeling and risk assessment and had proven to be valuable. Based on the Wildfire Management Plan, Stanford University created a Stewardship Atlas including a matrix of treatments. The challenge was identifying resources to perform the needed work in the limited amount of time available. Stanford University increased its budget to accomplish this work and may need to increase it further. Removal of trees was a concern, but eucalyptus trees were highly combustible. Stanford University was exploring the use of cameras and artificial intelligence (AI) and evaluating the use of long-term fire retardants for high frequency areas. The next phase was development of a plan for evacuation and response.

Vice Mayor Burt noted that the number of agencies covering the Foothills demonstrated the essential nature of fire protection.

Council Member Kou requested comment regarding the Silicon Valley Regional Interoperability Authority (SVRIA) as a component of notification.

Mr. Dueker indicated that SVRIA was the joint powers authority that managed the new multi-agency digital radio system rather than notification. Unfortunately, there was a number of coverage deficiencies in the Foothills for all radio systems, particularly mobile phones. Radio and digital communications were vital, and Staff was working to improve communications resilience and capabilities in the WUI.

Mr. Glass added that the Santa Clara County Fire Department received a \$4 million grant for a Moses system that rebroadcast T-Mobile, Verizon, and AT&T cellular service into areas affected by weak signals. Two systems were available via the mutual aid system.

Mr. McNally indicated that not all agencies were utilizing the digital radio system. Oftentimes, a battalion chief at an incident command center was utilizing multiple radio channels to direct the response.

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Council Member Kou inquired whether the goal was for agencies to convert to the digital radio system.

Mr. McNally replied yes, for agencies in Santa Clara County.

Council Member Kou asked if agencies in Santa Clara County were working on conversion.

Mr. McNally responded yes.

Mr. Glass reported that the SVRIA partnered with adjacent counties to coordinate radio communications. Temporarily patching Woodside's radio communications into the digital radio system was possible. Clear communications were the number one priority of all fire response agencies.

Mr. Ciardella advised that Cal Fire provided a tactical channel so that any agency was able to communicate at an incident. It was not unusual for commanders to monitor four or five frequencies during an incident response. Aircraft monitored additional frequencies due to air traffic control.

Council Member Kou inquired regarding methods used to notify individuals in open spaces of potential danger.

Mr. Beckman related that Midpen did not have an active warning system for hikers in the preserve. The top priority for rangers responding to the area was to identify any visitors in the area. Midpen was educating visitors about preparing escape plans and routes and modifying or canceling visits on red flag days. Midpen was able to close park properties in extreme circumstances.

Council Member Kou stated that her experience with a tsunami warning in Hawaii caused her to think about warnings for open space visitors.

Mr. Ciardella added that Cal Fire helicopters searched for visitors and warned them of emergencies in the area. If a path for safe egress was not available, helicopters transported visitors from the area of danger.

Council Member Stone appreciated the multi-jurisdictional effort and the competency of the agencies and individuals working on the issues. Wildfires were an ongoing seasonal threat to communities. He inquired whether Staff sought Council feedback to return with an action item.

Mr. Dueker explained that the Study Session was intended to provide details and nuances of items presented in the informational report.

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Council Member Stone noted that pages 12 and 13 of the Staff Report discussed funding and exemptions. He inquired about a date for the Council to address those items.

Mr. Dueker clarified that the Agenda Item was part of the Economic Recovery Program and responded to prior Council questions.

Council Member Stone inquired whether Staff was considering modifications to the Building Code to address building design elements that were susceptible to fire.

Mr. Dueker indicated that the Agenda Item pertained more to landscaping and flammable vegetation than buildings. Updates to the Building Code may be presented at some time in the future.

Council Member Stone inquired about inter-agency trainings to improve response coordination.

Mr. Dueker related that the Office of Emergency Services (OES) coordinated activities among the agencies. Inter-agency trainings across the Region and State were common.

Mr. Ciardella advised that agencies across Santa Clara County participated in annual wildland fire drills and monthly strike team exercises to improve coordination of incident activities and communications.

Council Member Stone questioned whether a prohibition on barbecues and campfires for the remainder of the fire season would be beneficial.

Mr. McNally clarified that most barbecues and open fire pits in the camping areas were removed. Barbecues and fire pits in the picnic areas were open because they were well-maintained.

Palo Alto Assistant Director of Open Space, Parks, Golf, and Animal Services Daren Anderson indicated that barbecues and fire pits in the picnic areas were deemed low risk rather than no risk. If the Council wished to prohibit them, Staff would remove them. However, removing them may encourage visitors to bring their own. Removal of the nine hillside barbecues was successful with no complaints from the community. The barbecues in the picnic areas were used much more frequently.

Council Member Stone supported a prohibition on fire pits and barbecues for the remainder of the current fire season.

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Council Member Cormack noted her observation of vegetation management along Page Mill Road and in Foothills Park. She requested clarification of the technology test bed.

Mr. Dueker reported a number of technologies for early fire detection were emerging. Staff sought Council feedback regarding implementation of trial programs to evaluate different technologies.

Council Member Cormack believed the Council was always interested in new technologies. Eucalyptus trees were potentially an environmental issue as birds nested in them. She supported efforts to determine locations where eucalyptus trees were appropriate or needed to be removed. Exempting fire detection technology seemed appropriate. With respect to barbecues and fire pits, risk needed to be balanced with reward. Staff would inform Council when they needed to be removed.

Council Member Tanaka inquired about the interaction between the Tree Ordinance and the risk of fire, especially in the Foothills.

Acting Urban Forester Peter Golinger explained that the Tree Ordinance allowed removal of nuisance vegetation but did not expressly state that trees were nuisance vegetation. Modification to the Ordinance addressed fire hazard as an exemption for protected trees.

Council Member Tanaka inquired whether a homeowner needed to plant a replacement tree for a tree that was removed in response to fire safety. Tree preservation and fire prevention were worthy goals.

Mr. McNally advised that the WUI was different from urban areas. In the WUI, removal of dead vegetation was required. Urban properties received notices regarding tall weeds and other fire hazards, but they were not normally inspected for dead vegetation. Healthy trees presented a low risk to homes unless branches were hanging over chimneys. Watering trees was preferable to watering lawns.

Mr. McCarthy indicated that trees were rarely removed on Stanford University property. Routine maintenance typically prevented removal. An arborist had to assess a tree as dead for it to be removed.

Vice Mayor Burt noted historic wildfires in each of the past six years. The proximity of the CZU Fire in 2020 was frightening. The City was facing an acute risk, and agencies were increasing preparedness. However, the level of preparedness may be significantly inadequate for the actual risk. The inter-agency group, PAFD, and OES needed to provide an analysis of resources needed to protect against the current risk. The City needed to

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implement near-term measures and elevate the priority of other measures. The City's proximity to San Mateo County indicated the need for training with agencies in San Mateo County. He suggested Staff prepare a recommendation regarding prioritization of Code updates to provide the Council with authority to address fire risks. The loss of eucalyptus trees did not compare to the losses associated with a wildfire. Scenario planning needed to include agencies that were not fire protection agencies. Barbecues and fire pits, when managed properly, were not a fire risk, but they were not always managed properly. He looked forward to Staff returning with an Action Item that included a request for resources. Due to Budget reductions, PAFD was not able to deploy strike forces to wildfires. Council needed to reevaluate those Budget reductions.

Hamilton Hitchings endorsed Vice Mayor Burt's comments and the technology test bed. He requested Mr. Dueker comment regarding the current state of technology.

Mr. Dueker noted that the June 21, 2021 informational report discussed both thermal and infrared technology. State of the art technology required testing.

Glyn Milburn encouraged the Council and Staff to consider ways to utilize Pace to help protect homes from wildfire.

## **NO ACTION TAKEN**

## **COUNCIL TOOK A BREAK AT 8:06 P.M. AND RETURNED AT 8:16 P.M.**

### Agenda Changes, Additions and Deletions

Vice Mayor Burt announced Agenda Item Numbers AA1 and AA2 were added to the Amended Agenda.

### Public Comment

Aram James appreciated the Council extending the time for public comment.

Hamilton Hitchings requested a change in the Agenda to allow public comment prior to the Council vote on the Consent Calendar.

### Consent Calendar

Aram James, addressing Agenda Item Number 6, suggested the Council require education prior to criminalizing violation of the Ordinance. The Ordinance prevented homeowners from defending themselves and their families.

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Ruth Robertson, addressing Agenda Item Number 6, referred to Sunnyvale's Ordinance on gun safety. People were going to threaten lawsuits in an effort to influence the Council. People with guns in their homes were more likely to be killed by a gun. A \$1,000 fine was a deterrent to gun ownership.

Hamilton Hitchings, addressing Agenda Item Number 6, noted the U.S. Supreme Court's reaffirmation of citizens' right to defend themselves in their homes. Households with children should be required to store firearms safely, and a monetary fine for failure to do so was appropriate. Requiring jail time seemed unreasonable if an adult did not have children. Requiring a firearm to be on a person was overly restrictive and led to unsafe behavior and possibly liability for the City. The County of Santa Clara's language of close proximity and control would improve the Ordinance.

Don Veith, addressing Agenda Item Number 6, supported the Ordinance as a way to improve the world.

Deborah Kemper, addressing Agenda Item Number 6, shared gun safety statistics and requested the Council add language to the Ordinance to emphasize safely securing guns.

Council Member Kou registered a no vote on Agenda Item Number 4.

Council Member Tanaka registered no votes on Agenda Item Numbers 4 and AA1.

**MOTION:** Council Member Cormack moved, seconded by Vice Mayor Burt to approve Agenda Item Numbers 3-6 and AA1.

3. Approve Minutes from August 16, 2021.
4. Approval of Contract Amendment Number 2 to Contract Number C17165953 with RossDrulisCusenbery Architecture, Inc., to Add to the Scope of Services and Add \$283,410 to the contract sum, for a new Total Not to Exceed Amount of \$9,037,608, for Design and Environmental Assessment Professional Services for the Public Safety Building, Capital Improvement Project (PE-15001).
5. Adoption of **Resolution 9982** to Authorize the City Manager to Submit Application(s) and Related Agreement(s) for the California Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Grant Program.
6. Adoption of an Ordinance Amending Title 9, Public Peace, Morals and Safety, of the Municipal Code to Add Chapter 9.07 Requiring Safe



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Storage of Firearms in Palo Alto Residences to Prevent Improper Firearm Access; Adoption of **Resolution 9983** Amending the Administrative Penalty Schedule to Add Conforming Penalty.

AA1. Approval of a Professional Services Agreement With Enovity, Inc. for Energy Efficiency Program Services in an Amount of \$661,667 per Year for a Total Not-to-Exceed Amount \$1,985,000 for a Three-year Term Through August 15, 2024.

**MOTION PASSED FOR AGENDA ITEM NUMBERS 3, 5, 6:** 6-0, DuBois absent

**MOTION PASSED FOR AGENDA ITEM NUMBER 4:** 4-2, Kou, Tanaka no, DuBois absent

**MOTION PASSED FOR AGENDA ITEM NUMBER AA1:** 5-1, Tanaka no, DuBois absent

Council Member Kou expressed concern that costs were beginning to increase. She supported the contract and its amount as originally presented to the Council.

Council Member Tanaka preferred to delay construction of the Public Safety Building (PSB) in order to fund the Police and Fire Departments. Change orders should be minimized as the project was already incredibly expensive. The Staff Report did not provide the range of bids for Agenda Item Number AA1. The project was over budget by approximately \$300,000.

## City Manager Comments

Ed Shikada, City Manager, clarified that the cost of the structural pour issue was being negotiated within the context of the contract. A change order to construct a community room was going to be presented to the Council for a decision. Utility funds paid for Enovity's services, and the project was not over budget. Pfizer's vaccine was now known as Comirnaty. The websites SCCfreevax.com and SCCfreevax.org provided information regarding vaccinations. Public Health Officials recently reaffirmed their support for in-person education and continued to monitor protections for children less than 12 years of age. The County of Santa Clara (County) was coordinating emergency rental assistance for tenants and landlords and hosting an informational program on September 2, 2021. September was Suicide Prevention Month. Project Safety Net and the City were hosting community forums on September 2, 22, and 24, 2021. Together Again Palo Alto was celebrating Palo Alto's community spirit during September 10-18, 2021, with a series of events. The Housing Element Working Group was scheduled to

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meet on September 2, 2021. The Sustainability and Climate Action Plan (S/CAP) Ad Hoc Committee was scheduled to meet on September 9, 2021. The Council was not going to meet on Labor Day, September 6, 2021. Upcoming Agendas included a Study Session with the Independent Police Auditor (IPA), economic development issues, the North Ventura Coordinated Area Plan (NVCAP), an appeal of the safe parking application, the Project HomeKey application, grade separations, and the commercial linkage fee.

## Action Items

7. Policy and Services Committee Recommends City Council Approve Retention of a Consultant to Clean Up and Reformat the City Council Procedures and Protocols Handbook.

Deputy City Manager Chantel Cotton Gaines reported the Policy and Services Committee (P&S) recommended a comprehensive update of the City Council Procedures and Protocols Handbook (Handbook) by a vote of 2-1 in June 2021. The item did not address substantive revisions to the Handbook. Staff spoke with a few consultants and estimated the cost for an update at \$5,000, which would be funded from the Budget for the City Manager's Office. P&S was scheduled to review a draft of revisions to ensure they were desired.

Council Member Kou advised that Council comments revealed that the language of the Handbook did not flow because of previous revisions.

Council Member Tanaka inquired whether the Council discussion was limited to reformatting the Handbook.

Vice Mayor Burt answered yes. The Council was not discussing substantive changes to the Handbook. An opportunity for the Council to suggest substantive changes was likely to occur at a later time.

**MOTION:** Council Member Kou moved, seconded by Council Member Stone to approve the retention of a consultant to clean up and reformat the City Council Procedures and Protocols Handbook.

Council Member Stone noted that the Handbook was difficult to read and understand. Council Members and the public needed to understand the rules and policies that governed the Council.

Council Member Cormack did not support the Motion. Six months to a year was a long time to revise a relatively short document. An ad hoc committee was able to perform the work.

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Council Member Filseth suggested the City spent \$5,000 in preparing an Action Item.

Vice Mayor Burt requested clarification of the time needed to update the Handbook.

Ms. Cotton Gaines related that the timeframe was an estimate for a worst-case scenario. Consultants indicated they were able to proceed more timely, but review of drafts was likely to require the most time.

**MOTION PASSED:** 4-2, Cormack, Tanaka no, DuBois absent

8. Direction on Strategies Related to Services for Unhoused Palo Alto Residents, Including Potential Emergency Shelter, and Adoption of a Resolution Endorsing the Santa Clara County Community Plan to End Homelessness 2020-25 (Continued from August 9, 2021).

Deputy City Manager Chantel Cotton Gaines reviewed the Council's action on August 9, 2021. The Project HomeKey application was scheduled for Council discussion on September 27, 2021. Topics for today's discussion were follow-up information regarding the Project HomeKey Program, the Santa Clara County Community Plan to End Homelessness (Community Plan), City resources for unhoused services, and policy topics for a permanent Safe Parking Ordinance. Most cities in Santa Clara County endorsed the Community Plan. The question for the Council was the type of resources it supported for unhoused services. Staff planned to prepare a recommendation based on the Council's feedback. Law enforcement had a role in the conversation. The many elements of unhoused services required a comprehensive and coordinated effort, which was a challenge for Staff given their workload. Staff sought the Council's input regarding policy topics related to a permanent Safe Parking Ordinance. Staff was aware of topics regarding background checks, geographical distribution of programs, expansion into private, commercial parking lots, and the number of vehicles allowed per lot.

Dave Joki urged the Council to adopt the Safe Parking Ordinance without modification. Background checks were a deterrent to use of the program.

Patti Regehr, speaking as an individual, felt background checks were an injustice for people who were socially and economically disadvantaged. Background checks did not guarantee safety.

Edie Keating supported the Proclamation and anticipated the Council's support of the County of Santa Clara's (County) efforts to end homelessness. She questioned whether a requirement for background

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checks was likely to create a conflict of interest for the County and result in the loss of County funding and support.

Aram James believed the Ordinance created obstacles that limited the success of the Safe Parking Program. Conviction as a sex offender did not mean an individual was a repeat offender.

Charlie Weidanz remarked that the Chamber of Commerce encouraged the Council to fund a Police utility team, which was likely to be an effective resource for dealing with unhoused Palo Alto residents, and to endorse the Community Plan.

Angie Evans, Palo Alto Forward, supported adoption of the Resolution, the HomeKey proposal, and a thoughtful discussion of the Safe Parking Ordinance. Disclosure of safe parking locations resulted in barriers and appeals of approvals. Education dispelled myths and fears about homelessness. Funding for the Police utility team was better spent on case workers.

Mary Wisnewski related that Safe Parking Programs allowed community members in need of security to become more integrated into the social services safety network and to retain their dignity. A requirement for background checks relied on the assumption that homeless individuals were more likely to be criminals than anyone else. People in great need were more likely to fear being crime victims than to commit crimes.

Linda Henigin commented that the connection between poverty and criminality was a dangerous story that drowned out the truth. Residents would be safer if the Safe Parking Program was widely accessible.

Alexis Crews-Holloway, speaking as an individual, stated background checks did not make the community safer. Homeless people needed services and support and were not criminals. Other programs in Santa Clara County and Palo Alto did not require background checks.

Ruth Robertson understood the fear of homeless people. However, homeless people were more likely to be victims than criminals.

John Shenk, Thoits Brothers, supported funding for the Police utility team as an effective way to provide services to unhoused individuals. Homeless individuals needed help obtaining services.

Charlotte Coker indicated that homeless individuals needed a place to sleep safely and to store their belongings. Background checks created barriers.

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Council Member Cormack inquired about the staging area for the recycled water treatment plant in relation to the Project HomeKey site.

Ms. Cotton Gaines clarified that the project was located in Area B, and the Project HomeKey site was located in Area C.

City Manager Ed Shikada advised that Valley Water was reviewing the implications of locating the two projects on adjacent sites.

Council Member Cormack asked if Council was intended to endorse the Community Plan or the Resolution.

Ms. Cotton Gaines explained that the Resolution endorsed the Community Plan.

Council Member Cormack requested the amounts of funding for an outreach worker, overtime pay for Police Officers, and internal resources.

Ms. Cotton Gaines indicated the estimated cost for an outreach worker ranged between \$75,000 and \$200,000. The estimated cost of a utility team was \$200,000 to \$250,000 per Police Officer.

Deputy Police Chief Andrew Binder added that the cost estimate for two Police Officers from September through the end of the fiscal year was \$350,000.

Mr. Shikada requested the Council generalize the costs to allow Staff time to discuss the use of in-house and contract Staff and program coordination. Staff sought the Council's input regarding Staff returning with a Budget recommendation that included the three components.

Council Member Cormack supported the outreach component and expressed interested in learning more about staffing. She requested recommendations regarding the best size for a Safe Parking Program.

Assistant Director of Planning and Development Services Rachel Tanner explained that the size of a program depended on the location and size of the facility, amenities to be provided, staffing, and other resources.

Council Member Cormack supported allowing more than four vehicles per program if the size of the parking lot was appropriate.

Council Member Stone inquired whether the County's goal was to reduce the number of new people experiencing homelessness by 30 percent.

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Council Office of Supportive Housing Katheryn Kaminski indicated that the goal related to the number of people who became homeless for the first time. More than 14,000 people were housed over the past five years, but during that time so many more people became homeless.

Council Member Stone asked if the goal of a 20-percent reduction pertained to the current number of unhoused residents.

Ms. Cotton Gaines replied yes. The 20-percent reduction was open to Council consideration.

Council Member Stone requested any City policies that required background checks on people seeking housing within Palo Alto.

Ms. Tanner related that the City did not offer housing. Therefore, the City was not able to opine regarding the policies of any housing providers in the City. Legal parameters significantly limited a landlord's ability to use background checks as the only factor in deciding an individual's eligibility for housing.

City Attorney Molly Stump clarified that the City did not actively manage its affordable or subsidized housing. She was not aware of any requirement in the area for any City-supported housing program. Legal parameters addressed the implementation and application of a background check policy.

Council Member Stone inquired whether Staff was able to confirm that applicants for the Safe Parking Program were vetted through the Megan's Law database.

Ms. Stump advised that people subject to Megan's Law were obligated to register. The State managed the database. Megan's Law did not manage or limit where individuals on probation or parole were allowed to reside. The State court system or the Department of Corrections and Rehabilitation sometimes placed limits on residential locations based on the facts and circumstances of an individual incident.

Council Member Stone asked if Move Mountain View conducted such a check on applicants for the Safe Parking Program.

Ms. Stump was not aware of any provider that utilized the Megan's Law database as a consideration factor because language in the statute made use of the database risky for a housing provider.

Ms. Tanner did not believe that Move Mountain View performed a background check on applicants. The County supported Move Mountain

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View's operations in Palo Alto, and the County implemented a policy not to conduct background checks.

Council Member Kou asked if the Megan's Law database depended on an individual registering with it while a background check included review of court documents for conviction of a sex crime.

Ms. Stump explained that Megan's Law included a set of defined convictions that required registration. The individual was responsible for registering and notifying the State of their address. A criminal background check had to be conducted by a provider in a manner consistent with State law. The Department of Fair Employment and Housing published a circular indicating that background checks should be conducted with a goal of establishing whether the applicant was able to be a good tenant.

Council Member Kou expressed disappointment with the Council's lack of support for the Safe Parking Program. The Council was obligated to consider the safety of residents. It was better to adopt requirements that residents embraced. She supported a requirement for background checks, geographic distribution, and expansion to private commercial parking lots. The Council needed to evaluate existing programs before considering a greater number of vehicles.

Council Member Tanaka concurred with Council Member Kou's comments regarding a background check. Community support was important. He inquired whether Life Moves intended to conduct background checks for program applicants in Palo Alto.

Live Moves Jo Price answered yes.

Council Member Tanaka asked if the requirement helped obtain community support.

Ms. Price did not know.

Council Member Tanaka questioned whether renting the property and utilizing rents to assist homeless individuals provided a greater benefit than constructing a facility.

Ms. Cotton Gaines noted that the Council's action on August 9, 2021 did not include that topic.

Council Member Tanaka was unsure if he was able to support a Safe Parking Program without an economic analysis of the program. Another concern was whether the location was appropriate for a Safe Parking Program.

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Council Member Tanaka inquired whether the Police Department checked records for probation.

Ms. Stump reiterated that there was not a process that involved the Police Department, and Staff did not contemplate such a process.

Council Member Filseth remarked that the pandemic and changes in the community were likely to lead to an increase in the need for homeless services. The Los Altos Treatment Plant (LATP) was the best available site. The Community Plan was disorganized and aspirational, but the County had housed almost 20,000 people. More detail concerning the role of a utility team and case workers was needed. There was a solution that satisfied the residents of Stevenson House and Life Moves.

Vice Mayor Burt supported a case/social worker for the program with a subsequent discussion of a Police utility team and the Budget. The Council needed to discuss permanent housing for formerly homeless persons and those in jeopardy of becoming homeless and consider the use of public land to support some of the projects. He inquired whether Life Moves was able to meet the needs of violent felons and serious sex offenders.

Ms. Price reported programs within the County accommodated persons convicted of felony and sex offenses.

Vice Mayor Burt inquired regarding an effective but not over-bearing way to use Megan's Law and background checks given that the proposed location for the Safe Parking Program was adjacent to the Magical Bridge playground.

Police Chief Robert Johnsen advised that the Police Department was able to work with Life Moves to ensure homeless persons subject to housing restrictions were not admitted to the program. Life Moves was already well versed in the subject. Under Megan's Law, an offender was required to register with the Police Department annually or within five business days of changing residences. A transient offender was required to register every 30 days.

Council Member Cormack inquired whether a Council decision to require background checks was likely to result in the current provider not being able to work with the City and loss of the County's support.

Ms. Tanner reported after adoption of a Safe Parking Ordinance that required background checks, Staff would consult with the County to determine if the County would withhold funding for the program or for background checks.



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Council Member Kou supported a contract for an outreach worker, implementation of a Police utility team as funding allowed or as an incremental item, and the Project HomeKey Program at the LATP site. The Community Plan seemed aspirational. She inquired about presentations to the Unhoused Task Force in June 2021.

Ms. Kaminski related that the Unhoused Task Force focused on cities' endorsement of the Community Plan, development of implementation plans, and temporary housing. The Community Plan was aspirational, but the County was making tremendous progress. During the past 12 months, the number of people experiencing homelessness for the first time was reduced by almost 30 percent. Of the 5,000 people housed during the past year and a half, 96 percent of people placed in permanent supportive housing remained housed for 12 months or more. Strategy 1 in the Community Plan focused on the root causes of homelessness. Programs were specifically designed to assist individuals who were recently involved in the criminal justice system or exiting jail or prison.

Council Member Kou inquired regarding the equitable distribution of emergency/transitional housing and supportive housing.

Ms. Kaminski indicated that the Board of Supervisors was scheduled to hear a referral the following day, and the Staff Report would be issued following the referral.

Council Member Filseth asked if the LATP site was going to return to the Council in September 2021.

Ms. Cotton Gaines answered yes.

**MOTION:** Council Member Filseth moved, seconded by Council Member Cormack to:

- A. Adopt **Resolution 9984** endorsing the Santa Clara County "Community Plan to End Homelessness 2020-25"; and
- B. Direct Staff to return to City Council with a detailed proposal for an outreach team to the unhoused, which will include case management resources, additional Police resources, and program coordination staff.

Council Member Filseth asked what Staff sought from the Council regarding the Safe Parking Ordinance.

Ms. Cotton Gaines believed Council comments provided Staff with the necessary guidance for the Safe Parking Ordinance.

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Council Member Cormack felt the Safe Parking Program omitted a way for community members to welcome participants in the program.

Council Member Stone supported the Motion and expanding the program into private, commercial parking lots. He was open to increasing the number of vehicles and geographically distributing programs. Studies concluded that unhoused individuals were more likely to be victims of crime than to commit crimes. Data did not support a requirement for background checks. A simple database search was logical and acceptable.

Council Member Tanaka inquired whether the County was likely to consider restructuring the contract with Move Mountain View to include background checks for dangerous felons.

Ms. Kaminski did not believe the County was likely to restructure its contracts because it was inconsistent with quality assurance standards.

Council Member Tanaka commented that the County was the appropriate agency to provide services. Leaving people to reside in the streets was inhumane. Fighting the root causes of homelessness was imperative. Funding for the Police utility team was critically important. He inquired about potential activities of the Police utility team.

Mr. Binder recalled the Police Department's efforts to obtain services for homeless individuals camping in the Cowper-Webster parking structure. The Police Department did not issue any citations in that instance, but citations were an option to remove homeless persons.

Council Member Kou expressed difficulty with endorsing the Community Plan. Federal, State, and County policies exacerbated homelessness.

Vice Mayor Burt believed that the Council previously and currently supported the use of case management services on a contract basis and Staff returning with a proposal for a Police utility team as an option. The Motion seemed to indicate the primary direction was a Police utility team.

Council Member Filseth clarified that a Police utility team and case management worked together.

Vice Mayor Burt felt a Live Moves facility was likely to make dramatic progress with transitioning vehicle dwellers and homeless individuals to permanent housing. Additional Police resources, but not a dedicated team, were probably going to be needed.

**MOTION PASSED:** 6-0, DuBois absent

# SUMMARY MINUTES

## Council Member Questions, Comments and Announcements

Vice Mayor Burt reported the Local Policy Maker Group received a presentation regarding an update to the Caltrain service schedule. Caltrain was planning to run the same number of trains but spread the trains over the day and to offer a 50 percent fare discount during September 2021. The Santa Clara Valley Transportation Authority (VTA) returned the first of its light rail lines to service with a phased approach to full service.

Adjournment: The meeting was adjourned at 11:04 P.M.