



# CITY COUNCIL SUMMARY MINUTES

Special Meeting  
March 14, 2022

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

Present: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent:

## 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, Tori Anthony, Molly Stump, and Terence Howzell) Employee Organization: Service Employees International Union, (SEIU) Local 521, Utilities Management and Professional Association of Palo Alto (UMPAPA) Palo Alto Peace Officers' Association (PAPOA), Palo Alto Police Management Association

**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 Member Dubois joined the meeting at 5:05 PM.

Council returned from Closed Session at 6:38 P.M.

There were no announcements for the public.

## Special Orders of the Day

2. Congratulations to Sheryl Klein for designation as Woman of Persistence for Palo Alto

Council Member Cormack read the proclamation into the record. Ms. Klein played a large advocacy role in the Wilton Court project and she has strong involvement in various non-profit organizations.

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Sheryl Klein thanked the Mayor and the Council for their partnership in making the Wilton Court project feasible. Her motivation to continue her work was to facilitate a more robust and economically diverse City.

## Public Comment

Liz Gardner was very grateful that the City was honoring Ms. Klein and stated it was a well-deserved award.

Council Member Tanaka thanked Ms. Klein for her work and for bringing more affordable housing to the City of Palo Alto.

Council Member Filseth stated it was a pleasure working with Ms. Klein.

Council Member Stone echoed the comments of the other Council Members.

Mayor Burt concurred that Ms. Klein has strong problem-solving skills.

## **NO ACTION TAKEN**

### 3. Project Sentinel

Ann Marquart announced that Carol Conn will be taking over the agency. She has over 30-years' experience in managing non-profit services.

Carol Conn, incoming Executive Director for Project Sentinel, reported that Project Sentinel has been providing housing solutions and community mediation since 1976. Project Sentinel provides three programs to the community which were the Landlord/Tenant Dispute Resolutions, Fair Housing and Mortgage/First Time Home Buyers. The eligibility for folks to apply for rental assistance will be ending on March 31, 2022. Project Sentinel has been providing outreach to the community regarding the end date. In April 2022, annual training will take place for mediators in the Palo Alto Mediation Group. There have been 105 calls within the City for mediation and 57 of those 105 have become cases that the program has helped to resolve. Regarding fair housing, Project Sentinel was on track with its stated deliverables. There have been an increase in discrimination matters related to families or persons with children as well as domestic violence. With respect to the Mortgage/First Time Home Buyers Program, Project Sentinel was working with folks within the City who were seeking reverse mortgage assistance. Project Sentinel works in the fair housing arena to irradiate and promote education around the civil rights of the Fair Housing Laws. Project Sentinel has a strong focus to help underserved, the most marginalized and the hardest to reach community members. Project Sentinel collaborates with as many community-based organizations as possible.

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Council Member DuBois expressed his thanks to the group for their work in the community. He stated his concerns regarding evictions as the City recovers from the Covid-19 Pandemic and appreciated Project Sentinel's work to help folks who have, or are facing, evictions.

## NO ACTION TAKEN

AA1. Appointments of Candidates for the Architectural Review Board

**MOTION:** Council Filseth motioned, seconded by Mayor Burt to conduct an initial round of voting with the highest votes receiving the full term, and the second highest would receive the unexpired term. If there is no consensus, there would be a second round of voting for the terms.

## MOTION PASSED: 7-0

### Public Comment

Rebecca Eisenberg disclosed that Curtis Smolar is her husband and was the only applicant that fulfills all the requirements listed on the application. Mr. Smolar has been a land-use attorney for the past 25-years and has had direct experience with land-use laws.

Liz Gardner wanted to see a non-professional architect be appointed for the Architectural Review Board. She requested that public art be incorporated into new designs for affordable housing complexes and commercial buildings.

[The Council moved to the Study Session as the Clerk calculated the votes.]

First Round of voting for two positions on the Architectural Review Board; one full term ending March 31, 2025, and one unexpired term ending March 31, 2024.

Voting For:

Yingxi Chen: **Burt, Cormack, DuBois, Filseth, Kou, Stone,**

Joao (Johnny) Baptista DaRosa:

Yujin Jeon: **Tanaka**

Kathryn Jordan: **Tanaka**

John Kunz:

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Dave Madwed:

Alfred Mandel: **Burt**

Manix Patel:

Kendra Rosenberg: **DuBois, Cormack, Filseth, Kou, Stone,**

Curtis Smolar:

Brigham Wilson:

Jim Xiao:

Bin Zhou:

**Candidate Yingxi Chen receiving 6 votes is appointed to the full term expiring March 31, 2025 and Candidate Kendra Rosenberg receiving 5 votes is appointed to the unexpired term ending March 31, 2024.**

[Council returned to the study session.]

## Study Session

### 12. Report and Discussion on Community Engagement Activities Planned to Implement the City's Workplans for the 2022 Calendar Year

City Manager Ed Shikada reported that the Council will be discussing the work plans at the April 4, 2022 Council meeting. Staff was seeking feedback on the initial plan for community engagement. The plan reflected discussions that took place over the past several years at the Policy and Service Committee (P&S). He requested that Council focus on ensuring that the City uses its resources as effectively as possible.

Chief Communications Officer Meghan Horrigan-Taylor stated the City maintains a high level of community engagement on specific topics as well as general engagement for City programs, services, and events. The City uses the International Association for Public Participation (IAP2) Spectrum of Public Participation as one resource that provides tools and information to guide community engagement. Staff used different engagement methods for the level of participation to inform, consult and improve, and collaborate and empower. One of the main goals of engagement was to inform the Council

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decision-making process. With respect to the City's priorities and community engagement, Staff uses several engagement opportunities to promote and collect data for the Sustainability/Climate Action Plan (S/CAP), Housing and Community Health and Safety priorities. Other topics that Staff was providing engagement for included economic recovery, grade separation, fiber, race and equity, and Budget/Fiscal Sustainability 2022 Ballot Measures. For the upcoming year, Staff had several specific engagement efforts underway that related to planning topics, transportation topics, program changes and major City events.

Mr. Shikada acknowledged that Council has never seen what projects are planned for community engagement and their coordinated efforts.

[The Council returned to Item AA1 to hear the results of the vote.]

## Public Comments

Bob Moss felt it would be useful if the City worked with Santa Clara County's organizations for health concerns. With respect to public safety, the City use to post crimes in real-time, but that was discontinued in January 2022. He encouraged the City to follow other cities in Santa Clara County who continued to post crimes in real-time but omitted personal information.

Jonathan Erman was frustrated that the mailed survey did not include arts or cultural components when it asked folks to rank the suggested services that should be improved. Also, the questions on the survey were generalized and vague.

Liz Gardner mentioned that links, website improvements and rebranding is not community engagement. She suggested that the City host a meeting with MidPen Housing, Alta Housing, Project Sentinel, Avenidas and other housing organizations to inform the community about the rental waitlist and pipeline housing projects. She strongly encouraged the City to maintain and expand recreation programs for low-income persons as well as promote the eBike Program initiated by the State of California.

Aram James wanted to know where and when the listening sessions regarding the future Police Chief will occur. He agreed with the Human Relations Commission's (HRC) recommendation that the City has to be very open, transparent and hold public hearings for the next Chief of Police. He strongly emphasized that the City Manager has failed the City with respect to the Police Chief and his actions.

Karen Holman mentioned that past Town Hall meetings use to be based on topics that the neighborhood's identified. She urged that Council to bring back that format for Town Hall meetings.

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Rebecca Eisenberg echoed Mr. Erman's remarks regarding the mailed survey. The City Manager often sends emails before the Council's meetings about upcoming topics. Those emails allowed Council Members to make decisions before the meeting and before hearing public comments. She emphasized that sustainability must be considered in every decision the City makes.

Council Member Filseth acknowledged that there is a lot of community engagement efforts underway and inquired if Staff can initiate them all.

Mr. Shikada noted it is an ambitious work plan but Staff is confident they can execute it.

Council Member Filseth wondered how confident the City was in its estimation of how much work it is going to take in community outreach for residential electrification.

Mr. Shikada mentioned that community outreach for residential electrification was a specific topic of discussion for the Sustainability Ad Hoc Committee.

Council Member Cormack agreed that the community engagement list is very comprehensive. The Council should be more diligent on what type of community engagement they are directing Staff to initiate. She found it remarkable that there are over 60,000 subscribers to the Weekly Newsletter. She appreciated the City service feedback tool and comments about the Town Hall meetings made by Ms. Holman. While the fiber hub is a great tool, she encouraged Staff to use the ambassador program to facilitate more engagement in neighborhoods. She suggested that Staff explore using the Stanford Online Deliberation Platform.

Council Member Stone acknowledged that the community has expressed concern and frustration with the disconnect between the City and residents, groups and neighborhood organizations. He inquired if the City ever surveyed residents or neighborhood organizations on whether they believe the City's outreach is effective.

Mr. Shikada confirmed that Staff received two comments that reflected Palo Alto neighborhood's views and they were very critical of the City's outreach efforts. Those correspondences reflected a difference in expectations as to what may be achieved and how best to accomplish it. A survey may not be the best approach to bridge the distinctions and expectations.

Council Member Stone summarized that the City does not know exactly how well the community is receiving the information.

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Ms. Horrigan-Taylor emphasized that Staff does receive a lot of feedback from the community in all areas of outreach.

Council Member Stone agreed that the City was heading in the right direction. He asked how Staff determined where the six neighborhood Town Halls will be held.

Mr. Shikada articulated that the Town Hall effort came about through prior years' discussions. He noted that Mayor Burt has feedback on how those should be conducted and suggested that the Council discuss Town Hall meetings at a future meeting.

Ms. Horrigan-Taylor answered that the Palo Alto Neighborhood Association (PAN) map and the NextDoor map were used to break out the community into six areas. Staff was hoping that Mayor and Vice Mayor would host Town Hall meetings.

Council Member Stone encouraged Staff to go beyond what the maps show and to collaborate with the leadership of PAN. He asked if the training on microaggressions will be available to Council Members.

Deputy City Manager Chantel Cotton-Gaines answered yes.

Council Member DuBois confirmed that the Town Hall meetings use to be held in the neighborhoods with rotating Council Member participation and they were very successful. He wanted to see balanced participation from all Council Members, not just the Mayor and Vice Mayor. He wanted to distinguish neighborhood Town Hall meetings from other City meetings and suggested that they be retitled. The National Community Survey is very critical and he wanted to see that go back to being sent out in August with the results available for Council's retreat the coming year. He suggested that Staff prioritize the outreach initiatives with the ballot measure, Town Halls, data sources, Business Registry and Citizen Survey being top priorities. He expressed his concern regarding the Tree Ordinance and wanted it to come to Council sooner and recommended to only hold one community meeting instead of the suggested two. Staff should be aware of any organizational bottlenecks for community engagement and recommended differing some of the outreach to specific City departments. He agreed with the comments that the neighborhoods should be deciding what topics should be discussed at the Town Halls and the City should be reaching out to different cultures in the community.

Council Member Tanaka noticed that the City was focusing on more regular customer feedback sessions through surveys. Long surveys cause survey fatigue and are not likely to be submitted promptly. It would be better to ask

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one question, how likely are you to recommend the service or product to someone else, on a standardized scale. This question will provide feedback in a timely and very precise manner. This type of one-question survey has become industry standard. Many of the complaints he has received from residents were complaints about the Development Center and the Utility Department. He recommended that the City ask the one question every time services are rendered and provide the results quickly to the department.

Ms. Horrigan-Taylor confirmed that Staff has been working on a feedback tool for the Planning and Development Services Department. The tool will include a QR code for instant feedback from the customer and an automatic survey sent after services are rendered.

Council Member Tanaka looked forward to the feedback and encouraged Staff to publish the results quickly. He asked when will the tool be rolled out.

Ms. Horrigan-Taylor answered within the next month. She clarified that the National Community Survey was currently on every other year rotation. It was part of the budget and part of Staff's work plan.

Vice Mayor Kou was very happy the City was bringing back Town Halls. For project-specific engagement, the engagement was limiting and did not facilitate a dialog between Staff and the general public. She agreed with Council Member Stone that it was important to understand the outreach the City does and how well is it done. The City should take an honest look at community engagement and how it is reaching out to the community.

Mayor Burt concurred with many of the comments already made by the other Council Members. He commended Staff for expanding the use of technologies to increase communication, leveraging resources and reaching as many community members as possible. Town Halls play an important role in understanding what the concerns are for the community and the neighborhoods should be allowed to discuss the topics they are interested in. He wanted to see through Town Halls more engagement with multi-family residents and renters. Also, how to include newer residents to the City as well as to the United States of America in the engagement process. He encouraged Staff to explore outreach for California Avenue and greatly appreciated the customer satisfaction tool for the Development Center.

Council Member DuBois asked when did the City move to have the National Community Survive done every other year.

Mr. Shikada recalled it was a budget action in the year 2020 or earlier.

## NO ACTION TAKEN



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## Agenda Changes, Additions and Deletions

None.

## Public Comment

Giulianna Pendelton, Environmental Advocacy Assistant for Santa Clara Valley Audubon Society, reported that an Oriental Turtle Dove was discovered in Palo Alto over a month ago and has caused daily crowds to come and seek sight of the bird. The bird has brought awareness about birds and migration to non-birders.

Aram James expressed strongly that the City should provide three potential candidates for Police Chief and allow residents to ask them questions. The candidates should have a reputation of providing transparency and honesty.

Liz Gardner, a housing and climate advocate, acknowledged that working from home during the Covid-19 Pandemic has provided a sense of connectedness with Council Members. For many unhoused residents or financially burdened residents, the pandemic has caused great hardship. She strongly urged Council to provide more multi-family housing units to allow for family gatherings.

Rebecca Eisenberg echoed Mr. James's comments regarding the Palo Alto Police Department's lack of transparency, lack of accountability and lack of consequences. She expressed frustration that the City and Council allowed unjust behavior to occur and do nothing to rectify it. Also, the City Manager continued to exclude the public in matters by releasing weekly emails urging Council Members not to share with the public until decisions can be made.

Jonathan Erman suggested that the City execute multiple-year agreements with the companies at the Lucie Stern Community Theater. The green room at the auditorium in the art center should not be offices and should be returned to an artist space.

## Consent Calendar

**Council Member Cormack Registered a No Vote on Item 6**

**Council Member Tanaka Registered a No Vote on Item 5,6,7,8**

**MOTION:** Council Member Cormack moved, seconded by Council Member Filseth to approve Agenda Item Numbers 5-10, and Item Number 4 as amended.

4. Approve Minutes from the February 28, 2022 City Council Meeting

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5. Adoption of Side letters of Agreement with Utilities Management and Professional Association of Palo Alto "UMPAPA", International Association of Fire Fighters IAFF "IAFF", Fire Chiefs Association "FCA", Palo Alto Peace Officers' Association (POA), Palo Alto Police management Association (PMA); and Updated Salary Schedules for Management and Professional Employees, SEIU Hourly Unit, and Limited Hourly Employees.
6. City Council Approval of the City's Response to the Civil Grand Jury Report Regarding Affordable Housing and Direction to Staff to Submit the Response Letter in Accordance with State Law Prior to the March 16, 2022 Deadline
7. Approval of Amendment Number 2 to Contract Number C19172119 with Daryl D. Jones, Inc. DBA Telecommunications Engineering Associates (TEA) to Increase the Scope of Services to Include Program Verification and Design Review for the Public Safety Building Project (CIP PE-15001) and, Accordingly, Increase the Contract Amount by \$189,882, for a New Total Not-to-Exceed Amount of \$874,882
8. Adoption of a Resolution Amending the Electric Hydro Rate Adjuster (E-HRA) and Activating the E-HRA Rate at the \$0.013/kWh Level, Effective April 1, 2022 and Transmit Information on Preliminary Rate Forecast
9. Approval of Surveillance Use Policy and Contract for E-Citation Devices/Services with Turbo Data Systems, Not-to-Exceed \$218,545 for Five Years
10. Approval of Amendment Number 2 to Contract Number C18168129 with Kennedy / Jenks Consultants for Professional Design Services for the Primary Sedimentation Tanks Rehabilitation and Equipment Room Electrical Upgrade Project at the Regional Water Quality Control Plant to Increase Compensation by \$166,747 for a New Maximum Compensation Not to Exceed \$1,131,747, and to Extend the Contract Term Through June 30, 2024 - Capital Improvement Program Project WQ-14003

## Public Comment

Rebecca Eisenberg pointed out the change order for the new police headquarters on the Consent Calendar and highlighted that now the change order was almost to \$1 million. She urged Council to stop approving new costs for the new police headquarters. Regarding surveillance, she acknowledged that the community has strongly opposed all forms of surveillance. She supported Council Member Cormack for voting no on Item 6 because it was a deeply flawed approach.

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Aram James echoed Ms. Eisenberg's comments regarding Item 7 of the Consent Calendar. He wanted to see the item be an action item instead of on the Consent Calendar. He did not support the City putting a new jail in the new police headquarter facility.

## **MOTION SPLIT FOR THE PURPOSE OF VOTING**

### **ITEMS 4, 5 7-10 PASSED: 7-0**

### **ITEMS 6 PASSED: 5-2 Cormack, Tanaka no**

Council Member Cormack stated her no vote was consistent with her prior vote.

Council Member Tanaka mentioned with respect to Item 5, some of the increases were appropriate but to spread the increase across all managers was not appropriate. Variable pay or incentive pay should be used instead. His no vote on Item 6 was consistent with his prior vote. With respect to Item 7, the Public Safety Building has become a very expensive project and should not be allowed to be increased endlessly. With respect to Item 8, many folks are struggling to pay their utility bill and the surcharge should have been an action item.

### City Manager Comments

Ed Shikada, City Manager thanked Council for approving Item 5 on the Consent Calendar. The approval allows the City to remain a competitive employer. The City continued to track cases of the Covid-19 virus throughout the community. Verification of vaccinations and negative testing to attend in-person meetings had been discontinued. Upcoming community engagement included an online listening session regarding the Police Chief selection process on March 19, 2022 with a follow-up session being held at the end of March 2022. Also, on March 22, 2022, there will be a community engagement meeting regarding the City's Objective Standards as well as a community discussion on April 6, 2022 regarding the updated Tree Ordinance. Upcoming events included a discussion regarding the King Artist Residency on March 17, 2022 to be followed by several community workshops by the artist. On March 26, 2022 naturalist, Corinne DeBra, will host a family walk through the Baylands Open Space Preserve. The Junior Museum and Zoo (JMZ) invited the community to submit names for their six new flamingos. Upcoming items for Council's March 21, 2022 meeting included the 2023 to 2030 Housing Element Update and Objective Standards follow-up actions.

City Council took a break at 8:55 P.M. and returned at 9:05 P.M.

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## Action Items

11. City Council Discussion with the Independent Police Auditor and Possible Approval of a Performance Review on Recruitment and Hiring

Consultant Michael Gennaco reminded the Council and Palo Alto community that OIR Group has been working with Palo Alto since 2007. Palo Alto was one of the first cities to adopt police oversight. OIR Group was responsible for monitoring the Palo Alto Police Department's (PAPD) internal review system with the idea of evaluating and assessing how the police department responds when there is an allegation of policy violation or misconduct. The report before the Council was the first report that incorporated the expanding scope of work that the Council approved in 2021. Included in the new scope of work was a regular reporting schedule, access to PAPD's review process of use of force and additional performance audits on topics as approved by Council.

Consultant Stephen Connolly confirmed that OIR Group is regularly notified when a new case comes in or when there was a significant update on a case. OIR Group serves as a liaison between members of the public and the PAPD. The PAPD has always been very receptive to recommendations and very responsive. The goal was to provide outside monitoring of investigations and outcomes to increase accountability and effectiveness of the investigations. Once an investigation is complete, the Independent Police Auditor (IPA) reviews the investigation in its entirety and provides a draft report to PAPD for fact check and clarification as well as to the City Manager and the Officer's Labor Association. The report is then finalized and published for Council and the community.

Mr. Gennaco shared that the latest report was released in February of 2022 and included 17 various types of incidents and investigations. Based on the findings, the IPA had 19 recommendations to improve the investigative procedures, officer protocols and PAPD K-9 program. Of the 19 recommendations, eight of them addressed thoroughness with the remaining focused on timeliness, scope and effectiveness. The IPA had recommendations for how blood is drawn, how to wear a safety vest without blocking a body camera, policies and procedures for the deployment of K-9 units.

## Public Comments

Aram James requested clarification that the item before Council is the IPA's report and then there will be a separate discussion on the possibility of a performance review regarding recruiting.

Mayor Burt answered that the two topics are under one item.

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Mr. James stated that OIR Group is not the right body to be doing recruitment because OIR was not ethnically diverse enough. He disagreed that PAPD was cooperative and continued to cover up incidences.

Liz Gardner wanted there to be transparency and understanding that PAPD does more than respond to emergency calls. There has been a large spike in crime and a lack of communication with youth and teens in the community. She wanted to see the hiring of officers that understand the community and its culture. She wanted to see the program Parent Project come back. She inquired how the new PAPD facility impacts will be mitigated for the neighboring multi-family buildings.

Rebecca Eisenberg agreed with another speaker that the IPA is subject to review by the organizations that pay their salaries. Those organizations are the defendants in the cases that are filed against PAPD. She expressed her frustration that the City, PAPD and the IPA continued to call the K-9 incident an accident.

Winter Dellenbach acknowledged that the IPA can only function within the existing policies. She urged Council to support the IPA in conducting a performance review for recruitment and hiring and to consultant the IPA on hiring a new Police Chief. She stressed that there are no policies in place that require that the IPA's recommendations be implemented.

Mayor Burt expressed concern that PAPD has no African-American officers on the force.

Chief of Police Robert Jonsen announced that of the last eight new hires, one was an African-American male, one a Hispanic female and five being Hispanic males.

Mayor Burt emphasized that PAPD should reflect the community's demographic as well as reflect the demographics of those who work and visit the community. With respect to the IPA's report, one of the main concerns was the mauling of a person who was thought to be a suspect. There have been significant reforms to the K-9 policy as a result of that incident. He requested that those changes be presented to Council for discussion. The other concerning aspect of the IPA's report was the case regarding the woman who had a severe medical condition. The incident had a troubling succession of serious flaws and he wanted to better understand the corrective actions that were taken. He stated Council and the community are not seeing the policy changes explicitly laid out and need clarification on what corrective actions have been made.

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Mr. Connolly agreed that several factors went poorly in the incident with the women having medical problems, but during the review, it was discovered that the flaws were not done maliciously.

Mr. Shikada observed that the development and submittal of the IPA's periodic report have been structured as informational. The report was not set up for questions and answers by Council because that invited a more detailed review and possible re-litigation. He cautioned Council not to proceed with questions regarding the incidences given the City's responsibilities to its employees.

Mayor Burt clarified his questions were to understand the corrective actions and that was within the purview of the Council. Council and the community should understand the details of what corrective actions were made instead of a summarized characterization.

Council Member Stone inquired if the process of the IPA reviewing recruitment and hiring will be retroactive, or will the IPA review and advise on hiring practices.

Mr. Gennaco understood that the recruitment and hiring review will be an extra project. The IPA will evaluate current hiring practices and provide ideas and recommendations on how those hiring practices can be improved. The hiring decision of a police officer is one of the most important decisions that the police department can make. The new hire must align with the goals, objectives and intentions of reimaging policing within the City.

Council Member Stone asked if OIR Group has even consulted on hiring a new Police Chiefs.

Mr. Gennaco answered yes.

Council Member Stone wanted to know if that type of consultation was included in the existing contract.

Mr. Gennaco answered that it did not need to be part of a contract, but more a conversation on who the IPA feels would be a good candidate for the City.

Mr. Shikada confirmed that Staff will be consulting with Mr. Gennaco for the hiring of the new Police Chief.

Council Member Stone inquired if there are requirements that PAPD has to respond to the IPA's recommendations.

Mr. Gennaco confirmed that currently there are no requirements or protocols. Other agencies do require their police department to provide a report on what

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recommendations will be implemented and provide valid reasons why a recommendation will not be implemented.

Council Member Stone stated that Council should consider such a policy that requires PAPD to respond within a specific timeframe.

Council Member DuBois acknowledged that PAPD was in the top tier of California Agencies in the use of body cameras and that the department has been receptive and engaged. There were several cases where the body cameras were not on and he wanted that to be a focus of PAPDs to have those cameras on 100 percent of the time. Several of the filed police reports did not correspond with what was caught on the body cameras. He inquired how many of the IPA's recommendations have been or will be adopted.

Mr. Jonsen remarked PAPD does a very good job of documenting use of force incidences, working with the IPA and is very receptive to the recommendations. He confirmed that PAPD can draft a report on which recommendations will be implemented for Council.

Council Member DuBois pressed if PAPD has adopted any of the recommendations.

Mr. Jonsen confirmed that several of the K-9 policies have been modified as well as communication issues, dispatch and staging have been addressed.

Assistant Chief of Police Andrew Binder noted that there are other options, besides policy changes, that can take place to implement the IPA's recommendations.

Council Member DuBois asked what other performance audits should the City pursue.

Mr. Gennaco suggested conducting a performance audit for body cameras, evaluate the promotion process, how officers are evaluated and transparency.

Mr. Connolly added specific aspects of training that officers receive is another audit that could be conducted for the City.

Council Member DuBois agreed that the duty to intervene, training as well as body and car cameras are areas where performance audits should be done.

Council Member Filseth supported PAPD providing a document regarding which recommendations will be implemented. He wanted to see a formal process be established on how the City keeps track of the recommendations.

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Vice Mayor Kou appreciated PAPD being open to providing their feedback regarding the recommendations. Also, there have been regular notifications sent out to the IPA, updates on cases as well as allowing full access to the IPA for information. She believed the discussion held by Council was a positive route to building trust and confidence from the public.

Council Member Cormack asked if OIR Group is involved in recruitment and hiring in other jurisdictions.

Mr. Gennaco confirmed they have done reviews of recruitment and hiring processes but do not become involved in the recruitment or hiring processes. The IPA reviews the City's past recruitment and hiring processes and then makes structural recommendations.

Council Member Cormack stated evaluating the City's training program for PAPD is a higher priority of hers than the IPA focusing on the City's current hiring and recruitment process. She confessed she has not heard that there are problems with the way the City recruits and hires police officers.

Mr. Jonsen remarked PAPD requested that the IPA evaluate the recruitment and hiring process because there may be a more efficient way.

Mayor Burt appreciated Mr. Jonsen's clarification. He restated that the policy changes that have been implemented have not been fully transparent to the community. He wanted to see all the police reforms that have taken place in the past 2-years together in a summary fashion.

**MOTION:** Council Member DuBois moved, seconded by Mayor Burt to approve the performance review of the Police hiring practices.

Council Member DuBois stated this was a great place to start but was interested in the IPA reviewing the City's duty to intervene training.

Mayor Burt mentioned Council does not fully understand what training PAPD does currently. He suggested Council understand the baseline first.

Council Member DuBois clarified that a proposal should come to Council in the future.

Council Member Stone suggested the motion include language that PAPD respond in writing to future IPA recommendations.

Mayor Burt asked if the item was agendaized to include that language in the motion.



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Council Member DuBois suggested PAPD provide a written response at their annual presentation to Council.

Mayor Burt understood that Council Member Stone wanted to see a written response be established as policy as opposed to hoping it happens.

Council Member Stone confirmed that is correct.

City Attorney Molly Stump understood that Chief Jonsen was amendable to providing a written response and it did not need to be included in the motion. If Council wanted to memorialize that, then it can be included in the motion.

Council Member DuBois preferred the IPA's report not be delayed because Staff is waiting for a response from PAPD. He suggested PAPD provide their response report during the public hearing discussion of the IPA's report.

**PROPOSED AMENDMENT:** Require the Police Department to provide a written response to future IPA recommendations concurrent with agendizing the IPA report.

Ms. Stump explained that often the drafter of the primary report wants to see the report before it is finalized if there are concerns with implementation.

**PROPOSED AMENDMENT AS AMENDED:** Require the Police Department to provide a written response to future IPA recommendations.

Mr. Binder agreed with Ms. Stump's comments.

Council Member DuBois accepted the amendment.

Vice Mayor Kou asked if the motion addressed only future recommendations or the current recommendations in the report.

Mayor Burt agreed it is a policy recommendation for the future but that Council wants to see the responses for the current report.

Mr. Binder confirmed PAPD will produce a written document that addresses the recommendation from the current IPA report.

**MOTION AS AMENDED:** Council Member DuBois moved, seconded by Mayor Burt to approve the performance review of the Police hiring practices and require the Police Department to provide a written response to future IPA recommendations.

**MOTION PASSED:** 7-0

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Council Consensus to proceed with the final item as it was 10:30 PM.

## 13. Discuss Recommended Foothills Fire Mitigation and Safety Improvement Strategies

Electrical Project Engineer Ramandeep Kaur reported that the California Public Utility Commission (CPUC) identified the area west of Highway 280 as a Tier 2 fire-threat area. The City has electric utility overhead lines running through the middle of the identified area. The Utilities Department (CPAU) had solicited bids and received two bids to reconductor the overhead lines but no bids for underground the existing electrical lines. Staff decided to conduct a pilot program to explore undergrounding the lines. Staff discovered that undergrounding the lines was more cost-effective and reduced the fire risk significantly. Staff predicted it would cost \$1 million to \$1.5 million per mile to underground the existing electrical lines. The plan was to divided the entire 9.3 miles into five different projects. In Fiscal Year (FY) 2022, Staff completed 7,300-square feet of substructure work. The next steps were to lay cable, remove the 29 poles and remove the overhead high voltage cable. This work will be completed by August of 2022. All five phases were planned to be completed by August 2025.

Manager Urban Forestry Peter Gollinger explained that one component of the project was annual vegetation management activities in the Foothills area. Previously the Santa Clara County Fire Safe Council contracted the work, but due to issues with prevailing wage. They were no longer a viable option. The scope of the work included roadside clearing of evacuation routes up to 30-feet on City-owned property and 10-feet on private property along Arastradero Road, Los Trancos Road and Page Mill Road. Also, included in the contract was defensible space work in Foothills Park. Staff recommended the City explore additional funding for a new contract.

CSD Assistant Director Daren Anderson stated recently Staff evaluated 110 eucalyptus trees in the Foothills Nature Preserve, Pearson-Arastradero Preserve and Esther Clark Park. To remove and replant the trees would cost \$500,000. Staff recommended that Council direct Staff to seek funding through the Fiscal Year (FY) 2023 Budget process for the work and that the work be phased over 3-years. Staff submitted a grant application to offset the costs and will find out the decision in April of 2022. Currently, there are two campfire circles at Towle Camp and Staff recommended that the City prohibit campfires for the year 2022. Also, there are barbeques located at Foothills Nature Preserve and Staff explored three options to further reduce the fire risk. The first option was to close the barbeques during fire season. The second option was to remove all of the barbeques that bordered the hillside vegetation and creek. The third option was to remove all 38

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barbeques. Staff recommended that the City received guidance from the Palo Alto Fire Department each fire season on whether to allow barbeques to be used.

OES Chief Ken Dueker encouraged folks to review the study session and informational item that was linked in the Staff report. Early fire detection is essential. Fires often start with no witnesses around and/or at night. Foothills Nature Preserve has many challenging topographies which delay responses to fire. Staff encouraged Council to consider improving the Foothills Fire Early Warning System (FFEWS). The City of Palo Alto was a partner in the Santa Clara County Community Wildfire Protection Plan (CWPP). Recent State legislation required the City to update its Local Hazard Mitigation Plan (LHMP) as well as review evacuation measures and assess climate adaptation.

## Public Comments

Rebecca Eisenberg expressed frustration the contract with Santa Clara County Fire Safe Council was discontinued due to the prevailing wage. The workers deserve to be paid a living wage and it is shameful the City was not willing to do that.

Aram James agreed citizens must be protected from wildfires and the City must do recruitment to keep the Foothills Park Preserve maintained. He emphasized this was a high priority the City must take progressive action on.

Vice Mayor Kou wanted to know if the language regarding surveillance technology limited Staff from exploring the source of a fire.

Mr. Dueker answered no. Staff recommended Council remove barriers so Staff can explore new technologies.

Vice Mayor Kou inquired what the process was to change the Open Space Policy regarding removal and/or restricting the barbeque and campfire pits.

Mr. Anderson answered it is a change in the status quo.

Council Member Cormack asked if drones are part of the FFEWS.

Mr. Dueker confirmed that is correct. The purpose of the drones would be for early detection as well as confirmation there is a fire.

Council Member Cormack stated it is important to be clear about what was being contemplated. She wanted to know how many drones would there be and where would they be housed.

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Mr. Dueker confirmed that Staff will be returning to discuss that in greater detail at a future meeting.

Council Member Cormack found the recommendations appropriate and supported Staff's recommendations.

Council Member DuBois asked who will pay for the homes in the Foothills to be connected to the electric lines once they are undergrounded.

Ms. Kaur noted that the secondary lines to the homes are insulated and not a fire threat. Those cables will be retained.

Council Member DuBois supported Staff's recommendations.

Council Member Stone invited Staff to give more detail regarding fire season becoming longer.

Mr. Anderson concurred that fire season continues to be extended a little bit every year.

Fire Chief Geo Blackshire agreed and Staff continued to monitor the weather to be ahead of any fire-starting weather.

Council Member Stone asked what the highest tier of risk is under the State's Fire Threat map.

Ms. Kaur explained there are three different tiers.

Mayor Burt noted that the State has been seeing regular fire seasons and mega-fire seasons which imposes a catastrophic risk to the community. The health impacts of extensive smoke are more severe than the direct fatalities the fire's cause. The City has not evaluated the economic impact of a mega-fire in the foothills. He invited Staff to further explain the discontinuation of the contract with Santa Clara County Fire Safe Council.

Mr. Gollinger understood during the last contract discussion, the City required Santa Clara County Fire Safe Council to pay a prevailing wage and Santa Clara County Fire Safe Council refused.

Mayor Burt emphasized this is a necessity and the City must find another contractor.

City Attorney Molly Stump clarified that State law has changed and prevailing wage is required for the work.

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Mayor Burt assumed State law will apply to all jurisdictions using Santa Clara County Fire Safe Council. He appreciated Staff recognizing the eucalyptus trees on City-owned land but acknowledged the copious amounts of eucalyptus trees across Arastradero Road in Portal Stables. Also, there were eucalyptus trees along the border of the Arastradero Preserve along Felt Lake. He encouraged Staff to work in collaboration with Stanford University to remove those eucalyptus trees on their land. He emphasized the City cannot keep looking at things the way the City has in the past. Times have changed and that required stronger actions. He strongly supported undergrounding the high voltage lines and recommended the City increase its collaboration efforts with surrounding fire prevention groups. He wondered if the fire risk threat has leveled off or will it continue to worsen.

Chief Blackshire mentioned that before Covid-19, Santa Clara County held a very extensive and collaborative wildland fire exercise, as well as held monthly and annual trainings.

**MOTION:** Mayor Burt moved, seconded by Council Member Cormack to direct Staff to adopt the recommendation as stated:

- A. Pursue funding for eucalyptus tree removal in Foothills Nature Preserve, Pearson Arastradero Nature Preserve, and Esther Clark Park, and Foothills Fire Management Plan (FFMP) mitigation efforts;
- B. Authorize the Fire Chief to determine, in collaboration with CSD, the appropriate restrictions on barbeques and campfires at Foothills Nature Preserve; and
- C. Return to the Council with an Ordinance amendment to modify Municipal Code Section 2.30.620 (Surveillance and Privacy Protection Ordinance) to add the Foothills Fire Early Warning System (FFEWS).

Council Member Cormack inquired if Staff is comfortable with the language suggested for Item B.

Mr. Anderson answered Staff supports Item B.

**MOTION PASSED:** 7-0

## Council Member Questions, Comments and Announcements

Mayor Burt announced there will be an Earth Day rally in March 2022 at King Plaza.

Adjournment: The meeting was adjourned at 11:21 P.M.