



# CITY OF PALO ALTO CITY COUNCIL MINUTES

Special Meeting  
October 1, 2012

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:05 P.M.

Present: Burt, Espinosa, Holman, Klein, Scharff, Schmid, Shepherd, Yeh

Absent: Price

## SPECIAL ORDERS OF THE DAY

Mayor Yeh announced that Agenda Item Number 2 would be heard first.

2. Acknowledgement of Recipients of Mayor's "Green Leader Business Award".

Mayor Yeh announced the recipients of the Mayor's Green Leader Business Award. The winners included SAP, Stanford Real Estate, Wilson Sonsini Goodrich & Rosati, CM Capital, Stevens Development Company, International School of the Peninsula, and Palo Alto Unified School District.

1. Presentation from Raania Mohsen, Executive Director for Cities Association of Santa Clara County.

Raania Mohsen, Executive Director for Cities Association of Santa Clara County presented information regarding the Cities Association of Santa Clara County. She discussed the history, mission, and guiding principles of the organization. The mission of the organization was "to represent the mutual interests of cities and to present a unified voice in dealing with other agencies, organizations, and levels of government." The guiding principle was "to promote cooperation among the cities and advocate for positive action to enhance the quality of life for the people of our county." Priorities for 2012 included transportation and a strategy for creating sustainable communities, regional economic development, and supporting innovative schools.

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## CITY MANAGER COMMENTS

James Keene, City Manager, reported October was National Energy Awareness Month including recognition weeks for public power and public natural gas. The Utilities Department was sponsoring a workshop on tree care in a water-conserving landscape on October 4, 2012 from 7:00 P.M. to 9:00 P.M. at the Lucie Stern Community Center. On October 7, 2012 from 1:00 P.M. to 4:00 P.M., the City's Neighborhood Green Teams were sponsoring a family bike tour of Palo Alto.

Mayor Yeh added that several Council Members would lead bike rides from their neighborhoods.

## ORAL COMMUNICATIONS

Erika Escalante requested reliable information regarding redevelopment of the Buena Vista Mobile Home Park (Mobile Home Park).

Misael Morales Sanchez represented children and young adults in the Mobile Home Park. They were worried about their education. The low-cost neighborhood allowed him to pay for his college education. He requested additional information about the future of the Mobile Home Park.

Rosemary Rocha was concerned about finding other affordable housing if the Mobile Home Park was torn down. Some residents of the Mobile Home Park were low income and some were disabled.

Amanda Sevrano represented disabled and senior residents of the Mobile Home Park. She asked the Council to stop the plan to remove homes from the Mobile Home Park or to extend the time for leaving the Mobile Home Park by ten years.

Maria Gloria Covarrubias represented single mothers who lived in the Mobile Home Park. They were all low income households and did not want to depend on public assistance. She asked the Council not to take their homes.

Slone Fishahi stated his wife was ill, and he did not know where he would go if the Mobile Home Park was redeveloped. Residents of the Mobile Home Park did not have funds to pay for other housing. He hoped the Council heard the people's voice.

Jennifer Guzman was frightened that her mother could not afford another home.

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Jennifer Munoz expressed concern about where the children of the Mobile Home Park would live if it was closed.

Jasmine Ibarra asked the Council not to move the homes in the Mobile Home Park. She would be sad if she had to live in another home and attend a different school.

Angel Martinez asked the Council not to take his home in the Mobile Home Park.

Winter Dellenbach stated the Mobile Home Park was an important resource of affordable housing. The Palo Alto Weekly reported a majority of residents of the Mobile Home Park were low or very-low income. Neighbors in Barron Park supported residents of the Mobile Home Park.

Nancy Levy encouraged the Council to support Proposition 37 regarding labeling of genetically engineered food. It was unknown if these foods were safe.

Wynn Grcich referenced studies regarding the effects of water fluoridation. She listed uses of chemicals found in water supplies.

Robert Moss was unable to access Commission and Board reports through the City's website. He suggested the City return to the previous website software to allow access to these reports.

Stephanie Munoz supported the residents of the Home Park in their efforts to remain in their homes.

## CONSENT CALENDAR

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Schmid to move Agenda Item No. 4; Approval of Contract with Muzak, LLC, in the Amount of \$201,992 for Media Broadcast System for the Mitchell Park Library and Community Center (CIP PE-09006), to a date uncertain.

**MOTION PASSED:** 8-0 Price absent

**MOTION:** Council Member Shepherd moved, seconded by Council Member Espinosa to approve Agenda Item Nos. 3, 5, 6.

3. Adoption of a Resolution 9289 Approving and Ratifying the Resource Adequacy Transfer Agreement Transferring a Portion of the City's

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Resource Adequacy Capacity from the High Winds Energy Center to NextEra Energy Resources, LLC, in 2013 and 2014.

- ~~4. Approval of Contract with Muzak, LLC, in the Amount of \$201,992 for Media Broadcast System for the Mitchell Park Library and Community Center (CIP-PE-09006).~~
5. Resolution 9290 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Execute an Agreement for the Sale of System Resource Adequacy Electricity Capacity to NextEra Energy Power Marketing, LLC, for Calendar Year 2013.
6. Approval of a Final Map to Create Six New Residential Condominium Units at 382 and 384 Curtner Avenue.

**MOTION PASSED FOR ITEM NUMBERS 3, 5, 6:** 8-0 Price absent

## AGENDA CHANGES, ADDITIONS AND DELETIONS

**MOTION:** Mayor Yeh moved, seconded by Council Member Espinosa to continue Agenda Item No. 7; Response to Colleagues Memo on Employee Benefits, to October 15, 2012.

**MOTION PASSED:** 8-0 Price absent

**MOTION:** Council Member Holman moved, seconded by Council Member Shepherd to move Agenda Item 10; Colleagues Memo From Mayor Yeh and Council Member Holman Requesting Council to Pass a Resolution of the City Council of Palo Alto in Support of Proposition 34 (The SAFE California Act) before Agenda Item 9; Policy and Services Committee Recommendations for Annual Council Priority Setting Process.

**MOTION PASSED:** 7-0 Espinosa, Price absent

## ACTION ITEMS

- ~~7. Response to Colleagues Memo on Employee Benefits.~~
8. Public Meeting: Approval of the Retention of the Charleston Road/Arastradero Road - Phase II Trial Restriping Improvements between El Camino Real and Gunn High School.

Curtis Williams, Planning and Community Environment Director, stated the City had focused on the Charleston Road/Arastradero Road Corridor for

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approximately ten years, because it served a number of schools, community centers, parks, and connected to Stanford Research Park. The Corridor plan was developed in response to residential proposals. The purpose was to create a safer, functional Corridor for all users and to mitigate some impacts of increased development. The first phase of the program implemented measures on Charleston Road and improvements to the Gunn High School driveway; the second phase, currently underway, was traffic calming and restriping improvements on Arastradero Road; and, the final phase would be improvements at the El Camino Real intersection. Staff recommended implementing trial efforts on a permanent basis.

Jaime Rodriguez, Chief Transportation Official, reported the City wanted to preserve road capacity and promote less vehicular-only access. Staff introduced concepts such as Complete Streets to focus on multi-modal streets that move vehicular capacity and accommodate bicyclists, pedestrians and public transit. Staff attempted to adhere to Comprehensive Plan goals. Charleston Road and Arastradero Road were good examples of implementing Complete Street projects while focusing on neighborhood preservation. On Arastradero Road, increases in vehicular traffic were consistent with regional increases. Maybell Avenue had slightly higher increases that coincided with student population increases at schools. Times for traveling through the project area prior to the project were longer than times after the trial project. Implementation of the Arastradero Road trial restriping project reduced bicycle and pedestrian incidents, significantly decreased vehicle crash types, and slightly reduced higher speed capacity. The City received a \$450,000 grant from the State to improve median islands along Charleston Road. Staff recommended additional improvements of removing the median island at the Hubbart intersection, improving the Donald/Terman Drive intersection at Arastradero Road, and using green bicycle lane treatments. Staff recommended approval of permanent retention of the Phase II Charleston Road Corridor restriping project.

Mark Michael, Planning and Transportation Commission Member, reported the Planning and Transportation Commission (P&TC) heard extensive public comment on this project. Anecdotal and empirical observations from residents challenged the traffic analysis and findings in the Staff Report. Policy implications of the project in relation to the Comprehensive Plan were strong. He stated the five goals of the Comprehensive Plan impacted by the project. The P&TC voted unanimously to recommend the City Council approve permanent retention of Phase II of the Charleston Road/Arastradero Road Corridor restriping project.

Alice Smith expressed concern about the pedestrian crossing at Clemo and Arastradero. The lights at the crossing were placed too high for pedestrians

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to see them. Staff should review the left-hand turn by the fire station if public housing was constructed near Clemo. She complimented Staff for their work on this project.

John Elman challenged the City's traffic analysis. He opposed the project.

Patrick Muffler recalled the history of the project. His concerns were speeding vehicles and high accident rates, and he supported the project.

Evan Lurie stated the plan was designed to mitigate the danger of higher volumes of vehicles. Staff achieved stakeholders' objectives.

Jim Jurkovich felt the project had not achieved its goal of meeting the capacity requirements through the Arastradero Corridor. He noticed higher traffic volumes and increased speeds through his neighborhood since the project began. Further improvements were needed.

Betty Lum stated the Corridor improvements were helping traffic flow. She urged the Council to approve the plan.

Nancy Krop asked the Council to make the restriping project permanent. Traffic accidents decreased even though traffic volume increased. She appreciated improvements to make children's travels safer.

Suzanne Ambiel stated the number of students walking and bicycling to school had increased significantly during the trial period, while the number of bike-pedestrian accidents had decreased. She urged the Council to retain the current configuration on Arastradero Road.

Elizabeth Alexis believed the issue was speeding traffic, and the project was successful in increasing biker's safety. She urged the Council to support the project.

Markus Fromherz strongly supported making the restriping project permanent. The project achieved a compromise between local traffic and commuting traffic. He asked the Council to approve the project.

Lynn Melena believed the lane striping was confusing approaching the Terman/Donald intersection. She was concerned about traffic volume on Maybell Avenue. She supported approval of the project.

Penny Ellson supported Staff's recommendation. She thanked Staff for balancing the need of all road users. Traffic had increased in the Barron Park neighborhood because of increased enrollment at schools.

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Rich Ellson stated most problems along Arastradero Road had been solved. The number of speeding vehicles had decreased. The project provided auto arterial service and safer bicycle/pedestrian connectivity.

Michael Maurier said improvements would be continually needed, because the area was one of high growth. He supported Staff's plan and urged the Council to approve the project.

Kathryn Latour felt biking to school was safer with the restriping. She supported making the project permanent.

Hwaiyu Geng believed traffic traveled faster with four lanes. Having only three lanes allowed a wider bicycle lane. He supported the restriping plan and hoped it would be permanent.

Keri Wagner was comfortable allowing her children to walk or bike to school, because of safety improvements. She urged the Council to make the safety improvements permanent.

Philip Melese said the area was safer with the improvements. He strongly encouraged permanent implementation of the project.

Betsy Allyn agreed with prior comments about increased safety.

Don Anderson agreed with Mr. and Mrs. Ellson's comments. Traffic was no worse than before the project; however, biking and walking was much safer. Green bike lanes would be a good improvement.

Jane Sideris stated traffic along Georgia Avenue had increased. Additional home construction and the senior center would contribute to the problem. She was not in favor of the project.

Shirley Nathan indicated the reduced number of lanes increased safety concerns. She did not agree with the traffic analysis. The emphasis on cyclists and pedestrians was worthwhile, but not at the expense of cars.

Kirsten Flynn believed the City was obligated to create safer streets for all modalities.

Peggy Kraft approved the project and hoped the Council approved it.

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Adina Levin, Co-Chair of the Silicon Valley Bicycle Coalition, supported making the trial permanent. She noted reports of increased numbers of cyclists and pedestrians.

Nina Bell thanked Staff for the improvements and increased safety and thanked the community for their input.

Robert Moss suggested lengthening the four-lane eastbound section past the cemetery and synchronizing traffic lights. He felt the changes should not be made permanent for at least two or three years to determine the impacts of new home construction and spillover traffic in the Barron Park neighborhood.

Stephanie Munoz agreed with Mr. Moss' comments. She recalled the history of improvements to Arastradero Road.

Joseph Hirsch noted the congestion on Arastradero Road. Redevelopment of the Buena Vista Mobile Home Park and Clemo Orchards would create more congestion. He suggested leaving the area as it was until the impacts of those two projects could be determined.

Irvin Dawid urged the Council to adopt the P&TC recommendation. Roads were not for the exclusive use of motor vehicles.

Council Member Holman inquired whether proposed improvements listed on page 77 of the Staff Report would occur simultaneously or sequentially; how the \$450,000 grant would be applied to improvements; and whether the project accommodated the affordable housing project proposed on Maybell Avenue.

Mr. Rodriguez reported Staff recommended all improvements occur over the next year. The main merges had been restriped and some improvements were made at King Arthur Court. Staff wanted to remove the island at Hubbart prior to the end of the year. The grant was specifically for the Charleston Road segment. Staff needed to determine funding for the Arastradero Road improvements.

Mr. Williams indicated Staff would evaluate the specifics of the affordable housing project. Approximately 20 peak hour trips were associated with the affordable housing project.

Council Member Holman asked how Staff would search for funding for the landscaping of medians.

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Mr. Rodriguez indicated the One Bay Area Grant program was the most likely fund source. The City was in a good position to obtain funding for the Arastradero Road and the remainder of the Charleston Road improvements, because Staff had performed the due diligence. Staff had worked with private developers with respect to improvements along El Camino Real, and had some funds set aside from a proposed hotel project for the Project Study Report phase. Staff searched for partnership opportunities, community benefit projects, and contributions.

Vice Mayor Scharff asked for the cost and timeline for design improvements to El Camino Real and Arastradero/Charleston Road.

Mr. Rodriguez stated funding from the hotel project would advance the design phase. Because no funds were identified in the active Community Improvement Program (CIP), Staff programmed it for the upcoming CIP.

Vice Mayor Scharff asked for an estimated completion date.

Mr. Rodriguez estimated three or four years to complete improvements.

Vice Mayor Scharff appreciated the level of community involvement in the process. He inquired whether green bike lanes would be installed.

Mr. Rodriguez reported Staff recommended use of green bike lane material at almost all major intersections along the corridor, and the City had the material in stock.

Vice Mayor Scharff inquired whether green bike lanes would occur.

Mr. Rodriguez stated it would occur if the Council approved Staff's recommendation.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Klein to approve the permanent retention of Phase Two of the Charleston-Arastradero Corridor Re-Striping Project, with additional modifications as follows:

- A traffic signal modification at the intersection of Arastradero Road and Donald/Terman to provide a right turn arrow movement that operates concurrently with the westbound left turn signal phase to help clear the Terman Drive parking lot more quickly. This right turn arrow movement would operate only during the periods of the day when the all-pedestrian signal phase at the intersection is in operation.
- Accelerate the design and implementation of the Maybell Avenue Bicycle Boulevard project.

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- Remove the median island on Arastradero Road between Hubbard Street and Ynigo Way installed initially in response to neighborhood feedback as part of the first year implementation of the trial. This will require the relocation of the vehicle speed feedback sign facing westbound Arastradero Road traffic from the median to the sidewalk along the north side of Arastradero Road, but will better support left turn access into and out of Hubbard Street and Ynigo Way.
- Provide enhanced green bicycle lane treatments at key intersections such as Alta Mesa-McKeller, Coulombe Drive, Donald Drive-Terman Drive, and Gunn High School to provide motorists awareness as to the presence of bicycles, and to provide guidance for the cyclist as to where bicycles should position themselves. New signage to identify wrong-way bicycle riding is also recommended, similar to that installed on Channing Avenue between Newell Road and Lincoln Avenue.
- Design improvements to the El Camino Real & Arastradero Road-Charleston Road should be planned and coordinated with Caltrans to help improve travel time and bicycle/pedestrian safety across the intersection.

Vice Mayor Scharff looked forward to the improvements occurring.

Council Member Klein did not believe any configuration would eliminate traffic congestion. This project was an excellent compromise and would always need minor adjustments. The project had widespread community support. He supported Staff's recommendation.

Council Member Espinosa inquired about signage at the intersection with Clemo Avenue.

Mr. Rodriguez stated there was currently a pedestrian-activated flashing beacon. Staff wanted to remove the beacon and install a sign with visual and audible cues.

Council Member Espinosa stated the concern raised by the public was the height and visibility of the sign, and asked if the new sign would be more visible.

Mr. Rodriguez reported the sign and the button would flash to let pedestrians know the sign was on.

Council Member Espinosa requested the public speaker contact Staff to ensure complete understanding of the problem. He inquired about plans and a process for a study of spillover traffic.

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Mr. Rodriguez reported Staff was developing a plan to collect data annually at key locations. Staff could establish a permanent count station along Maybell Avenue.

Council Member Espinosa felt community frustration resulted from many construction and road projects in the Corridor. Having traffic data allowed the Council to consider the impacts of changes. The project was successful, and the Council should make the project permanent. The additional improvements would transform the Corridor further.

Council Member Shepherd supported the Motion, and agreed with Council Member Klein's comments. The traffic data indicated traffic continued to move through the Corridor and more people were choosing bicycles for transportation.

Council Member Holman noted it was rarely possible to satisfy all concerns and issues. She appreciated the community working with Staff through the entire length of the process and project.

Council Member Schmid supported the Motion. The Corridor was an important east-west connection in Palo Alto. The impact of the trial was noticeable, and the results were outstanding. He expressed concern about the project being permanent when the Corridor would continue to grow. He asked Staff to work carefully in designing traffic flow along Clemo Avenue. The significant growth in traffic volume on Maybell Avenue was a concern. Because of the importance of the Charleston/Arastradero Corridor, he asked Staff to consider limiting the size and scale of developments in the El Camino Real area.

Council Member Burt indicated the Charleston/Arastradero Corridor was a major component of the Bicycle-Pedestrian Master Plan. The Bicycle-Pedestrian Master Plan was a significant mitigation for traffic congestion.

Mayor Yeh inquired about the source of increased traffic on Maybell Avenue.

Mr. Rodriguez reported one factor was an increase in the number of trips at Barron Park and Juana Briones schools for people living outside the schools' attendance boundaries. Gunn High School was also undergoing construction, and traffic had moved to the rear of the school. Staff needed to continue traffic studies to confirm that.

Mayor Yeh wanted to ensure traffic cutting through the neighborhoods was addressed. He asked about Staff's plan to discuss the effects and additional data with the P&TC.

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Mr. Rodriguez indicated as part of designing the Charleston Road project, Staff could provide the Council with an update. If the Council requested it, Staff would provide additional data regarding traffic volume on Maybell Avenue and Arastradero Road.

**AMENDMENT TO MOTION:** Mayor Yeh moved, seconded by Council Member Schmid to request Staff return to the Planning and Transportation Commission in one year with an update of the status of Maybell Avenue and cut-through traffic to Green Acres 1 & 2 and Barron Park. Additionally to share the information with the Palo Alto Unified School District.

Vice Mayor Scharff expressed concern regarding the impact of that Amendment on Staff's workload. He asked if Staff would have the information readily available.

Mr. Rodriguez believed Staff could delegate that work to City consultants.

Vice Mayor Scharff inquired whether that would create additional fees from the consultants.

Mr. Rodriguez answered yes.

Vice Mayor Scharff inquired about the amount of additional fees.

Mr. Rodriguez estimated \$3,500.

Mayor Yeh stated Maybell Avenue and Arastradero Road were options for bicyclists, and the City needed to know which route bicyclists chose. Having a status update was prudent, because significant changes would continue to be made to bike lanes.

Council Member Schmid noted the increase in traffic on Maybell Avenue occurred in the morning peak hour and at other times. A status update would be an inexpensive method to determine the cause.

Council Member Shepherd asked if traffic had increased because of students living outside school attendance boundaries.

Mr. Rodriguez stated that could be a likely reason for the increase in vehicular trips.

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Council Member Shepherd was interested in sharing that information with the Palo Alto Unified School District (PAUSD), and asked Staff for a recommendation for sharing the information.

Mr. Williams felt it would be useful for PAUSD to have the information.

Council Member Shepherd believed the change in school bell schedule decreased traffic congestion. She asked if sharing the information would assist Staff.

Mr. Williams answered yes.

Council Member Shepherd inquired whether there were additional reasons for the increase in traffic volume.

Mr. Williams indicated sharing the information could help Staff understand the dynamics of attendance boundaries and their effects on traffic.

Council Member Shepherd would be reluctant to support the Amendment if the cause of increased traffic was students living outside attendance boundaries.

Mayor Yeh supported sharing traffic information with PAUSD and including that phrase in the Amendment.

Mr. Williams stated Staff would share the information with PAUSD whether or not the Amendment was adopted.

Council Member Klein would not support the Amendment, because the process needed finality. The City had a process for neighborhoods with traffic problems. The report had no metrics for the data. It was time for a decision on the project, and future problems would be handled through the existing process.

Council Member Burt recalled the graph presented by Mr. and Mrs. Ellson regarding the increase in out-of-area students to the schools in Barron Park. That graph explained the traffic increase during the morning peak hour on Maybell Avenue. He would not support the Amendment, but would support the issue being considered by the City/School Liaison Committee.

Mayor Yeh and the seconder of the Amendment agreed the City/School Liaison Committee would be an appropriate place to discuss the data.

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Council Member Burt did not believe an Amendment was necessary. The City/School Liaison Committee could set its own Agenda.

Mayor Yeh stated the challenge was that the data would not be collected unless the Council committed funds to pay the consultants.

Council Member Burt felt the existing data was a foundation for a discussion with the City/School Liaison Committee.

Council Member Espinosa agreed the City/School Liaison Committee was the appropriate Committee for the discussion. There had not been sufficient discussion with Staff to determine what data to collect and how to collect it.

Mayor Yeh indicated significant improvements were still to be made, and it was helpful to see the impacts of these improvements on neighborhoods.

**AMENDMENT TO MOTION FAILED:** 2-6 Schmid, Yeh yes, Price absent

Mayor Yeh suggested the City Council direct Staff to improve the Clemo Avenue/Arastradero Road intersection to include illuminated signs.

Mr. Rodriguez reported Staff was committed to improving the crossing by replacing the beacon.

Vice Mayor Scharff clarified that the Council would accept Staff's plans for the intersection.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** that at the intersection of Clemo Avenue and Arastradero Road Staff will improve the crossing with illuminated signs.

Mayor Yeh noted Mrs. Penny Ellson's work on the project over a number of years.

James Keene, City Manager, acknowledged Staff's work and community input.

**MOTION PASSED:** 8-0 Price absent

10. Colleagues Memo From Mayor Yeh and Council Member Holman Requesting Council to Pass a Resolution of the City Council of Palo Alto in Support of Proposition 34 (The SAFE California Act).

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Council Member Holman explained Proposition 34 would commute death sentences to life in prison without the possibility of parole. The Resolution and Colleagues Memo pointed to local governance implications. The State spent \$130 million from the General Fund annually because of the death penalty. She hoped colleagues would support the Resolution.

Mayor Yeh wanted to focus on the economic impact of the death penalty rather than the moral issues. Proposition 34 would generate substantial savings that could be re-appropriated for infrastructure and education. He also asked colleagues to support the Resolution.

Judge LaDoris Cordell stated responsible city government leaders should support the Resolution. The death penalty system in California was bad public policy and fiscally irresponsible. Savings could be spent in communities to hire teachers, nurses, and homicide investigators. The Council's support of Proposition 34 would send an important message to cities around the state.

Alice Smith urged the Council to pass a Resolution supporting Proposition 34. Better education was important to a just society.

Gerard McGuire supported the Resolution. California's death penalty law was archaic, unfairly applied, and fiscally insane. The gentlemen who wrote the death penalty initiative in 1978 admitted it was a mistake, and supported Proposition 34. Eliminating the death penalty would make California safer.

Jay M. Jackman, M.D. J.D. supported the Resolution. Victims' families continued to be traumatized by the lengthy appeals process. Abolishing the death penalty would allow victims' families to find peace.

Claude Ezran recalled on March 11, 2010, the Human Relations Commission unanimously passed a Resolution to end the death penalty in Santa Clara County. It was important to remember the moral and philosophical aspects as well as financial aspects of the death penalty.

Terry McCaffrey reported an estimated \$1 billion would be saved over five years by abolishing the death penalty. Proposition 34 called for \$100 million to be set aside for investigation of unsolved rapes and murders. He encouraged the Council to support the Resolution.

Ellen Kreitzberg stated Proposition 34 was a local matter because of funding and safety issues. Executions created stress for prison staff.

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Aram James noted innocent people had been executed under the death penalty. The death penalty was disproportionately applied. A sentence of life in prison without parole was often a punishment worse than death.

Helen Baumann recalled a prior Council discussion regarding a moratorium on the death penalty. Educating the public regarding Proposition 34 was critical.

Council Member Holman believed passing Proposition 34 would send a clear message that public funds were not being well spent.

**MOTION:** Council Member Holman moved, seconded by Mayor Yeh to adopt the Resolution in support of Proposition 34.

Council Member Burt noted three moral issues concerning the death penalty; however, he based his support of the Resolution on fiscal and public policy arguments. Ineffective public policy was wrong and affected local government.

Council Member Klein needed a sufficient nexus between capital punishment and City policy, and there was a direct connection between the death penalty and state and local finances. It was appropriate for moral positions to affect Council Members' decisions. The number of wrongful convictions showed the system was broken. He would support the Motion for those reasons.

Council Member Shepherd stated the cost of death sentence appeals diverted funds from solving problems. Many services could be better served with these funds.

**MOTION PASSED:** 8-0 Price Absent

9. Policy and Services Committee Recommendations for Annual Council Priority Setting Process.

Council Member Holman reported the Policy and Services Committee (Committee) considered each aspect of the proposal in depth. Attachment A on Packet page 142 was the proposed process. The Committee did not include a process for members of the public to submit suggestions for Council Priorities. The Council could consider public outreach on the same timeline as Council submission of suggestions.

Pamela Antil, Assistant City Manager, stated Staff attempted to capture all points of the Committee's discussions.

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Council Member Shepherd asked for clarification of Item Number 3 on page 140 of the Staff Report, which stated "the Policy and Services Committee, each year at its December meeting, shall make recommendations about the process that will be used at the Annual Retreat paying particular attention to the number priorities suggested by Council Members. The recommended process is to be forwarded to Council for adoption in advance of the Council Retreat."

Council Member Holman explained Council Member submissions were due by December 1. The Committee would review the submissions and suggest methods for expediting discussion at the Council Retreat.

Council Member Shepherd inquired whether the Committee would change suggestions for Priorities or create the process for examining the Priorities.

Council Member Holman stated the purpose of the Retreat was to set Priorities. The Committee would not change any submissions.

Council Member Shepherd asked if the Committee would merge similar submissions.

Council Member Holman felt the Committee might do that, but was sensitive to keeping the original intent.

James Keene, City Manager clarified that the December 1 deadline was for the subsequent year's Retreat, usually held in January. If the Committee did combine suggestions, Staff would still submit a list of all original suggestions. The Committee would expedite the subsequent work of the Council.

Council Member Holman agreed with Mr. Keene's comments.

Council Member Klein felt the Committee would group suggestions without changing the wording of suggestions. The intent was to organize Retreat discussions. There were a variety of processes to be used.

Council Member Shepherd inquired whether it was important to include "during the year" in the definition, if the Council was adopting Priorities for two or three years.

Council Member Klein explained the chosen Priorities had a three-year time limit; the Priorities were not chosen for three years. Each year the Council would decide if it wanted to consider a Priority for that year.

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Council Member Shepherd suggested adding two Priorities in 2013 so that Priority time limits would be different.

Council Member Holman indicated that would be determined with Committee assistance and would depend on Council recommendations.

Vice Mayor Scharff inquired about the reason for a three-year time limit. Some Priorities would require more than three years to reach a resolution.

Council Member Klein stated the intent of the definition was to distinguish Priorities from important items that had to be considered yearly. For example, the City's Budget had to be considered every year. The Committee attempted to create a process that would name Priorities to be accomplished in a particular timeframe.

Council Member Holman reported Priorities should be identified, quantified, and accomplished. The Committee discussed wording of Priorities having generally a three-year time limit, but did not incorporate that.

Mr. Keene felt the Committee attempted to contain the Priority process. Nothing precluded a Council Member from suggesting a Priority be reconsidered at the fourth year.

Vice Mayor Scharff asked if any of the current Priorities, emergency preparedness, youth and health well-being, and City finances, met the definition.

Mr. Keene explained that previous Priorities usually were general ideas, and omitted work plan components or objectives. This process attempted to make those components clear and specific.

Vice Mayor Scharff suggested a Council Priority be defined as a goal or topic that would receive particular, unusual, and significant attention. He asked for the Committee's thoughts on the level of specificity for Priorities.

Council Member Klein felt "topic" was better than "goal." He was looking for a high level of specificity. Passing a public safety building proposal would be an acceptable Priority under the definition; whereas, environmental sustainability would not.

Vice Mayor Scharff inquired whether improving infrastructure would be too general.

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Council Member Klein did not believe improving infrastructure would be an acceptable Priority. As Mr. Keene noted, the process had flexibility.

Council Member Burt noted the Council had adopted Priorities that became core values. The Council may want to have both Priorities and core values. From a process standpoint, the proposal was a bit too rigid. Suggestions brought up late in the process might not be considered. He suggested the Council provide feedback on the proposal and the Committee incorporate those comments. He wanted a stronger definition of Priority and consideration of long-term core values.

Council Member Espinosa would support a Council recommendation for the Committee to consider Council comments.

Council Member Schmid interpreted the definition to have some institutional impact on the business of the City. Emergency preparedness and youth well-being were Council Priorities in the previous year, and the Council made institutional changes in both those areas. They were not lost as core values, rather the Council did something unusual and significant that had a lasting impact.

Council Member Shepherd agreed with returning the proposal to the Committee for refinement, but the concept of a goal being a core value should be addressed.

Mayor Yeh favored the proposed guidelines. The process would be iterative and would need refinement. Because they were guidelines, the process would be flexible. The language should incorporate the terms institutionalize or completion. He supported the three-year time limit as an empirical number; however, the City Council could have new Council Members every two years. Each new City Council would want to consider the Council's Priorities.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Schmid to approve the priority setting guidelines:

1. Approve the definition of a Council Priority as "A Council priority is defined as a topic that will receive particular, unusual and significant attention during the year."
2. Three months in advance of the annual Council Retreat, staff will solicit input from the City Council on the priorities to be reviewed and considered for the following year.
  - a. Council Members may submit up to three priorities.
  - b. Priorities must be submitted no later than December 1.
  - c. As applicable, the City Manager will contact newly elected officials for

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their input by December 1.

3. Staff will collect and organize the recommended priorities into a list for Council consideration, and provide to Council no less than two weeks in advance of the retreat.
4. The Policy and Services Committee, each year at its December meeting, shall make recommendations about the process that will be used at the Annual Retreat paying particular attention to the number of priorities suggested by Council Members. The recommended process is to be forwarded to Council for adoption in advance of the Council retreat.

## Guidelines for Selection of Priorities

1. There is a goal of no more than three priorities per year.
2. Priorities have a three year time limit.

Vice Mayor Scharff generally supported the proposal; however, he expressed concern about flexibility. As written, the language seemed prescriptive. He said the Committee thought through the process; therefore, it was important not to send the proposal back to the Committee.

Council Member Schmid indicated the goal of the process was for each Council Member to consider Priorities prior to the Retreat. The proposal started the process before the Retreat, but decisions would be made at the Retreat.

Council Member Burt indicated 2b was stipulative, and recommended changing the language to "should be submitted no later than December 15." Newly elected Council Members would need time to assimilate Council procedures and information.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change "must" to "should" in 2b.

Vice Mayor Scharff inquired why Staff chose December 1 as the deadline.

Mr. Keene indicated December 15 would not allow adequate time for the Committee and the Council to review the process.

Council Member Burt was unsure whether the process could include elected but unsworn Council Members.

Molly Stump, City Attorney, reported elected but unsworn officials could not participate in a Council meeting or vote. This was a process of gathering and arranging information for Council consideration after newly elected Council Members were sworn in. This process would work for gathering input.

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Council Member Burt expressed concerns about the December 1 deadline being so far in advance of the Retreat.

Vice Mayor Scharff preferred to keep the December 1 deadline. New Council Members could make suggestions later.

Council Member Burt believed some of the best ideas came from discussion. He requested the Committee evaluate whether the Council should have a set of core values.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to request that the Policy and Services Committee should evaluate whether or not the City Council should have a set of core values.

Council Member Klein indicated the wording became a part of the Priority setting guidelines, and he did not recommend that. He suggested the Incorporation on core values be a separate Motion and a vote on the Motion be held after consideration of the core values Incorporation.

Mayor Yeh determined that this Incorporation on core values would be separated from the main Motion for the vote.

Council Member Shepherd suggested one guideline should be institutionalizing Priorities.

Council Member Klein agreed with the incorporations to the Motion regarding 2b and core values. It was important to have a process different from that used in the past. The proposed process would force Council Members to think clearly. Newly elected Council Members would have ideas in the short time between the election and December 1. The Council needed to emphasize to the public that not selecting a topic as a Priority did not mean it would disappear. Staff did not develop the proposed process; the Committee did.

Council Member Holman asked for clarification of the core values Incorporation.

Council Member Burt explained core values were important, but different from the day-to-day work of the Council. The Committee could find a better term.

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Council Member Holman clarified that the intention was for the Committee to consider whether a Priority had transitioned to a core value.

Council Member Burt stated a core value may not have transitioned from a Priority. The Council could focus on Priorities by not having to consider core values. If core values were adopted, many Priorities would be moved to that list.

Mr. Keene understood core values would last and not be constrained by a time limit. For example, the process of civic engagement was not a Priority, but was important over time and could be a core value. The Council could articulate the values that guided Council actions.

**VOTE FOR INCORPORATION REGARDING CORE VALUES:** 8-0 Price absent

Council Member Holman agreed with the change to 2b. Regarding Guideline Number 2, the Committee considered language stating priorities generally have a three-year time limit. The proposed language seemed prescriptive.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change Guideline Number 2 from "Priorities have a three year time limit." to "Priorities generally have a three year time limit."

Council Member Holman suggested verbiage stating that "Bringing additional Priorities to the Council Retreat is discouraged, but late submissions will be considered." This would provide clarity while allowing Priorities to be suggested at the Retreat.

Vice Mayor Scharff did not agree with the language.

Council Member Holman wanted consistency and was open to other language.

Vice Mayor Scharff suggested "Bringing additional Priorities to the Council Retreat will be considered."

Council Member Schmid did not agree with the language, because ideas would be generated at the Retreat.

Council Member Holman proposed alternate language of "Additional Priorities brought to the Council Retreat will be considered."

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**INCORPORATED INTO THE MOTION BY THE CONSENT OF THE MAKER AND SECONDER** additional Priorities brought to the Council Retreat will be considered.

Mr. Keene explained that discussions at the Retreat could engender other ideas that the Council would consider.

Vice Mayor Scharff inquired whether Mr. Keene was suggesting further language changes.

Mr. Keene said that was a Council decision.

## **INCORPORATION WITHDRAWN**

Council Member Holman noted inconsistencies in consideration of ideas presented at previous Retreats.

**AMENDMENT:** Council Member Holman moved, seconded by Council Member xxx that additional Priorities brought to the Council Retreat will be considered.

## **AMENDMENT FAILED DUE TO LACK OF SECOND**

Council Member Shepherd supported not having verbiage prohibiting priorities from being brought directly to the Council Retreat.

Council Member Klein recalled Council Member Holman's earlier comments regarding a process for public submission of ideas.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** as a new 2d: The City Clerk will provide timely notice to the public to submit proposed Priorities by December 1<sup>st</sup>. The Policy and Services Committee shall recommend to the Council which suggestions if any shall be considered at the City Council Retreat.

**MOTION PASSED:** 8-0 Price absent

## COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Shepherd discussed the new Alma Plaza traffic signal; she said it took a long time to transit through. She said she attended the Black and White Ball and was pleased to see so many participants.

Council Member Holman announced the Art Center Grand Opening the

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upcoming weekend. She said the Film Festival was well attended and a great event.

Vice Mayor Scharff attended the NCPA annual conference. The topics were Reliability, AB32 Cap & Trade, and Energy Storage.

Mayor Yeh attended the annual conference as well. He announced the final Mayors Challenge was the upcoming Sunday and would involve adventures along the local bike routes. He asked if there was a public item coming forward with the mobile home park.

James Keene, City Manager said there was something agendaized, but he didn't have the date. He also mentioned that Curtis Williams, the Planning and Community Environment Director, had communicated with the public who attended the meeting and provided his contact information to them.

Mayor Yeh said he and Council Member Holman met with Assembly Member Gordon regarding mobile home parks. He wanted the public to know that Assembly Member Gordon was well versed on mobile home park issues.

ADJOURNMENT: The meeting was adjourned at 12:08 A.M.