

Infrastructure Blue Ribbon Commission
AGENDA
Thursday, January 13, 2011
Lucie Stern Community Center
1305 Middlefield Road, Community Room
Time: 5:00 p.m.

This notice is posted in accordance with government code section 54954.2(a) or 54956.

ATTENTION SPEAKERS: If you wish to address the Infrastructure Blue Ribbon Commission (IBRC) during oral communications or on an item on the agenda, please complete a speaker's card and give it to City staff prior to 6:15pm. By submitting the speaker's card, the Chair will recognize you at the appropriate time.

1. Call to order
2. Approval of the revised 12/16/2010 action meeting notes (Attachments A, B, and C)
3. Formation of subcommittees (Attachments D, E, and F)
4. Revenue sources for Palo Alto (Attachment G)
5. Possible future agenda topics and schedule
6. Oral communications
 - Members of the public may address the IBRC on any subject not on the agenda for a maximum of three minutes. Speaker cards are to be submitted prior to 6:15pm.
7. Adjournment

ADA. Persons with disabilities who require auxiliary aids or services in using City facilities, services, or programs or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990, may contact (650) 329-2550. Sign language interpreters will be provided upon request with 72 hours in advance notice.

Meeting materials will be provided at the meeting. Visit www.cityofpaloalto.org/ibrc, email ibrc@cityofpaloalto.org or call (650) 617-3174 for more information.

Infrastructure Blue Ribbon Commission Action Notes

Thursday, December 16, 2010

Meeting No. 3



IBRC members present:

Ray Bacchetti
Marc Berman
David Bower
Ralph Britton
Brent Butler
Mark Harris

Leland Levy
Stephen Levy
Patricia Markevitch
John Melton
Mark Michael
Jim Olstad

Alex Panelli
James Schmidt
Robert Stillerman
Greg Tanaka
Gary Wetzel

IBRC staff present:

Phil Bobel
Steve Emslie
Amy Javelosa-Rio

Lisa Navarret
Lalo Perez
Joe Saccio

Mike Sartor

*All attachments referenced in these action notes reflect 12/16/2010 IBRC packet attachments.

Start: 5:01pm

I. Introductions

1. Meeting Chaired by Co-Chair Ray Bacchetti
2. Steve Emslie presented the City of Palo Alto Council Protocols (**Attachment A**)
 - a. Indicated that Palo Alto City Council and all Commissions, Committees, and Task Forces use them.

II. New Business

1. Approval of 12/2/2010 action meeting notes (Attachment B)
 - a. Approved with a revision recognizing Stephen Levy was present.
2. Commission comments and questions (Attachment C)
 - a. Staff will ask the City Attorney's Office again how a website can be used by IBRC members to share information among themselves and the public.
 - b. Staff will ask the City Attorney's Office to prepare a statement on communications that IBRC members can have with one another.
 - c. Staff will prepare a description of how information requests from members should be handled.
 - d. Staff will clarify with IBRC members what contact information they are comfortable releasing and distribute that list once complete.
 - e. Staff will determine if the IBRC is a Commission or Committee and explain why.
 - f. Staff will prepare and send out action meeting notes ASAP after meetings.
3. Framework (Attachments D, E, and F)
 - a. Mike Sartor began a presentation of information from the 'FY 2011 Adopted Capital Budget' including how that information is developed by staff.
 - i. Mike completed about 50% of his remarks.
4. Definitions (Attachment G)
 - a. Staff presented suggested definitions of terms for framing the Commission's work and referenced pp. 311-313 of the 'FY 2011 Adopted Capital Budget' for this.

5. Revenue sources (Attachment H)
 - a. Lalo Perez provided a brief overview of revenue sources available for Capital Improvement Projects.

6. Possible future agenda topics and schedule (Attachment I)
 - a. Co-Chair Bacchetti announced that the Co-Chairs would alternate running the meetings and that the next meeting would be run by Le Levy. The following agenda ideas for the next meeting were expressed:
 - i. Discuss and agree on a framework for assembling project data.
 - ii. Review the structure, purpose, and organization of subcommittees and establish those agreed upon.
 - iii. Consider statements by Commission members on what areas they would prefer to work on.

III. Oral Communications

1. No speakers

End: 7:00pm



Legal Opinion

Office of the City Attorney
City of Palo Alto

Date: January 6, 2010

To: Phil Bobel, IBRC Liaison

From: Donald Larkin, Interim City Attorney
Melissa C. Tronquet, Deputy City Attorney

Subject: IBRC Questions Regarding Brown Act Limitations

Issues

The IBRC has asked for additional information to understand the limitations of the Brown Act, particularly related to the following questions:

1. May IBRC members e-mail one another or utilize a web-based document sharing site for business related to the legislative body?
2. May members of a subcommittee (less than a quorum of the IBRC) send e-mails to each other or use a document sharing system for subcommittee use only?

Short Answers

1. IBRC members may e-mail other individual members, provided that the e-mail chain is limited to less than a quorum. However, E-mails and other documents that are intended for distribution should be funneled through staff to avoid the risk of improper serial meetings.
2. Yes. Subcommittee members may e-mail each other and use a document sharing system, provided those communications are limited to members of the specific subcommittee.

Analysis

1. IBRC Members Should Send All Substantive E-mails and Documents Intended for Distribution to the Commission Through the Committee Liaison

As discussed above, exchanging e-mail, participating in internet “chat” rooms, or using similar technology to discuss commission business can easily lead to “serial meetings” in violation of the Brown Act. Similarly, document-sharing programs that allow multiple users to review and edit documents can create a similar risk because edits or comments could indicate members’ positions on issues, and potentially lead to a collective concurrence outside of a properly noticed meeting. Moreover, these technologies provide such a fast pace of communication that it can be

more difficult to identify and prevent Brown Act violations from occurring when they are used to communicate.

Therefore, the City Attorney recommends, and it is the practice of all City boards and commissions, that commission members distribute e-mail correspondence only through the designated commission liaison. "Reply All" should be avoided. This approach minimizes the risk because it allows the liaison time to review communications and identify any potential Brown Act violations. Likewise, if the commission desires to use a document sharing system open to all members, any "edit" or "comment" features should be turned off.

This does not preclude individual commission members from sending messages to other individual members or small groups of members. However, it is still recommended that the liaison be copied on any such messages that involve substantive commission business.

2. IBRC Subcommittee Members May Communicate Directly through E-mail and Use Document Sharing

Subcommittee members are not subject to the same restrictions as the committee as a whole because subcommittees are not subject to the Brown Act. Indeed, because one of the purposes of forming subcommittees is to allow smaller groups to review discrete issues and return to the commission as a whole for decision, it is important for those small groups to be able to communicate to accomplish their tasks.

Therefore, members of subcommittees may use e-mail and document-sharing programs to communicate with other members of the subcommittee. Subcommittee members should, however, take care not to forward e-mails outside the subcommittee group or give non-subcommittee members access to the document sharing program.

Conclusion

It is important for commission members to be familiar with and alert to Brown Act requirements because there can be significant penalties for violating the act. Because the Brown Act does not specifically address all of the ways we currently use technology to communicate, care must be taken to ensure that any communication, regardless of how it occurs, does not lead to a collective concurrence outside of a properly agendized and scheduled public meeting. To minimize this risk, commission members should avoid e-mailing the commission directly and should not allow open comments or editing on any posted documents. Subcommittees, however, are not subject to Brown Act requirements and may communicate directly to accomplish their tasks.

Partial Staff Response to the 12/16/2010 Revised Action Notes

II. New Business

2. Commission comments and questions (Attachment C)

- a. Staff will ask the City Attorney's Office again how a website can be used by IBRC members to share information among themselves and the public.
 - i. (See separate memo from the CAO)
- b. Staff will ask the City Attorney's Office to prepare a statement on communications that IBRC members can have with one another.
 - i. (See separate email from the CAO)
- c. Staff will prepare a description of how information requests from members should be handled.
 - i. Going forward, all emails sent to the ibrc@cityofpaloalto.org email address will be read by staff and posted to the IBRC website as a PDF file.
 - ii. Members should cc the Co-Chairs when sending questions.
 - iii. The Co-Chairs will determine which questions are the most time sensitive and ask staff to answer those questions first.
 - iv. Minor questions that members do not want posted to the IBRC website should be sent to the Co-Chairs only.
 - v. Below is the link to the modified IBRC website:

http://www.cityofpaloalto.org/knowzone/agendas/infrastructure_blue_ribbon_commission.asp
- d. Staff will clarify with IBRC members what contact information they are comfortable releasing and distribute that list once complete.
 - i. At the request of the Co-Chairs, staff prepared a new spreadsheet of IBRC member contact information and it will be available at the 1/13 meeting.
- e. Staff will determine if the IBRC is a Commission or Committee and explain why.
 - i. The 9/13/2010 City Council minutes establishing the IBRC membership uses the word "Commission" in describing the IBRC.
 - ii. There is no critical difference between Task Forces, Commissions, and Committees. All have been used as advisory groups to Council.
 - iii. Therefore, we will use Commission.
- f. Staff will prepare and send out action meeting notes ASAP after meetings.
 - i. Staff sent out the 12/16/2010 action meeting notes within 24 hours.
 - ii. Staff intends to always send them out within two working days.

Palo Alto General Fund Infrastructure Planning Summary

PROJECT CATEGORIES	TOTAL NEEDS (DOLLARS)	PROJECT BY FISCAL YEAR		
	2011	2012	20XX	2031
<u>Projects</u>				
BUILDINGS Major Buildings				
Example - Arts Center	\$8M	Renovation \$4M	Addition \$4M	
Example - Cubbereley	\$7M	HVAC \$0.3M	Expansion\$ 4M	
Others (Aggregated)				
STREETS (Aggregated)				
SIDEWALKS (Aggregated)				
PARKING LOTS Major Lots Others (Aggregated)				
BRIDGES SF Creek Bridges Others (Aggregated)				
PATHWAYS Overpass Baylands (Aggregated) Others (Aggregated)				
PARKS Major Parks Others (Aggregated)				
OPEN SPACE Baylands Nature Preserve Foothills Park Arastradero Preserve				
TOTAL NEEDS				
TOTAL REVENUES (from Sheet #2)	()	()	()	()
UNMET NEEDS				

Color Codes - Catch-up; Keep-up; Improvements

Fire Station 4
Fire Station 5
Fire Station Foothills (Seasonal)
Foothills Interpretive Center
Golf Course
Highway 101 Bicycle Overpass
Junior Museum
Landfill Facilities
Lawn Bowling Facility
Library Collection
Library, Children's
Library, College Terrace
Library, Main
Library, Mitchell Park
Los Altos Treatment Plant
Lucie Stern Theatre
Matadero Creek Bridges
Matadero Creekbed
MSC Building
Oregon Expressway
Page Mill Road
Park: Arastradero Preserve
Park: Bol
Park: Boulware
Park: Bowden
Park: Byxbee
Park: Cameron
Park: Cogswell Plaza
Park: El Camino
Park: El Palo Alto
Park: Eleanor
Park: Esther Clark
Park: Foothill
Park: Greer
Park: Heritage
Park: Hoover
Park: Hopkins

Park: Johnson
Park: Juana Briones
Park: Lytton Plaza
Park: Mayfield
Park: Mitchell
Park: Monroe
Park: Ortega
Park: Peers
Park: Ramos
Park: Rinconada
Park: Robles
Park: Scott
Park: Seale
Park: Stanford/P. A. Community Fields
Park: Terman
Park: Wallis
Park: Weisshaar
Park: Werry
Parking Signage
Parking Structures
Police Facilities
Roth Building
Safe Routes to School
San Antonio Medians
San Antonio Road
San Francisquito Creek Bridges
San Francisquito Creekbed
Sidewalk Maintenance
Signage
Storm Drains
Street Lighting
Street Maintenance
Street Medians
Traffic Signals
University Avenue

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Note for Agenda Package: This draft is to stimulate thinking about what we might want to get out of such visits. It's here to be critiqued at the meeting.

Interview Questions

Physical Questions

1. How does (name of city) define "infrastructure"? [Look for conceptual framework the city uses to define and interrelate its infrastructure needs. See how close it is to our own and adjust remaining questions accordingly.]
2. Ask to see Infrastructure Plan. In relation to that plan, ask:
 - a) Does (name of city) have a *deferred maintenance* list (aka "backlog")? If so, how did it grow to its current size? What will be done about the current list? Is that list growing?
 - b) How is *planned maintenance* defined and implemented?
 - c) How are *capital improvement* proposals generated and prioritized?
 - d) How does overall infrastructure planning work? How does (name of city) prioritize among planned maintenance, deferred maintenance, and capital improvements?
3. What's the history of infrastructure planning over recent years from, say, 2000? What significant municipal buildings have been built over the past 30 years (and how were they funded)?

Financial Questions

1. How does (name of city) budget for infrastructure?
2. Over the past 10 years, how much of infrastructure was paid for from annual revenue and how much from bonds, certificates of participation, or similar borrowings?
3. Does (name of city) fund reserves to underpin its infrastructure needs and smooth allocations across fiscal years?

Process and Other Questions

1. How are infrastructure priorities affected by the interaction among professional staff, city management structure, citizen committees, and city council?
2. Is the collection of infrastructure assets of (name of city) above, below, or around the average for cities of its size? How does interviewee believe that proportion compares with Palo Alto's?



General Fund Sources:	Average Actual FY 2006-2010	Adopted Bud. FY 2011	Use of Funds	Explanation of Source
Sales Tax	20,643	18,218	Unrestricted	1% of taxable sales on tangible goods
Property Tax	22,955	25,907	Unrestricted	City receives 9.4 cents of every \$1 paid in prop. Tax
Transient Occupancy Tax	7,009	7,021	Unrestricted	hotel tax = 12% of room charge
Utility Users Tax	10,271	11,429	Unrestricted	5% tax on electric, water, gas, and telephone
Documentary Transfer Tax	4,749	3,613	Unrestricted	\$3.30 per \$1,000 of property sale value - one time tax
Fines and Penalties	2,609	2,330	Unrestricted	e.g., parking and library fines
Charges for Services	19,188	20,068	Unrestricted	e.g., charges to Stanford for fire services
Permits and Licenses	4,916	4,533	Unrestricted	e.g., planning, inspection, class, golf fees
Return on Investment/Interest Income	2,086	1,646	Unrestricted	interest income on GF reserves
Rental Income	13,402	13,716	Unrestricted	e.g. rent charged to Utilities, at Cubberley
From Other Agencies	473	155	Restricted	e.g., grants from State, Federal Governments
Charges to Other Funds	10,467	10,622	Unrestricted	charges for GF services to other funds e.g., HR, Atty, Payroll
Other Revenue	2,614	1,490	Unrestricted	e.g., charges to PAUSD & Stanford, sa, ticket sales
Operating Transfers	17,576	18,684	Unrestricted	e.g., equity transfers from electric and gas funds
Total Sources	138,959	139,432		

Infrastructure Funding Sources:	FY 2011	FY 2010	FY 2009	FY 2008	FY 2007	FY 2006	Use of Funds
Measure N Library Bond	1,400	50,991	3,881				Restricted to Library & CC projects
Transfers from Enterprise/Internal Services	153	87	240		332	332	For specific projects
Parking Permit Funds		67		94	200	400	Restricted to Parking garage improvements
Friends of Lytton Plaza		349					Donation, restricted to project
Friends of JMZ		505					Donation, restricted to project
Friends of Heritage Park				193			Donation, restricted to project
Friends of the Library/PALF		0				220	Donation, restricted to project
Gas Tax Fund	750	750	1,170	1,170	1,170	1,170	Restricted to street improvements
State/Federal/Local Agency Grants	1,210	1,221	25	907	3,157	1,802	Restricted to grant purpose
Impact Fees	302		320	695		1,277	Restricted to type of impact fee: traffic, parks, library...
Others		113	711	328	179	444	
Sub Total	3,815	54,083	6,347	3,387	5,038	5,645	
General Fund	9,802	9,900	14,648	11,807	8,736	6,212	Generally restricted to infrastructure work
Infrastrucutre Reserve	7,457	1,934	7,563	-104	1,600	5,703	Generally restricted to infrastructure work
Total Funding Sources	21,074	65,917	28,558	15,090	15,374	17,560	