

Regular Meeting
December 10, 2002

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- ADJOURNMENT: The meeting adjourned at 9:45 p.m.34

Chairperson Kleinberg called the meeting to order at 7:07 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

PRESENT: Beecham, Freeman, Kleinberg, Mossar

1. Oral Communications

None.

Chairperson Kleinberg asked whether the Policy and Services (P&S) Committee should set a deadline for adjournment. The Anti-Discrimination Ordinance was placed last on the agenda in case there was sufficient time to deal with it. If not addressed, the item would return the following year.

Vice Mayor Mossar thought the P&S Committee was very close to completing the protocols. She hoped the meeting would conclude by 9:00 or 9:30.

Council Member Freeman was concerned about the protocols because no representative from the City Attorney's Office was present. The issues were close enough for some legal advice.

City Manager Frank Benest said staff had consulted with the City Attorney on every proposal. As the protocols were reviewed, if there was a significant legal issue, staff would make sure the City Attorney was prepared to deal with the issue when it came before the Council.

Chairperson Kleinberg said the City Attorney could respond to any legal questions to the full Council.

Council Member Beecham wanted to be able to vote unanimously on the protocols, if possible, but questioned placing it on the consent Calendar. Another option would allow completion of the protocols if the Mayor were asked to convene the current P&S Committee to wrap up the item the following year.

Council Member Freeman liked the idea, not just because of questions she might think of but the City Attorney's legal opinions often came without question or there was a direction the committee or Council was moving for which a better course of action was more appropriate. She would feel remiss in not interacting with the City Attorney on the important issues.

Vice Mayor Mossar did not disagree with her colleagues; however, the public was aware of the importance of moving the issues forward. The importance of the protocols was so great that even if the P&S Committee unanimously endorsed the item, it should still be held on the regular agenda and not the

Consent Calendar. At that time, if there were unresolved or disputed items that could be flagged, the City Attorney would have ample time to respond to the Council if he thought there were still issues to be addressed. She wanted to discuss the item with her other colleagues.

Chairperson Kleinberg agreed. The P&S Committee had discussed having a Committee of the Whole study session after the first of the year to discuss protocols and rules. Perceptions and interpretations could then be hammered out. A unanimous vote was not as important as the procedure. No matter what decision was reached during the current evening, the City Attorney's Office would have input. All of the protocols went through the City Attorney's Office and probably many other city attorney offices. The rules were voluntary and not laws. No penalties were associated with disobedience. The protocols could have been adopted without discussion with any attorney. Given the great deal of input already gained from the City Attorney and discussion at full Council with the City Attorney present, she was comfortable moving forward.

Council Member Freeman understood; however, regardless of how many times and how many city attorneys had examined the information, the protocols were relevant to Palo Alto's Council. Questions were asked at the last meeting of the City Attorney and the City Attorney who contributed to the crafting of something that was both legal and possible made suggestions. The input was missing at the current meeting. A good solution would be to have a meeting at a later date with the same four members without losing momentum. The public would understand.

Chairperson Kleinberg asked whether the meeting to which Council Member Freeman was referring with the same four members would occur within the next few weeks.

Council Member Freeman said no. Council Member Beecham implied the new Mayor might allow the current P&S Committee to deal with the issue the following year to come to resolution.

Vice Mayor Mossar said a prior Finance Committee had continued to serve into January and changed in February.

MOTION: Council Member Beecham moved, seconded by Freeman, to continue the Protocol issue to a date uncertain in 2003 and request the future Mayor to reconvene the group after the first of the year. Council Member Beecham would not want the item to be placed on the Consent Calendar even if there was a unanimous vote.

Mr. Benest asked whether the motion was to reconvene the current meeting, i.e., not address the issue of protocols at the current meeting.

Council Member Beecham said yes.

Mr. Benest thought there were only one or two issues that would require focused discussion with the City Attorney. He would prefer to see the P&S Committee address the item at the current meeting, reserving the few questions that might arise during the discussion and meet as an appointed group by the Mayor in 2003 to finish up.

Vice Mayor Mossar agreed with Mr. Benest that it would be a mistake to not proceed and have a conversation. The areas of concern could be highlighted as the committee went through the protocols for the City Attorney. The new Mayor could be asked to let the group reconvene after the first of the year to finish discussion of the protocol issue.

MOTION FAILED 2-2, Beecham, Freeman "yes."

MOTION: Vice Mayor Mossar moved that the Policy and Services Committee go through the protocols, identifying areas of particular concern for the City Attorney, and agree that the Mayor be asked to reconvene the body in January, before finalizing the work.

Council Member Beecham suggested taking the motion after the discussion to see how the P&S Committee progressed.

MOTION WITHDRAWN.

2. Continued Discussion on Council Protocols and Appropriate Council Interface with City Staff

Council Member Freeman asked for a point of clarification. Her agenda indicated the protocols would be heard prior to the Athletic Fields item.

Assistant City Manager Emily Harrison said the marked-through copy was the one that was put into the committee's packet, which was discussion about the last meeting. The memorandum was about the Revisions to the Draft Council Protocols including strikeouts to indicate items that were deleted and bolded items that were added.

Chairperson Kleinberg said the next item for discussion was on page 5, "Depend upon the staff to respond to citizen concerns and complaints."

Council Member Freeman said the issue came up during a Council meeting the prior evening. It was important to add that the Council be copied on any actions.

Chairperson Kleinberg asked for comments about the suggestion to have all complaints reported back to the full Council.

City Manager Frank Benest said staff resolved literally hundreds of complaints a month.

Council Member Freeman had not said "all." The Council "shall be copied on any actions." She clarified the "actions" meant items on which the Council received a copy. For example, when the public sent a copy for something to happen, it came to the Council and was forwarded to staff.

Mr. Benest said the current protocol was if the Council received a notice that something was wrong, the Council received a copy of the response.

Chairperson Kleinberg wanted to make sure the P&S Committee was not writing protocols for staff. Clarification was necessary when dealing with follow-up with a manager. Language could be added "The appropriate senior staff person should respond to the Council when correspondence was copied to the Council on the original complaint" or if it came from a Council Member.

Mr. Benest said typically, 80 percent of the complaints staff received came via emails. Staff investigated, responded, and the Council received a copy.

Vice Mayor Mossar suggested the protocols acknowledge the existing policy, as described by Mr. Benest. Many answers to complaints were included in her weekly email.

Mr. Benest said if one Council Member communicated a problem from a constituent, staff responded either directly to the constituent or to the Council Member, if the person did not want their name known.

Chairperson Kleinberg asked staff to include the language Mr. Benest gave in the protocols.

Assistant City Manager Emily Harrison said staff could include language that indicated the Council could "refer to the City's complaint policy."

Council Member Freeman said various places in the protocol document contained sections of the policy written verbatim with quotes. Something in

the complaint policy might be included as well as documenting where the whole policy could be found.

Mr. Benest agreed.

Council Member Freeman said other points in the section would be resolved by mentioning the current complaint policy.

Chairperson Kleinberg thought the issue involved more than just complaints to the City Manager, for example, complaints might also be submitted to Council-Appointed Officers (CAOs) and the next senior level down.

Ms. Harrison said the language spoke directly to complaints the Council Members referred to City staff.

Chairperson Kleinberg was aware of an example of someone expressing interest in the Zoning Update and had sent emails to members of the Planning staff but had not been contacted. Although not really a complaint, she would send it to the City Manager and not to the Planning Department.

Ms. Harrison said Council's protocol already established that the Council would channel communications through appropriate senior staff, which included the department heads.

Vice Mayor Mossar thought the two items should be parallel.

Chairperson Kleinberg said the language should state, "through the appropriate CAO and department head."

Council Member Beecham had struggled to know who the appropriate person was to question. He often sent questions to department heads and hoped he remembered to copy the City Manager.

Council Member Freeman said one of the protocols that might be included was the appropriate CAO be copied.

Ms. Harrison agreed.

Chairperson Kleinberg asked whether copies to appropriate CAOs were in the current policy.

Ms. Harrison would check. If the language were not in the current policy, it would be added.

Mr. Benest said it was more efficient to send information to the appropriate senior staff.

Chairperson Kleinberg asked for comments about the fourth item on page 5, "Do not solicit political support from staff." The City Charter language was quoted and a typographical error was missing a quotation mark.

Ms. Harrison said the quotation mark should appear after the words "municipal office."

Council Member Freeman wanted to discuss a previous bullet point, the second bullet point on page 5, regarding the "one-hour limit." Examples had occurred in the past where projects had been supported by the staff that had taken more than an hour, good projects that were needed. However, the full Council did not sanction the projects. She queried how it could be balanced.

Vice Mayor Mossar said if staff initiated the work, it was staff's prerogative.

Council Member Freeman queried a Council-initiated item.

Vice Mayor Mossar said a Council Member's request had to go through a process to make sure a majority of the Council agreed the item was important to do.

Council Member Beecham said the bullet talked about a request for support. He hoped all Council Members would still be able to speak with Mr. Benest and Ms. Harrison with an idea. If the staff member thought the idea was a good one and ran with it, it was appropriate. It would be different if he personally wanted a staff member to work on something. He hoped staff would not discriminate when it heard an idea from the Council.

Council Member Freeman thought Council Member Beecham's comment was splitting hairs. What one Council Member thought was a great idea might not be considered a good idea by staff.

Mr. Benest said the Council appointed the City Manager as the chief executive officer. He, in turn, allocated staff time on projects he thought were important to move the City forward. The Council might not have discussed some projects. The Council paid him to make choices. If the Council did not like the choices he made, there was something wrong. Within the system, in terms of the City's organization, the City Manager, CAOs, and senior staff all made choices. If the City was in a time of constrained resource allocations and discussions occurred with the Council

about not getting resources for their priorities, that was one issue. When it came to individual Council Members requesting an allocation of organizational resources toward an idea, if it went beyond the one hour, colleagues would have to agree that the idea was worth the time to explore.

Council Member Freeman said the chart in the front of the City Handbook indicated the Council reported to the public. The CAOs reported to the Council. While she agreed that the City Manager had CAO status, the Council was the board that directed. The previous week, an occasion arose in which the entire "board" had not decided on the Emergency Preparedness Project, but the project was critical.

Chairperson Kleinberg agreed. As the Council Member who had initiated the project, the work staff did was within its mission and part of its job and went through the City Manager.

Council Member Freeman felt confused.

Chairperson Kleinberg said the work was not a new project. However, if she had come up with a new project, it would have to be agreed upon by all Council Members. When the Council began to work on the protocols, she would hope it would err on the side of coming to full Council as much as possible. It was important, particularly during more difficult financial times that staff time was being spent appropriately. More often than not the full Council should have a conversation about the kinds of things it thought staff should or should not be spending time on. If the volunteer project, which she was helping to initiate, turned into a City project, which it was not, it would need to be presented to the full Council.

Council Member Beecham disagreed with the direction Council Member Freeman's comments were going. However, he wanted to know if there was a specific change being recommended.

Council Member Freeman thought there was a wide, unenforceable, non-policeable gray area.

Council Member Beecham said in lieu of any specific alternative, he was willing to support the language of bullet 2 on page 5.

Chairperson Kleinberg said when the item came before the full Council, the same comments could be made. Absent some suggested language, she would add to bullet 2 on page 5, "requests for staff support should be made to the appropriate CAO who was responsible for allocating City resources in their respective departments."

Vice Mayor Mossar suggested making the language parallel with other protocols.

Chairperson Kleinberg was unsure the protocol went beyond the CAO level. If there was a Council request for staff support, she queried whether staff only wanted the request to go through the CAO.

Mr. Benest said Council requests could go through department heads, as long as the request was within the one-hour rule; otherwise, the request would go to full Council. Palo Alto ran too complex an organization for everything to be bottlenecked at the CAO level.

Chairperson Kleinberg encouraged staff to include a companion protocol for returning requests to the Council in a timely manner so a request by a Council Member would not languish.

MOTION: Vice Mayor Mossar moved, seconded by Beecham, that the Policy and Services Committee approve in concept the "Council Conduct with City Staff" section of the protocols.

MOTION PASSED 3-1, Freeman "no."

Chairperson Kleinberg asked whether her colleagues thought protocols were missing from the "Council Conduct with Boards and Commissions" section.

Council Member Freeman wanted the P&S Committee to consider a new protocol, "Current board and commission members should not lobby Council Members to vote for their choices when there was an election for new people on their commission or board." When there were openings on a board or commission, the Council interviewed people. In the past, Council Members received emails from current board members suggesting a preference for various reasons. It would be ethically more appropriate to let the Council Member decision be based on the individual's merit, without secondary information from commissioners as far as how to vote.

Chairperson Kleinberg asked whether Council Member Freeman was suggesting no communication from commissioners.

Council Member Freeman had no problem discussing issues with commissioners; however, communication about a potential candidate was inappropriate. She did not appreciate receiving an email that could bias a vote from a current member of a board or commission.

Council member Beecham said he often solicited information from current boards and commissions to find out what might be needed, how the mix was working, whether something was weak, or if someone was unable to articulate some element of the community's interest. He would not want to miss having such discussions. In terms of communications from boards or commission members encouraging a vote one way or the other, he was unsure it caused him any personal problem in terms of biasing him. He saw no ethics issue, since it was "bottom up" instead of "top down."

Vice Mayor Mossar agreed with Council Member Beecham. She valued the perspective of City board and commission members because they worked with individuals on a regular basis. The input was valuable. The members were just citizen volunteers who should not be disenfranchised from having an opinion about who would make a good board or commission member, just as the public had every right to endorse particular candidates.

Council Member Beecham said an email that was heavy-handed would be considered just that.

Council Member Freeman was concerned about the ability of new individuals trying to break into the City government process, which was substantially hampered by the current "crew" making comments or saying whatever. The City's method of voting and interviewing was utilized to evaluate individuals without backroom discussions. Otherwise, the commission or board members could simply choose the next person. Just that day someone indicated they would be removing their name from the list because there were already three good incumbents. She liked the infusion of new into the City government, if possible.

Council Member Beecham said the email he received that day was from an applicant who indicated that after attending the meeting, the time commitment was too much so the application was withdrawn.

Chairperson Kleinberg agreed; the email had referred to the three good incumbents, but the reason was the time constraint.

Council Member Beecham said after serving for many years on the Planning Commission and now on the Council, he was unaware of anything happening in back rooms, especially board members controlling what happened with Council.

Vice Mayor Mossar said her own experience was that feedback from board and commission members did not always support the reappointment of incumbents. In fact, the three Councils on which she had served had not

habitually reappointed incumbents to boards and commissions. She understood Council Member Freeman's interest in bringing new people into the government and creating openings; however, the same people were not appointed over and over again.

MOTION: Council Member Freeman moved that the Policy and Services Committee add a comment in the appropriate place stating current board members shall not lobby Council Members to vote for their choices of new specific board or commission members.

MOTION FAILED FOR LACK OF A SECOND

MOTION: Chairperson Kleinberg moved, seconded by Mossar, that the Policy and Services Committee add a protocol that all Council Member liaisons attend all regularly scheduled board and commission meetings or arrange for an alternate.

Chairperson Kleinberg said the current Council did not currently have the problem of not attending board and commission meetings; however, in the past, Council Members were known to have failed to attend meetings. The Council lost a very important line of communication with the commission as well as the commission losing the ability to have the wisdom of a Council Member in attendance at their meetings. The point was not for the commission to be influenced by a Council Member, but to gain insight.

Council Member Beecham thought his opinion of the role of Council-appointed liaisons to boards and commissions might be slightly different. It was good for the liaison to understand on a continuing basis what was happening at board and commission meetings. For the most part, however, Council Members were not critical to the success or failure of any particular board or commission meeting. He would encourage the liaison to attend; however, it was not so necessary as to make a rule.

Chairperson Kleinberg asked whether Council Member Beecham thought Council-appointed liaison was expected by the rest of the Council to attend the meetings.

Council Member Beecham said he attended the meetings as often as he could.

Chairperson Kleinberg asked whether Council Member Beecham tried to get an alternate when he was unable to attend.
Council Member Beecham said no.

Council Member Freeman agreed Council Members should attend meetings so board members could gain the wisdom of the Council Member. However, she also agreed with Council Member Beecham. The intention was for every Council Member to attend every meeting for which they were the liaison. Trying to find an alternate to attend a meeting was not easy to do. She had experienced trying to find an alternate and had changed her schedule because the alternate could not attend.

Chairperson Kleinberg agreed with the observation.

Vice Mayor Mossar suggested the wording "are encouraged to" attend.

Mr. Benest said the commitment of Palo Alto's Council to its boards and commissions was unheard of in other communities. No other city had the same kind of commitment.

Chairperson Kleinberg questioned the practice of being assigned to attend so many community organizations. The experience of attending the various meetings had been phenomenal, a result of which she believed she was a better Council Member. The issue could, however, be reviewed. If a Council Member agreed to be a liaison and had made a commitment to be the Council's communicator, they should be encouraged to attend the meetings.

Mr. Benest said the Council Member could at least follow up after the meeting to find out what occurred.

INCORPORATED INTO THE MOTION BY THE MAKER AND SECONDER to include language to the effect, "if you are a liaison and have made a commitment to be the communicator, you are encouraged to attend the regularly scheduled meetings."

Ms. Harrison clarified the protocol would delete "appointment and reappointment to a board or commission should be based on ..."

MOTION PASSED 4-0.

Council Member Freeman addressed the second bullet on page 6, "Remember that Boards and Commissions are advisory to the Council as a whole, not individual Council Members." The language should read on the fourth line, "threaten board and commission members *in any way with removal.*"

Council Member Freeman expressed concern about the sixth line, "ability to work with staff and the public," which should be removed. People in the

community had differences of opinion and styles. The issue was who would regulate how someone got along with staff and the public.

Vice Mayor Mossar said the full Council, in its vote, would make the decision.

Council Member Freeman thought the criteria was very subjective.

Chairperson Kleinberg was unsure the two sentences were appropriate for the Council's protocols. The wording was more appropriate as protocols for commissioners.

Vice Mayor Mossar said the last bullet on the page, "Inappropriate behavior can lead to removal," addressed the same issue.

Ms. Harrison said staff could remove the last bullet on page 6.

Council Member Kleinberg questioned the last sentence of bullet 2 on page 6, "A Board or Commission appointment should not be used as a political 'reward.'"

Ms. Harrison said both of the bullets were intended to be directed toward Council behavior. Both needed to be reworded.

Council Member Beecham had no problem with the last sentence.

Council Member Freeman had no problem with the last sentence either.

Chairperson Kleinberg said the middle sentence would be removed.

Vice Mayor Mossar said the last bullet on page 6 contained a piece that was appropriate for the Council. There was a Council protocol for dealing with inappropriate behavior but was written as an instruction to a board or commissioner. The wording should read something like, "Council concerns about a board or commission member's behavior should be referred to the Mayor for handling. If the situation warrants, the Mayor should bring the situation to the attention of the full Council for action."

Chairperson Kleinberg agreed.

Council Member Beecham said in terms of Council protocols, he queried what the Council Members were being told they should or should not do, aside from the Mayor.

Chairperson Kleinberg said if a Council Member had a problem with a board or commission member, the problem could be referred to the Mayor.

Ms. Harrison said any problem with a board or commission member should be referred first to the Mayor. The language could be reworded.

Council Member Beecham was unsure he agreed. The language implied, certainly the Mayor would talk with a board or commission member about doing something wrong. He would like each Council Member to have the liberty to act if it saw a board member doing something that in the Council Member's opinion was not correct, the board or commission member could be so advised. If the situation continued, then the Mayor could be brought into the picture.

Vice Mayor Mossar thought her proposed language did not preclude a Council Member from speaking with a board or commission member. The language instead provided a method of dealing with a serious situation where there was concern.

Council Member Beecham thought the wording was the obvious recourse.

Vice Mayor Mossar asked whether Council Member Beecham wanted the whole section deleted.

Council Member Beecham said yes.

Council Member Freeman asked about a situation if a Council Member went to the City Attorney about a statement from a commissioner would they be circumvented by taking the problem to the Mayor first. There had been a potential Brown Act violation during one of the interviews. Almost every Council Member had approached the City Attorney to ask about the behavior. She queried whether the Council would have had to go to the Mayor first.

Chairperson Kleinberg said inappropriate behavior was different from law breaking. If a situation ever arose about a board or commission member's behavior, no Council Member was being precluded from speaking with another individual.

Ms. Harrison clarified the P&S Committee wanted the bullet reworded to indicate that Council Member concerns about a board or commission member's behavior would be handled in the way described, but would not preclude any Council Member from individually counseling a board member

about particular issues. Individual counseling had actually helped some board members in the past.

Council Member Beecham said the protocols also indicated a Council Member should not threaten a board or commission member.

Vice Mayor Mossar thought the discussion was about an extreme case. When there was a serious problem, it was always better to have a point person. The issue was then coordinated without nine different responses.

Council Member Beecham asked whether the protocols dealt with how liaisons worked with boards and commissions.

Chairperson Kleinberg said no.

Council Member Beecham thought the Council was to communicate the opinion and view of the entire Council, yet the first bullet said, "If attending a Board or Commission meeting, be careful only to express personal opinions."

Ms. Harrison said Council Member Beecham made a good point. A point should be made to distinguish when the Council Member was just visiting a meeting and when the Council Member was attending a meeting to bring a Council opinion, etc.

Chairperson Kleinberg said a Council Member could communicate a Council position, as long as it was so stated.

Council Member Beecham said the Utilities Advisory Commission (UAC) often asked what the Council thought.

Ms. Harrison said the sample language was taken from another city and would be reworded.

Chairperson Kleinberg thought the bullet was aimed at a Council Member attending a commission meeting.

Vice Mayor Mossar said both were right.

Chairperson Kleinberg said the language in the last line of third bullet on page 6 of the proposed protocols, "Be respectful of diverse opinions," should be changed to "be fair *to* and respectful of."

Council Member Freeman asked what would be added to the protocol about remembering that boards and commissions were advisory.

Ms. Harrison said the bullet did not envision liaison roles. The bullet would include language such as, "if you are acting as a liaison, remember you are representing the full Council."

Council Member Freeman clarified the question was about the inappropriate behavior.

Ms. Harrison said the bullet would be rewritten to say that Council concerns should be handled in a certain way. Basically, the point was to bring any concerns to the Mayor and then to full Council, if required, but would not preclude any individual Council Member from bringing advice to board and commission members.

MOTION: Council Member Mossar moved, seconded by Beecham, that the Policy and Services Committee approve in concept the "Council Conduct with Boards and Commissions " section of the proposed protocols.

MOTION PASSED 4-0.

Chairperson Kleinberg asked for comments about Electronic Mail Communications.

Vice Mayor Mossar suggested deferring the Electronic Mail Communications section to a time when the City Attorney could be in attendance. The City Attorney crafted some changes to the language. Council Members Beecham and Freeman agreed.

Chairperson Kleinberg asked for comments on the "Other Procedural Issues" section.

Council Member Freeman said Chairperson Kleinberg had asked her to hold her suggestion about regular training on the Brown Act and Conflict of Interest issues until the P&S Committee discussed the "Other Procedural Issues" section. She suggested a new item stating, "The Council shall receive an annual review on the Brown Act and Conflict of Interest rules."

Vice Mayor Mossar thought the suggested wording could be added to the first bullet as one of the annual review items.

Council Member Freeman agreed.

Chairperson Kleinberg said the third bullet should be expanded to not only designate the City Manager, but also include the appropriate CAOs or Assistant City Manager.

Ms. Harrison said parallel language would be used.

Chairperson Kleinberg said the language would be changed at the end of the third bullet, "submit their questions on agenda items to the ~~City Manager~~ *appropriate CAO* or Assistant City Manager."

Council Member Beecham asked whether Council was being asked to go through the appropriate CAO every time and not directly to staff, even if the question was copied to the CAO.

Ms. Harrison said the reason the Council would go through the CAO rather than with individual department heads was the short time period to coordinate and make sure all answers to Council agenda questions were provided in a timely manner.

Council Member Freeman said the first sentence in the third bullet read, "In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussions, questions about agenda items should be discussed at the Council meeting rather than in one-on-one communications with staff prior to the meetings." The protocol was a good one. However, she would appreciate an opinion from the City Attorney, who had given an opinion at the last meeting about the time consideration during the actual meeting. If a Council Member had 10 questions, there was a limit to the number of questions that could be asked during the meeting, depending on the Mayor.

Mr. Benest preferred having technical questions and issues of fact sent ahead of the meeting to staff, to which staff would respond. Issues of policy should not be sent to staff.

Chairperson Kleinberg suggested wording "policy questions related to agenda items." A distinction was being made between policy questions and clarifications. The first sentence should designate policy questions about agenda items as issues that should be discussed at the Council meeting.

Council Member Freeman said the P&S Committee had held long discussions earlier about an issue that coincided or conflicted with the third bullet. An email was sent to Ms. Harrison, a copy of which was passed out containing suggested language. The second bullet on the email was her suggestion. "All Council members should have the same factual information with which

to make decisions, as should the public. If a council member has additional factual, content-based questions regarding current and future agenda items, regardless of the communication method chosen to ask the questions (e.g., via phone, in meetings, via email, at lunch, during an event etc.), staff and CAOs will send all of the council members the factual content based answers via email prior to the meeting where the item is agenda. If additional 'last minute' information is disclosed to a council member, that council member should disclose the factual content-based information at the meeting to all. A list of factual, content-based questions, with the council member's name attached to the question, and the staff answers, will be available to the public at the onset of the meeting where the issue will be discussed and thereafter on the web site. To preserve the right of deliberative process, private and confidential questions or those revealing intent, thought process or instruction on processes could remain confidential should the council member make that request. All factual, content-based information will be shared unless the council member, in writing, requests confidentiality. This protocol will be self-policed." She had tried to come up with something that allowed the Council to share information with each other, provide information to the public, and do so without any Brown Act violations while still providing everyone sufficient information with which to make decisions.

Vice Mayor Mossar thought page 4, the first bullet, was the relevant section in the proposed protocols for Council Member Freeman's suggestion.

Mr. Benest said if a Council Member had a factual, technical question, not only would he want to respond to the Council Member who asked the question, but to the rest of the Council so everyone had the same information. If in asking the technical question, the Council Member wanted to protect the information because of the deliberative process, the question should not be asked. If a Council Member had any qualms in their deliberative process or for any other reason, about staff sharing factual, content-based information with the rest of the Council, the question should not be asked. If the question was asked and staff provided an answer, staff was required to share the information with the rest of the Council.

Council Member Freeman suggested removing the last two sentences of her proposed language, starting with "all factual."

Ms. Harrison thought removing the last two sentences would not remove Mr. Benest's concern.

Mr. Benest said if a Council Member asked him a question and the answer was given, the answer would be shared.

Council Member Beecham was opposed to the proposed language in part because it put the burden on Council Members to remember anything they asked. He supported the idea that when there were significant questions asked on agenda items, the answer should be shared. He would not want the burden on him personally to have to share every question he asked. If he bumped into someone in the hall, he would not want the process to be so burdensome that any conversation at lunch or elsewhere had to be recorded. He did not think there was an issue. He would go for a simpler process rather than a more complicated process.

Vice Mayor Mossar had heard if it was a policy question on an agendized item, the Council Member should not talk with staff about it. The Council could talk about policy in public and with colleagues as long as the Brown Act was not violated. Factual questions about agendized items could be asked of staff. Staff would provide the information to the questioner and everyone else.

Council Member Freeman said sometimes a question needed to be asked the answer of which did not necessarily need to be made public. The result of the question would be whether or not it should go public. It might be just a clarification. She was concerned that everything she asked the City Manager would go public.

Mr. Benest said a question about what a staff report meant was merely clarification. No new information was being provided; he was merely explaining what the report meant because it was unclear.

Council Member Freeman was uncomfortable bringing up the exact example. It also begged to the attorney/client privilege issue.

Chairperson Kleinberg said the attorney/client privilege was invoked when a question went to the Council Member's legal status. The privilege did not attach to general matters of policy.

Vice Mayor Mossar said on agendized items, the City Attorney represented the full Council, so the Attorney would be giving legal advice to the full Council.

Council Member Freeman said the clarification about agendized items was a good point.

Mr. Benest said the questions were made public if the question was related to an item on the agenda, as opposed to far-reaching, philosophical

conversations about the state of the world and where Palo Alto was going as a community.

Council Member Freeman said as long as the item was on the list of a future agenda item.

Vice Mayor Mossar said everyone knew Ricky's Hyatt would come up some time.

Chairperson Kleinberg asked whether Council Member Freeman wanted to suggest a final version of her proposed language upon which the P&S Committee could vote.

Council Member Freeman said her language was also made available to the City Attorney, who indicated he would evaluate it. There were some legal issues such as deliberative process, etc. She wanted to make a motion to defer the item in order to obtain the City Attorney's comments until the next meeting.

Chairperson Kleinberg said Council Member Freeman could mention that she wanted the item discussed at the next meeting.

Council Member Freeman wanted the suggestion on the record so she would not have to remember to bring it up.

Mr. Benest said staff would remember to bring the item up for discussion.

Council Member Freeman said bullet 5 on page 7 said, "The Mayor and Vice Mayor should work with staff to plan the Council meetings." The last sentence also said, "Only the Mayor and the Vice Mayor should attend the pre-Council meetings with the City Manager and other CAOs." If the intention was: 1) to plan how the meeting would be conducted; 2) to identify for staff any issues and questions that they should prepare to respond to at the meeting; and 3) discuss future meetings, legally, any Council Member could attend the meeting. If all Council Members were of equal status, then all Council Members should have the information, as well as the public and the press.

Chairperson Kleinberg thought there was a Brown Act limitation about who could attend the meeting.

Mr. Benest said the distinction in the past was that if a particular Council Member was very involved in an issue, on rare occasions, the Mayor could invite the Council Member. Clearly, pre-Council meetings were not designed

to discuss substantive policy issues. Therefore, the meeting was designed to plan how the meeting was going to be conducted, the kind of staff report that would be made, whether the public be allowed to speak first, etc. The meeting would not address answers to the questions, but it might list some of the questions to which staff should be prepared to respond. It made sense to designate the meeting as a place for the Mayor and Vice Mayor to meet with staff to plan ahead. The Council chose its officers; the pre-Council meeting was one of the roles of the officers. He questioned why another Council Member would want to attend a pre-Council meeting.

Council Member Freeman had attended a pre-Council meeting because she wanted to let staff know about a question that would arise.

Mr. Benest thought there was another way of providing such information, by contacting the Mayor, Vice Mayor, or the City Manager.

Council Member Freeman said the Mayor had no problem with her attending the meeting.

Chairperson Kleinberg asked whether Council Member Freeman attended the pre-Council meeting to ask a question.

Council Member Freeman said no. There was a substantial question that she thought would be raised during the Council meeting.

Mr. Benest clarified Council Member Freeman wanted staff prepared for an issue.

Chairperson Kleinberg asked whether Council Member Freeman could have effectively communicated the question in another way.

Council Member Freeman said there were many other ways to communicate the question. However, as far as she knew, the pre-Council meeting was not a closed meeting.

Vice Mayor Mossar thought there was a fundamental issue. The Mayor and Vice Mayor should be able to have a meeting with the City Manager without having to invite everyone else. Anyone could set up a meeting with the City Manager without inviting others. Mr. Benest made a good point. The Council selected the officers. The officers took an enormous burden every year with extra meetings on top of the normal meetings. The authority was delegated to the officers. The key point was that Council Members did not invite themselves to other people's meetings.

Council Member Beecham said although the pre-Council meeting was not legally closed; the protocol was the desired way the meeting should work. The Mayor was in charge of how the Council meetings were run. The Mayor had the right to meet with staff to work out how the meeting would run. Attending a meeting merely to advise staff and the Mayor about an issue was not sufficient rationale for attending the meeting. The rationale for advising staff of an issue was not sufficient rationale to change the proposed language.

Council Member Freeman said nothing in the pre-Council meeting would preclude another Council Member from attending, even if the Council Member simply wanted to sit in on the meeting to see how things were going to happen during the meeting.

MOTION: Council Member Freeman moved that the City Attorney determine the legality of creating a protocol that would close the pre-Council meeting.

MOTION FAILED FOR LACK OF A SECOND.

Council Member Freeman asked what was meant by bullet 2 on page 7, "Don't politicize procedural issues (e.g., minutes approval or agenda order) for strategic purposes." Minutes were prepared according to what was said and the Mayor set the agenda order. Part of it was very political. At the end of 2001, appeals were denied when an appellant asked for a continuance of an appeal. Yet, later in the year an applicant who asked for a continuance received a continuance. She was concerned about how the item was policed.

Chairperson Kleinberg asked whether Council Member Freeman was asking about Council's control of the procedures or something else.

Council Member Freeman said the Council made decisions or the Mayor made decisions. The protocol was talking about not politicizing procedural issues. She queried how the protocol could be policed. In some cases, the procedures were political. The housing element was a good example. The City Manager decided the City should wait to vote on the housing element because there were not enough people to make a decision. Such issues were highly political in using the process.

Mr. Benest said the protocols were self-enforcing. The standards were designed by the Council to hold it up to certain standards. There was no way other people could enforce the protocols. The issue about the standards for applicants, appeals, and continuances was scheduled to be discussed at the P&S Committee in January 2003.

Council Member Freeman said the problem was an issue of politicizing.

Mr. Benest said if the Council accepted the protocol, the spirit of the protocol was that Council Members should try their best not to use procedural issues to push political interests. If the Council wanted the protocol because it thought it made sense, it should be included.

Council Member Freeman thought the City Manager should be included in the protocol.

Mr. Benest said the protocols were not designed for the City Manager, but for the Council.

Council Member Freeman said another issue that should be addressed was staff's conduct with the Council.

Chairperson Kleinberg said the issue of staff's conduct with Council could be addressed at another time. The issue before the P&S Committee was only Council's conduct.

Vice Mayor Mossar thought the concept of not politicizing procedures was important and agreed with Mr. Benest's comment that the protocol was self-policing. Council Members always had the option of raising an objection or making a suggestion. Ultimately, the full Council would determine whether something should be continued or heard or tabled. A vote of the majority of Council was necessary. Sometimes a Council Member might not agree with the majority decision. The protocol was not dangerous or restrictive and did not prejudice any procedural process. All Council Members had equal footing.

Council Member Freeman said the question was about the meaning of the protocol, not that she wanted it removed or did not think it was a good idea.

Chairperson Kleinberg asked Council Member Freeman to interpret the protocol.

Council Member Freeman interpreted the protocol just as it was stated but hoped when the Council had its review session, the protocol would be clear to people because it was not currently put into process.

Chairperson Kleinberg clarified Council Member Freeman did not have a problem with the protocol, but wanted to make sure everyone understood and agreed with it. The subject was probably an important one to discuss during Council's training.

Council Member Beecham had no problem interpreting the protocol as stated.

MOTION: Council Member Beecham, seconded by Mossar, that the Policy and Services Committee approve in concept the "Other Procedural Issues" section of the proposed protocols.

MOTION PASSED 4-0.

Council Member Freeman clarified the section would go to the City Attorney for comment.

Chairperson Kleinberg said the motion did not include direction to the City Attorney. Staff would make sure the issue was brought up during the next meeting.

Vice Mayor Mossar said the P&S Committee did not accept that particular language but agreed that the subject should be discussed when the P&S Committee met again.

Council Member Freeman called a point of order. She was asked to provide another set of possible protocols between staff and the Council, which was a section that was missing from the proposed protocols. She and Ms. Harrison had an exchange about the issue, which was supposed to be brought up under the current agenda item.

Ms. Harrison was still unclear as to whether staff conduct toward the Council was missing or should be incorporated, since it was not technically a Council protocol.

Chairperson Kleinberg suggested since the rest of the P&S Committee had not received Council Member Freeman's list to read prior to the meeting, the item would be addressed at the next P&S Committee meeting. The discussion should also include whether or not the list was appropriate in the Council protocols or whether the list was more appropriate for staff procedures.

Council Member Freeman was given a direction, an email described what she should do, she followed the directions, and she anticipated following up with the directions. For the sake of moving the meeting forward, however, she would defer further discussion.

Vice Mayor Mossar did not recall the P&S Committee agreeing that a protocol regarding staff conduct toward the Council was appropriate for the proposed

document. Council Member Freeman expressed an interest in including staff conduct and someone probably suggested Council Member Freeman submit some suggestions. It was not accurate for Council Member Freeman to portray herself as having done work, she was asked to do and then the P&S Committee did not consider it.

Council Member Freeman said the minutes could be examined.

Chairperson Kleinberg thought the important point was to give an opportunity to discuss the subject.

Council Member Freeman agreed. The minutes would be clarified.

Chairperson Kleinberg said the goal was to discuss the items.

Council Member Freeman agreed; however, she wanted to make her opinion clear for the record.

Ms. Harrison asked the P&S Committee to make a motion requesting the new Mayor to reappoint the current P&S Committee to complete its discussion of the protocols.

MOTION: Council Member Beecham moved, seconded by Freeman, that the Policy and Services Committee ask the new Mayor to reconvene the current Policy and Services Committee after the first of year in order to discuss the Council Protocol matter.

MOTION PASSED 4-0.



3. Transmittal of Parks and Recreation Commission Recommendations to Council Regarding the Athletic Fields Advisory Committee Status Report

Director of Community Services Paul Thiltgen explained how the Athletic Fields Advisory Committee (AFAC) put the report together.

Superintendent of Recreation Dawn Calvert said community concerns regarding the use and overuse of Palo Alto's playing fields was identified as a priority by the PARC in October 2001. A group of approximately 20 representatives from Palo Alto youth and sports organizations came together to create a plan to deal with the growing demand and limited supply of playing fields in the City. As the committee chair and lead staff person, it had been an honor and privilege to work with the various community

representatives. Representatives from the AFAC who were present were introduced.

Mike Cobb, Athletic Fields Advisory Committee, said Palo Alto's playing fields were deteriorating and the supply was falling behind demand. Children had to take a number before being able to participate in organized sports in the City. The AFAC started with a group of people with varying interests who primarily wanted to protect their "turf." What emerged was a unified team who could speak with one voice for the common good. He had never seen anything like it. The AFAC would not only explain the problem, but would also present a solution from which a very broad spectrum of Palo Altans would benefit.

Doug Krietz, Athletic Fields Advisory Committee, spoke about the problem. Photographs were shown of a typical situation where softball and soccer players used the same field. By the end of the season, soccer fields become a mud hole. Staff worked hard to restore the fields; however, there were an insufficient number of fields available in order to allow the fields to rest and for staff to keep up with the damage. Organized sports for both adult and youth in 2001 was almost 4,500 people and in 2002 was over 5,000; 289 teams played in spring 2002, and players were being turned down because of a lack of playing field capacity. The vision statement was, "To meet the high expectations of the community, Palo Alto will provide a sufficient number of high quality playing fields to *fully satisfy* the year-round need of the youth and adult sports organizations." He agreed with Mr. Cobb's observation about the amazing way the group came together for the common good. The AFAC identified the need for other partners to help solve the problem. The demand for fields was incredible and growing all the time as the population increased. The number of fields, however, was not increasing. One of Palo Alto's Pop Warner teams made it to the national championship in Florida; however, the team was never able to play its games in Palo Alto. Instead, the team had to travel to other cities to play games. On one occasion, a rainstorm came through and the team was able to play on an artificial turf in a neighboring city. City staff had been an incredible help in bringing about the AFAC, the representatives of which came from a disparate group and were very proud of the report. The Policy and Services (P&S) Committee was urged to take the recommendations under advisement and pass it along to the full Council. The goal was to meet all of the needs of all of the sports being played in Palo Alto. A major aspect of the report was understanding what some of the problems were. Some of the appendices of the report provided an in depth look at the problems. Some thorny issues included how to have the City and schools cooperate and the relationship with Stanford University. Palo Alto was short on real estate. Demand for the fields was great. The largest demand was

youth soccer. For good sports, it was important not to have different types of sports competing for the same real estate. The partners who would be necessary in solving the problem included Palo Alto, the Palo Alto Unified School District (PAUSD), Stanford University, other community interest groups, neighboring communities, and groups.

David Goldman, Athletic Fields Advisory Committee, spoke about some of the solutions. The AFAC discussed a myriad of solutions and came down to just two. Synthetic turf and lights characterized the short-term solution wherever possible. Keys to solving the problem included working with Stanford and the PAUSD and assisting in the maintenance and management of existing fields. The long-term solution involved adding to the current inventory of sports facilities. Several locations were identified, including Mayfield, Byxbee Baylands area, and Stanford as well as acquiring other commercial lands. The solution benefited the children and adults who played sports, families utilizing neighborhood parks, and the City's park maintenance staff, and might yield revenue for the Community Services Department. "Sports turf" was not the same as the old astro-turf. New technology had resulted in a new form of sports turf, which was not just green carpet laid on cement. The current form of sports turf had a base with tremendous drainage capacities. It was not a carpet, but individual pieces of synthetic simulated grass with bits of rubber making it a much softer and more consistent playing surface, which also added to the durability and safety. Menlo Atherton High School's football field could even be used during rainstorms because of the sports turf. Fields identified as possible sites for the sports turf included JLS and Jordan Middle Schools, Palo Alto High School (Paly), Greer Park, Cubberley, and El Camino soccer fields. The fields were dedicated athletic fields. The AFAC was not interested in paving over every park in town and make everything synthetic. The desire was to create a field that could be used 365 days per year in all types of weather and, where permitted, with lights only on truly dedicated sports fields. Because of the money saved through lack of maintenance, the break-even point on a synthetic turf field was eight years. Synthetic turf fields were guaranteed for ten years. Burlingame's city manager estimated the turf's longevity to be 12 years. The replacement cost in 10 to 12 years was one-third the initial installation cost. A new football field or soccer field would require replacement of the entire field. With a synthetic turf field, the base and drainage was already in place. The topical finish was the only part to be replaced. Lighting would also help the current field situation. Any field with lights increased capacity of use by a factor of 30 percent. If some fields could be lit, two to three more hours of use per evening would be added. Advanced technology in lighting meant the lighting was kept on the fields. Adjacent streets, housing, and commercial areas were much less impacted by the lighting systems. The AFAC The fields at JLS and Jordan both had to

be obtained quotes on synthetic turf fields and lighting, and had talked with other municipalities about different funding mechanisms. The solutions were not going to come to fruition without cooperation. Working with and learning from Stanford was important. The cooperation of the PAUSD was also important. The culmination of some of the fields on PAUSD land would increase usage for both after-school sports and sports during the day. closed to PE classes because of rain. If the fields were synthetic, the fields could still have been used. Palo Alto's maintenance crew almost did too good a job. At the end of a season, the fields were closed for approximately 12 weeks a year to prepare for the next venue. At the beginning of each season, the fields were pristine. However, constant use eroded the fields. The solution was not to close the fields more often, which exacerbated the problem. Part of the dynamic of the AFAC was learning how to work better with one another. Long-term solutions were more complex. The AFAC debated for a long time about the long-term solutions. If the City was able to construct a dedicated sports facility, neighborhood parks could be given back to the neighborhoods, which was the goal of the AFAC. Because of the extreme damage to some fields, the fields were unusable. If a dedicated sports complex could be built at any of the identified locations, the City could essentially meet the growing demand and give parks back to the neighborhoods.

Mr. Cobb addressed environmental concerns. To water one football field for one year took five million gallons of water, all of which was saved with turf. The goal of the meeting was for the P&S Committee to make a recommendation to the Council to act on the AFAC's recommendation to make finding a solution a top priority for the following year. It was a quality of life issue and about the services the community provided and the standards set for the community. AFAC came out of their meetings a united group of people. The new housing demands increased the number of people who populated fields and made the demand worse. The AFAC planned to stay together as a group of citizens and work with the City to solve the problem. The whole community would benefit, especially the children. Staff was thanked for their superb job.

Park and Recreation Commissioner Richard Beckwith praised the AFAC for coming up with recommendations. He had been involved in fields for over 25 years. When he first started doing baseball, his team practiced every day, a practice of which was no longer possible. No sport could take that much field space because of the limited number of available fields. The closing of Eleanor Park for nine months was a catastrophe because it limited the amount of practice and playing time. Every member of the AFAC did an extraordinary job in coming up with reasonable solutions. The report was

not the end but the beginning of what could be done for the young people and adults in the community.

Chairperson Kleinberg thanked the AFAC for its presentation, hard work, and cooperation. The AFAC was a role model for civic participation and cooperation. The report was very thorough. Staff was also thanked for an outstanding job of leadership. She asked Ms. Calvert for any final comments.

Ms. Calvert said the AFAC came together with many different agendas, all of which were put on the table. Staff had wondered whether anything could be accomplished. The education of the AFAC at the start of the process brought everyone to a greater understanding of the problem. The need impacted the entire community.

Vice Mayor Mossar said portions of the staff report (CMR:462:02) and the AFAC report covered areas for which she had a conflict of interest. Anything related to Stanford University and Mayfield were subjects for which she could not comment.

Chairperson Kleinberg said the same applied to her.

Vice Mayor Mossar asked how the fourth recommendation, "The Palo Alto City Council resolves that resolution of the playing fields problem is a Council priority," related to the Council's annual priority setting.

Mr. Mogensen said currently the playing fields were incorporated into the Council's Top Five Priorities by being part of the City's infrastructure priority.

Vice Mayor Mossar clarified the playing fields would be identified as a project within the infrastructure.

Mr. Mogensen said yes. If the project were identified as a separate priority, the Council's current top five priorities would have to be reevaluated.

Council Member Beecham had the same concern. The report contained a lot of useful information, clearly laying out where the City was and the needs were identified. He understood both the short and long-term recommendations and the difficult issues that were appropriately pointed out. At the current time, he had no questions on the report.

Council Member Freeman asked about the possible sites for the artificial turf. Gunn High School was missing from the list. She also asked whether the

discussions addressed rotating maintenance such as when it came time for the maintenance there was sufficient capital.

Mr. Thiltgen said field maintenance was currently rotated because the City could not afford to take too many fields out of circulation. Sometimes it was impossible.

Council Member Freeman wanted to make sure implementation of the sports turf was rotated. Instead of looking at all of the schools in one year, the fields could be scheduled over time. Then when the warranty wore out, the fields would not all need replacing at the same time.

Phil Losch, Athletic Fields Advisory Committee, said the AFAC proposed the fields be turfed in a staggered manner, similarly planning for another bona fide recreational facility in Palo Alto.

Council Member Freeman asked why Gunn High School was not included on the list.

Mr. Losch said Gunn High School had some of its own issues as a school and the use of its fields. The fields were not used heavily for recreational purposes by the sports organizations. Another factor about the schools, JLS and Jordan were two of the most heavily used fields for multiple sports usage as opposed to Gunn and Paly. The proposal at Paly was for one soccer field, not the main baseball, soccer or football field.

Mr. Thiltgen said the City had much less access to Gunn and Paly.

Mr. Losch said Paly was much more open to having the soccer field turfed.

Council Member Kleinberg asked whether any consultation had occurred with the PAUSD regarding the Master Plan for Paly.

Mr. Losch said the desire was for deeper engagement with the PAUSD officials at both the school level and at the district staff and board level. He hoped part of the outcome of the current meeting was to begin to see more engagement with the schools.

Chairperson Kleinberg asked about the night lighting. Although pleased about less "spillage," she asked about the consideration for nighttime play noise in the fields contiguous to residential areas.

Mr. Losch admitted the subject needed to be looked into more deeply. No one wanted people parking in their neighborhoods and staying up all hours

playing any sports. There could be an 8:00 p.m. curfew. Any neighborhood affected by the fields would be taken into consideration and worked with.

Mr. Thiltgen said the City already had existing limitations on lighting and shutting programs down.

Chairperson Kleinberg said Eleanor Park was near her home. She asked about private school usage. The Catholic school on Channing used Eleanor as its playing field. She asked what consideration was given to including the private school needs.

Mr. Losch said a considerable amount of time was not spent on dealing with private schools other than peripherally.

Chairperson Kleinberg suggested the AFAC take private schools into consideration. Some of the schools needed fields and were using the City's public fields.

Mr. Losch said one of the notions was that a place such as Eleanor Park, although used by a private school, was also used for organized sports because of the lack of alternatives. Another problem facing the City were people coming in from out of town. Some fields were literally closed and people jumped over fences and were playing sports with cleats, which was very bad.

Chairperson Kleinberg asked about the issue of competition and inclusiveness such as to what extent AFAC considered the policy of competition to play on a team if the City was going to talk to the larger public. She asked what consideration was given to people who did not have children or had children who did not play athletics or who had children who wanted to play athletics but could not get on a team.

Mr. Losch said virtually every sport that was heavily played in town had at least one league as an "all comers" league. In the case of soccer, it was AYSO. In the case of baseball, it was Little League. Philosophically, all agreed anyone who wanted to play a sport should be given the opportunity to do so. Some leagues were more selective.

Chairperson Kleinberg asked about concerns regarding children competing to be on teams playing on Palo Alto lands that were not Palo Altans. There might be an issue with people not wanting to support increased field capacity when it was not specifically to accommodate Palo Alto children.

Mr. Losch said there was a lot of commentary about that issue in Palo Alto, some was founded and some was not. When past the age of 12 or 13, every sport in town played teams from other towns both in Palo Alto and outside of Palo Alto. Babe Ruth merged with Menlo Park a few years prior and played some games at the Baylands and held some practices and games at Flood Park in Menlo Park. On a pro rata basis, fields were being used in both cities, consistent with the allocation of players on the league. Some of the CSYA teams of more selective soccer players had host teams from out-of-town on Palo Alto soccer fields as well as in other towns.

Chairperson Kleinberg said the issue was something of concern.
Mr. Cobb said the greatest majority of players were Palo Altans.

Chairperson Kleinberg said in terms of public outreach and education about field capacity, the information was necessary.

Mr. Losch said adding capacity would not mean more children would come in from out of town.

Council Member Freeman said there were some new field sports cropping up such as field hockey for girls, which were included in the presentation. She asked whether the 5,000 players could really be quantified with the new types of sports that would increase the numbers substantially. She suggested watching other areas to determine whether another realistic number could be anticipated.

Mr. Losch said some of the sports with fewer players had been included in the statistics.

Council Member Freeman said many times when Palo Altans were unable to get on teams the reason was the short window for sign-ups. It was not necessarily that the child was not good enough, but somehow in the presentation, complaints were raised. The more competitive the league, the more probability children would be involved from other cities. Several teenagers went all the way to Foster City or Santa Cruz to be on teams. Palo Altan children were reciprocating by being on teams in other areas. She was currently a parent of users of the fields. Her son was a ten-year old CYSA player who played at Cubberley next to the softball field. Not only were there constraints because of overlapping sports, but also constrained by the size of practice on smaller fields than the actual playing fields. She agreed the athletic fields should be a Council priority. Mr. Cobb's comment about preserving the quality of life was very important. She considered the AFAC the bank of the quality of life. It was very important to stay the course because all too often there were competing interests in a built-out

town like Palo Alto. Sometimes even on the short amount of time she had been on the Council she had seen open playing space inched away by good competing interests. Strong advocacy was needed for what the City already had and what it possibly could have. She thanked the AFAC for its hard work.

Council Member Beecham agreed. The report was valuable and useful. It was the first time the need was drawn together so well. The creative approach in taking care of the issues was appreciated.

MOTION: Council Member Beecham moved, seconded by Mossar, that the Policy and Services Committee recommend to the City Council the following:

- The City Council establish and adopt a City policy that sufficient, top quality, athletic playing fields be provided to fully support the present and future needs of youth and adult sports organizations in Palo Alto.
- The City Council direct the staff to develop and put in motion a Phase I action plan to implement near term solutions on the most aggressive timeline possible, consistent with budgetary and other considerations, to deal with the immediate playing field problems already facing sports organizations.
- The City Council direct staff to begin the process of developing cost and other data, timelines, issues, and potential approaches for a Phase II program, which would address potential long term playing field solutions.
- The City Council resolves that resolution of the playing fields problem is a Council priority

Vice Mayor Mossar thought the short-term solutions were exciting and interesting. The long-term solutions were complex. Although she could not speak on some of the ideas because of her conflict of interest, treading on the Baylands Master Plan was something not to do lightly. It was a difficult and dangerous direction to go in and one that she would be unwilling to pursue. Describing the perfect scenario was one thing, deciding what was practical for the City to do was another. She wanted the City to learn from the library discussion.

Chairperson Kleinberg said physical education opportunities were at a minimum at the PAUSD for many reasons. It was important to have other organizations willing to give the children an opportunity. As an adult user of the parks, she applauded what was being done. Many adults were very interested in improved recreation opportunities. Creative thinking about field usage was encouraged. Some recreational uses might not be at ground level. The City could explore some public/private partnerships with organizations to share spaces.

MOTION PASSED: 4-0.

4. Anti-Discrimination Ordinance: Possible Addition of Weight and Physical Appearance as a Protected Group

BY A CONSENSUS OF THE COUNCIL defer the issue to the next Policy and Services Committee meeting.

5. Discussion for Future Meeting Schedules and Agendas

Chairperson Kleinberg thanked staff, the City Clerk's Office, and her colleagues for all their hard work on the Policy and Services (P&S) Committee during the past year. Policies were critical for the City. She appreciated the effort from all.

ADJOURNMENT: The meeting adjourned at 9:45 p.m.

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.