

Special Meeting
November 8, 2006

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Chairperson Cordell called the meeting to order at 7:03 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Barton, Cordell, Drekmeier, Morton

1. Oral Communications

None.

2. Recommendation to Amend Procedures for Council Colleague Memos and to Reaffirm Council Protocols for Board and Commission Liaison Relationships

Assistant City Manager Emily Harrison said there were two items staff hoped to discuss: (1) reaffirming the commitment between the City Manager and the Council to discuss issues that would become items for colleague memos; and (2) how staff provided the P&S Committee with the full information about the P&S Committee's recommendations in terms of resource impact.

City Manager Frank Benest said there was a discussion at Executive Staff about the matter, which resulted in two issues: (1) colleagues memos tended to skew priorities; and (2) staff needed to be more forthright about the resource impact.

MOTION: Council Member Morton moved, seconded by Barton, that the Policy and Services Committee make recommendations to the City Council regarding procedures for Council colleague memos, and review and reaffirm its protocols for liaison relationships with boards and commissions.

Chairperson Cordell referred to the staff report (CMR:387:06), page 3, and clarified the language following "Staff recommends the following language in the City Council procedures to address the concerns..." did not relate to the reaffirmation issue.

Ms. Harrison said the language could be included in the procedures for the process of consulting.

Chairperson Cordell said the consultation procedure should be in writing.

Ms. Harrison suggested a wording change after the first sentence ". . . after having consulted with the City Manager to determine this is the best way to bring the issue forward."

Chairperson Cordell said she was concerned with the wording, "this is the best way."

Council Member Morton suggested "after consulting with the City Manager."

Chairperson Cordell said stating why the Council would consult might be a good idea. The suggestion was "must consult with the City Manager."

Council Member Morton said the consultation did not give the City Manager veto power over the colleague memo but rather was a courtesy.

Ms. Harrison clarified the wording, "Any two Council Members may bring forward a colleagues memo on any topic to be considered by the entire Council after consulting with the City Manager."

Mr. Benest said the notion was to consult with the City Manager about different ways of dealing with the concern and about resource impact.

Council Member Morton suggested removing the second sentence, "The purpose of a colleagues memo is to ensure that there is a majority of the Council who support..." The colleague memo should be brought forward because staff wanted to find out if there was a majority of support.

Chairperson Cordell suggested adding the concern about resource allocation.

Ms. Harrison said she would remove the second sentence, which then meant the first sentence did not have to be changed.

Chairperson Cordell suggested the paragraph be changed to read "...whether he/she is willing and able to address the issue..."

Mr. Benest suggested adding, "Council Members submitting the colleague memo are encouraged to share the draft with staff for feedback."

Ms. Harrison suggesting adding, "A draft of the proposed colleague memo will be shared with the City Manager or designated staff."

Council Member Morton said he preferred the wording by Mr. Benest.

Ms. Harrison clarified the wording as, "Council Members are encouraged to share a draft of the colleague memo with staff prior to finalizing the memo."

Chairperson Cordell suggested adding to the last paragraph, "The City Council will not take action on the night that a colleague memo is introduced if it has any implications for staff resources or current work priorities, which are not addressed in the memo."

Ms. Harrison said the wording addressed staff concerns. She said, under the Brown Act, the public was required to know what was being discussed with a colleague memo. Staff could add value by making the memo title clear on the agenda.

Council Member Morton said the public did not necessarily get fully informed when a colleague memo was coming up.

Ms. Harrison agreed and said staff would ensure that the title of the colleague memo was descriptive of the action proposed.

Mr. Benest said staff took great care in terms of the staff-generated memos to say exactly what the item was about. The Council Member was the person who determined the title of the colleague memo. Part of the staff review was to suggest the title in order to fully inform people.

Chairperson Cordell confirmed staff would make sure the title clearly conveyed the content of the colleague memo.

Council Member Morton said the second sentence of the last paragraph implied the colleague memo was introduced and discussed at one meeting and then was scheduled to return within two meetings for Council action. He suggested wording to read, "...only those items for which the resource impacts are not included in the colleague memo" would come back to the Council.

Chairperson Cordell questioned what the Council did when the colleague memo was before the Council on a Monday night with a full title and resource impact.

Ms. Harrison said the Council had all the information to make the decision because the matter had gone through staff. The next question was whether all the people who needed to be a part of the decision had adequate notice by what was indicated on the agenda.

Chairperson Cordell clarified the Council would take action at the meeting where it received the colleague memo which included the resource impact.

Mr. Benest said currently the Council was able to take action.

Chairperson Cordell said if the language she proposed was removed, the paragraph would read, "This is to do with colleagues memo where the resource implications are not clear and staff needs to look at it and it will come back in a couple weeks at which time the Council would or would not take action." A sentence was suggested that read, "Where the colleague memo is clear on resource impacts the Council ought to be able to act."

Ms. Harrison said that was clear.

Council Member Morton said colleague memos were often responses to issues such as "Proposition A" or "Proposition 90." His concern was that a colleague memo would be made more complicated.

Ms. Harrison said in that instance the staff could easily say there were no resource impact implications.

Chairperson Cordell said wording needed to be clear that if there were resource implications they would be addressed by staff. The wording would be “action may be taken if the resource implications were already worked out.”

INCORPORATED IN THE MOTION WITH CONSENT OF MAKER AND SECONDER to include modified language to the City Council procedures listed on page 2 of the staff report (CMR:387:06).

MOTION PASSED 4-0.

Chairperson Cordell referred to page 3 of the staff report (CMR:387:06) regarding “Council Liaison Relationship.” Staff was asked about the theory behind the wording, “The Human Relations Commissioners receive \$50 per quarter, the Planning and Transportation Commissioners receive \$120 per quarter, and the Architectural Review Board members receive \$120 per quarter. No payment is given to the other members of the City’s boards and commissions.”

Ms. Harrison said staff found no one who remembered where the practice came from.

Chairperson Cordell said she wanted the matter agendized for discussion as to whether or not people should be getting paid at all and why everyone was not getting paid.

Council Member Morton said his guess was the modest payments were recognition of the fact that Planning and Transportation Commission (P&TC) and Architectural Review Board (ARB) members often met multiple times per month.

MOTION: Council Member Cordell moved, seconded by Morton, to agendize the issue of payment to Board and Commission members, how the amount was determined, how long have the members been receiving payment, the Boards and Commissions that receive no payment and how often they meet.

MOTION PASSED 4-0.

Council Member Barton asked about the Board and Commission liaison relationships.

Ms. Harrison said the language relating to the liaison relationships was already in the Council protocols.

Mr. Benest said the protocols recognized that Council Members were given a lot of deference which could skew the conversation.

Council Member Morton clarified Council Members were speaking as an individual member of the Council and not as an individual member of the public.

Ms. Harrison said that was correct.

3. Transmittal of Public/Private Partnership Policy Second Draft

Community Services Director Richard James said at the last meeting the P&S Committee discussed the Public/Private Partnership Policy and reviewed the first draft of a new policy. In reviewing the draft, the P&S Committee made a number of suggestions. The major suggestions were to simplify the language, put a more positive tone on the policy, and set guidelines for the public to know the process. The key points of the policy were to clarify the relationships between the City and the Friends' groups. The policy provided a mechanism for joint ventures where an outside organization might come to the City or the City might go to an outside organization. The policy codified the long standing use of co-sponsorships.

Melanie Burns, President, Palo Alto Tennis Club, 11987 Murietta Lane, Los Altos Hills, said the club currently had over 600 members, the majority of which were Palo Alto residents. The Club tried to represent the interest of a much larger tennis playing community. A few years prior, the Club developed a proposal to light the Cubberley Tennis Courts. The courts were crowded in the evening and needed lights at night. The Club had money to give to the project.

Chuck Bradley, 2957 Waverley Street, said he authored the proposal that was ready to go to the City Council in the near future. The draft "Public/Private Partnership Policy Statement," attachment A to the staff report (CMR:360:06) included definitions but was general in terms.

Carol Jansen, 575 Hawthorne, said she supported the Public/Partnership Policy. On behalf of the Friends and the City, it was healthy to have something that gave the Council the greatest flexibility to deal on a case by case basis.

Aletha Coleman, 296 Bay Road, Atherton, concurred with Ms. Jansen.

Sanford Forte, 280 College, requested the Council take into consideration the public appreciated contributions from private third parties to be applied to public service entities. The City needed to find ways to create a firewall between staff and the funders, which was a complicated procedure between the Council, Finance Committee and members of the community.

Council Member Barton said the Public/Private Partnership Policy was moving in the right direction. The guidelines were relatively clear. The document needed something that indicated the relationship did not suggest policy making authority.

Ms. Harrison said she would work out the wording with Mr. James.

Council Member Barton referred to page 4 of the draft Public/Private Partnership Policy Statement and asked whether every fee waiver needed to go to the Council.

City Clerk Donna Rogers said increases to any fees had to be noticed as a public hearing.

Ms. Harrison said staff would pursue issue with the City Attorney.

Council Member Barton said the purpose of the policy was to facilitate action in the community.

Council Member Morton said a Friends' group did not change the reporting relationship of staff. Staff did not report to a Friends' group.

Chairperson Cordell said there was consensus the P&S Committee wanted staff to consider adding language to the guidelines.

Council Member Barton asked whether the higher level should be defined. Chairperson Cordell asked whether Council Members had comments about fee waivers.

Council Member Morton said fees were a legislative act that could not be changed administratively.

Chairperson Cordell said a waiver was a change.

Council Member Morton said a waiver had to come before the Council at any level because it was an adjustment of a mandated fee.

Chairperson Cordell asked staff to check with the City Attorney's Office to see whether fee waivers had to go to the Council.

Ms. Harrison said staff would pursue the issue with the City Attorney's Office.

Chairperson Cordell referred to page 3 of the draft Public/Private Partnership Policy Statement, "Projects with a higher level of outside funding may be more favorably received," and clarified that the wording was conditioned by whatever the Council priorities happened to be at the time.

Mr. James said that was correct.

Chairperson Cordell said the language needed to be clarified. The idea was to give direction to groups such as the Palo Alto Tennis Club. The question was asked if a project was not consistent with Council priorities but with 99 percent funding, would that project get more attention than a Council priority project with 50 percent funding.

Mr. James said the project would go to the Council for a policy decision as to whether or not the Council wanted to move the project up. A project that came forward with 99 percent of the funding would probably be raised.

Chairperson Cordell said she wanted certainties so people knew what would be involved.

Ms. Harrison referred to page 4 of Attachment A to the staff report (CMR:360:06) which indicated, "Council approval will be necessary when unbudgeted City funds and/or resources are required to complete a requested project." The Council needed to tell staff it was okay to take resources away from something already approved to put towards something that had not been approved.

Council Member Morton suggested wording, "Budget limitations are an ongoing concern, so projects with a higher level of outside funding may facilitate speedier implementation." The amount of money would not give ranking, but staff would look at projects within the limitations of the budget.

Chairperson Cordell asked where Council priorities fit in.

Council Member Morton said he came from nonprofit groups where there were no priorities. Council priorities were for Council. Community need should be considered.

Chairperson Cordell said she agreed that projects needed to be consistent with Council priorities. She suggested rewording Council Member Morton's suggestion and to change the word "facilitate."

Council Member Morton said he would edit his suggested wording.

Mr. Harrison said given what staff knew about alternate funding sources, staff would propose a number when meeting with groups.

Council Member Morton said he had a general concern that specifying what had to be done to be generous appeared to be misguided. The notion of formalizing procedures for groups to come forth should not discourage groups from forming.

Council Member Drekmeier asked about the mechanism for answering questions raised during Oral Communications and who was the point person.

Mr. James said the point person depended on the department the project went through.

Chairperson Cordell questioned where the Palo Alto Tennis Club fit in.

Mr. James said the Palo Alto Tennis Club was not an official Friends' group of the City of Palo Alto and was not under the Alliance. The Tennis Club would be a joint venture that went to the Council with a proposal to provide lighting. Under a Memorandum of Agreement, the project would go forward.

Chairperson Cordell questioned whether the Junior Museum was a joint venture.

Mr. James said the Junior Museum currently was a joint venture.

Chairperson Cordell referred to page 4 of Attachment A to the staff report (CMR:360:06), which indicated, "Should staff deny a Joint Venture request, the requesting party may appeal the decision to the Council's Finance Committee." Her question was what happened after that.

Ms. Harrison said the appeal was scheduled for Finance Committee review. The Finance Committee would make a recommendation to the full Council on how to move forward.

Chairperson Cordell questioned what happened when an appeal was denied.

Ms. Harrison said the wording should include, "for recommendation to the Council for final resolution."

Chairperson Cordell referred to page 4 of Attachment A to the staff report (CMR:360:06) which indicated, "These guidelines will be approved by the City Manager under the Administrative Regulations Policy which provides for review by the City Council." She asked what was reviewed by the City Council.

Mr. James said the Administrative Regulations allowed the City Manager, under the Administrative Code to create regulations. Those regulations had to go to the Council.

Chairperson Cordell suggested the wording be clear and add "30-day review." Staff was asked to talk to the City Attorney about the language on the bottom of page 4, "Waiver of fees may be granted by the Council..." The Council was authorizing rather than granting.

Council Member Morton suggested, "Waiver fees can only be granted by the Council..." or "Any waiver of fees must be approved by the Council..."

Chairperson Cordell referred to page 5 of the staff report (CMR:360:06) and asked for clarification to the last sentence, "As appropriate, the summary and recommendation in the report to the Council will include a recommendation on waiving fees, excepting Utilities and other enterprise-related fees, which the Council can approve or reject." The suggestion was that the wording, "excepting Utilities and other Enterprise-related fees," be removed.

Council Member Morton suggested adding "staff" before "recommendation."

Council Member Barton said people who wanted to engage with the City to better the community were looking for ways to do that.

Mr. Bradley questioned how the policy would work for the public. His take was that people should be able to read the policy to get an idea of what to expect prior to taking a project to the Council.

Chairperson Cordell questioned whether the clarifications made by the Finance Committee were clear.

Mr. Bradley said no.

Ms. Burns said she felt the language was clearer but could use more clarity as to steps to take.

Council Member Morton suggested eliminating the sentence of page 3, "Projects with a higher level of outside funding may be more favorably received."

Chairperson Cordell suggested removing the word "Additionally" from the next sentence on page 3 and starting the sentence, "Long-term staffing, operational..." The wording on page 2 with regard to Joint Ventures was clear as to where the Tennis Club would fit. Chairperson Cordell said she wanted to move ahead.

Ms. Harrison confirmed staff would make the changes and forward the policy directly to the Council.

Chairperson Cordell clarified if the policy came back on Consent, it would be done before the end of the year, but if was on the Agenda, it would wait until 2007.

Council Member Drekmeier said the Colleague's Memo relating to the Friends of the Junior Museum and Zoo was approved conditioned on approval of the Policy.

Ms. Harrison reminded the Committee that Council had directed no staff work was to go forward on the Friends of the Junior Museum and Zoo until after Council consideration of the proposal. The item would not be put as an action item due to the Council's schedule.

Chairperson Cordell asked if members of the Committee if they wanted the Policy on Consent.

Council Member Drekmeier said he wanted the policy to move quickly.

Mr. Harrison said the item would only go on Consent with a 4-0 vote.

MOTION: Council Member Morton moved, seconded by Barton, that the Policy and Services Committee recommends to the City Council to review and approve the City's Public/Private Partnership policy update with modifications and amend: added to page 4 under Staff/Council Review, "Budget limitations are an ongoing concern, so projects with a higher level of outside funding may facilitate more speedy implementation;" Staff to reword last sentence on page 5 regarding waiver of fees; Last sentence on page 5 changed to read, "As appropriate, the summary and recommendation in the report to the Council will include a staff recommendation, ~~excepting Utilities and other Enterprise-related fees~~, which the Council can approve or reject;" Second bullet on page 3, "For facility improvement or expansion initiatives, the partnering organization should be prepared to make a substantial commitment to the proposed project's cost. ~~Projects with a higher level of outside funding may be more favorably received. Additionally,~~ Long-term staffing, operational and maintenance costs must be identified in the proposal."

MOTION PASSED 4-0.

4. Report on the Status of Audit Recommendations

City Auditor Sharon Erickson said the Palo Alto Municipal Code (PAMC) required the Auditor's Office to prepare a Report on the Status of Open Audit Recommendations once a year. The P&S Committee was asked to review the Audit of Code Enforcement, issued in 2003, which included 17 recommendations. Six recommendations were previously completed, eight were completed during the prior year, and three were in process or not started.

Council Member Barton asked about Recommendation 14: Using the information provided in this report, the City Manager should consider consolidating as many code enforcement responsibilities under one department as is feasible.

Ms. Harrison said the Manager might not characterize staff's actions as "not started." The Manager's Office had spent a considerable amount of time with the Police, Planning, Public Works, and Utilities departments. The issue did not come to fruition because of the budget crisis, which resulted in staffing reductions that made consolidation impossible.

Chairperson Cordell asked whether the proposal had been moving from Planning to the Police Department.

Ms. Harrison said yes. Police staff was not as enthusiastic about consolidation after having had an opportunity to understand the responsibilities. Staff might want to revisit the idea of consolidation.

Ms. Erickson said after going through the next budget cycle, staff would have a definitive answer on whether the consolidation was feasible. The alternative suggestion by staff was to have a coordinating committee.

Chairperson Cordell asked whether the coordinating committee was a good idea.

Ms. Erickson said the idea needed further discussion.

Council Member Morton asked whether the consideration was for combining noise and building enforcement.

Ms. Harrison said that was one of the issues.

Council Member Morton said the average code enforcement officer did not have the appropriate expertise.

Ms. Harrison said code enforcement was thought of as a Planning Department position but was widespread. There were varying levels of expertise.

Ms. Erickson said the second audit that originally went to the P&S Committee was the Audit of the Development Review Process. All 34 recommendations were completed or resolved. The Planning Department had done an extraordinary job in making a number of changes to streamline and consolidate efforts. The Auditor's Office would continue to monitor timeliness of development review and the percentage of projects handled in-house versus going to a Board or Commission. The third audit was the Police Community Survey Results, which was issued in February 2006. The original recommendation was to use the feedback provided by the public, discuss the results with officers, and arrange to conduct a periodic survey.

No action required

5. Discussion for Future Meeting Schedules and Agendas

Assistant City Manager Harrison said the P&S Committee would meet on November 14, 2006, to consider the role of the Utilities Advisory Commission (UAC), the Gift Policy, and Revolving Door Ordinance.

Council Member Morton asked whether the P&S Committee's recommendation on the gift policy was coming forward.

Chairperson Cordell said the Committee voted for a gift policy. The City Attorney would draft a policy.

ADJOURNMENT: Meeting adjourned at 8:21 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.