

**Special Meeting
June 26, 2007**

1.....	Oral Communications	2
2.....	Consideration of Draft Emergency Operations Plan and Recommendation to Council on Adoption of the Plan	2
3.....	Direction on Recommendations for Renaming of City Facility to Honor Dr. Martin Luther King Jr. and Coretta Scott King	5
4.....	Consideration of a Policy Concerning Communications with the City Council and City Council Candidates Concerning the Upcoming Bid for Refuse Hauling	7
5.....	Discussion for Future Meeting Schedules and Agendas	10
	ADJOURNMENT: Meeting adjourned at 8:00 p.m.	11

Special Meeting
June 26, 2007

Chairperson Barton called the meeting to order at 6:45 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Barton, Cordell, Drekmeier, Kleinberg

Absent:

1. Oral Communications

Sheri Furman, 3094 Greer, noted she had sent Council Members a formal invitation to the Emergency Preparedness Fair at the Chili Cook-off and she distributed flyers.

2. Consideration of Draft Emergency Operations Plan and Recommendation to Council on Adoption of the Plan

Assistant to City Manager Kelly Morariu reported the draft Emergency Operations Plan presented this evening includes revisions that were incorporated based on comments from the May 8, 2007 Policy and Services Committee (P&S) meeting. The staff report provides specific details about what has been added but she wanted to highlight two particular things. The first is there were significant comments made about hazardous materials response before the last meeting. Some changes were made to the Plan as a result of those comments, but this is one area that needs further work. The City has facilitated one session with the Barron Park Neighborhood and CPI regarding community notification with respect to hazardous materials. These conversations will continue and further provisions incorporated that will be applicable for all hazardous events with respect to notification. She acknowledged Palo Alto Neighborhoods (PAN) and all the work they have put into reviewing and commenting on the Plan, especially the concepts that Annette Ashton sent in late last week. PAN would be presenting some of their proposal this evening.

Council Member Cordell asked about the recommendation that these drafts be adopted. She wondered what remains to be done and the final date. She inquired if this would be December or January.

Ms. Morariu stated once Council adopts the Plan, there are several items identified in the report that need further work. Staff would come back with the revised Plan in about six months. Tonight, staff would like P&S to adopt this Plan so we can have the new Federal standards for emergency planning adopted into the Emergency Plan. Some of the things we need to work on are integrating concepts of Palo Alto Neighborhoods and their Block Coordinator concept into the response plan; identification of spontaneous volunteers; and incorporation of the new community alerting system into the Plan.

Council Member Cordell stated it was significant because four Council Members will not be on the Council in six months. Since the current Council has worked on the Plan, it would be preferable to have it in place. She requested that a high priority be given to community notification.

Ms. Morariu mentioned mid-December as a possible date.

Council Member Kleinberg asked about identification of spontaneous volunteers. She noted if they are spontaneous, they cannot be identified.

Ms. Morariu stated it means going out in the community to identify resources ahead of time. Staff would try to proactively identify those volunteers.

Council Member Kleinberg stated spontaneous volunteers are the ones who show up and are not trained. The County, through the Volunteer Center, has a program planning for that situation.

Annette Ashton, 2747 Bryant Street, Chair of the Palo Alto Neighborhoods (PAN) Emergency Preparedness Committee, said she wanted to report on the PAN handout and the status of the Committee's plans. She appreciates the positive comments in the staff report and the City's willingness to work together. Ken Dueker, Police Department, has been an integral part of the team. In the packet there is a description of the history of the group, as well as job descriptions and a work module. Communication and training are important. The group is excited about the upcoming Golden Guardian effort. The neighborhoods are potentially going to be included in the scenario. This will be a catalyst to support the efforts of the Red Ribbon group to build community infrastructure. Community notification has been a huge issue for PAN as well. She and Doug Moran have been involved in the process of helping to select the system as well as trying to help plan some of the scenarios. Notes will be sent out to the community about this effort.

Council Member Barton stated this is an item he hoped the Committee would send off to the full Council.

Council Member Kleinberg thanked all who have been involved in refining this Plan. She appreciates the City's openness and willingness to work with the neighborhood associations because that will make the job of the official responders much easier. She thanked Annette, Doug, Sheri and all the others involved with the preparedness committee of the PAN group for their hard work. The City will have an opportunity in November to participate in the Golden Guardian bio-terrorist exercise. The Red Ribbon Task Force Steering Committee met with the Golden Guardian Working Group internally, which is made up of people from different departments. They are developing a scenario for the City responders during Golden Guardian. The scenario is the release of a bacterial agent during a two-day rock concert in San Jose. The first day no one knows anyone has been exposed to the bacterial agent and they all go home. The next day the exposure is discovered and all of the communities are alerted and have to set up a Points of Dissemination (PODs). The working group will try to get PODs set up and not experiment with mass confusion and chaos. It was important to meet with the Working Group to test PAN's plan and the Communications Plan and pretend there was some chaos and include some of the businesses. Tomorrow, the Red Ribbon Task Force will meet to start scenario planning for the Golden Guardian exercise. The best thing about the Plan is that it can be tested.

Council Member Drekmeier asked about the volunteers identified in advance. He inquired if there was a way to identify people and resources in the community.

Emergency Manager Barbara Cimino replied, as a City government, which is governed by the City Disaster Service Worker Guide, there are limits as to what can be established in advance. We can create sub-classifications but are limited to eight particular classifications that are quite generally described. From the City end, to get them sworn in and classified we have to meet that volunteer classification. The neighborhoods need to identify vulnerabilities and their resources within their block. Staff determines how those fit into those classifications or how they want to organize them, so there is contact information to identify disaster services in advance. The program and plan are in place to set up a spontaneous volunteer center at Cubberley.

Ms. Ashton stated one of PAN's objectives is to do something standard across the City. She noted Ms. Camino described the Disaster Service Workers but part of the Block Captains concept is for someone on the block to have a standard form that would be used across the City to identify the set

parameters. That is the objective of the Block Coordinator. PAN is trying to get the same form of best practices in every neighborhood.

Council Member Drekmeier stated he liked the idea of uniformity. He wondered if this could be done online by going to a website and checking resources.

Ms. Ashton replied that is a possibility. There is a person identified who is willing to build a form to capture data and put it into a spreadsheet or database.

Council Member Drekmeier stated it is a great report with a lot of information. He asked about the process for training staff and if there would be annual training.

Ms. Cimino replied monthly training has been started on these new checklists using the Incident Command System in the EOC. We have brought in each section for their own review of their responsibilities and their assignments. We are now at the point where we are going to start mixing some of them and bringing them into the EOC. We will bring in finance and logistics this month. Next month we will bring in planning, then operations and then before November, we have a full EOC tabletop before we actually bring up the functional EOC, the field and the POD, and the volunteer center for the Golden Guardian exercise.

Ms. Morariu said testing in the summer or the fall in preparation for Golden Guardian has been discussed.

MOTION: Council Member Cordell moved, seconded by Drekmeier, that the Policy and Services Committee recommends to the City Council for approval, with any suggested changes, the City's revised Emergency Operations Plan and present the final plan to Council on or before the end of December.

MOTION PASSED 4-0.

Council Member Kleinberg mentioned there would be an opportunity to collaborate with Menlo Park in their EOC, which would be cost effective. Menlo Park's EOC is large and well-equipped, and they already have it set up for Palo Alto. She encouraged moving aggressively on this collaboration.

Ms. Morariu stated the EOP will come back to the full Council in the form of a CD instead of hard copy.

3. Direction on Recommendations for Renaming of City Facility to Honor Dr. Martin Luther King Jr. and Coretta Scott King

Fred Balin, 2385 Columbia Street, referred to his e-mails regarding a King Memorial at City Hall Plaza and spoke in favor of the issue.

Council Member Cordell stated she would like to see City Hall Plaza renamed, as opposed to Lytton Plaza. City Hall Plaza is a more appropriate setting and there would be less money involved in renaming it.

Council Member Drekmeier agreed that City Hall Plaza is more appropriate. The Plaza is a place where people gather and have demonstrations and social activities. It would be less burdensome to change the name as opposed to Lytton Plaza. If the Committee moves forward on this, he would like to discuss a recommendation to include public art in the project. Adding public art would signify that this is King Plaza and an important part of our community. He would also like to discuss an activity, perhaps on King's birthday or another appropriate date, to officially open the new Plaza. This ceremony would not necessarily have to be City driven; rather, it could be something the community responds to.

Council Member Kleinberg stated she prefers Lytton Plaza. She noted the cost would be minimal and Lytton Plaza would be an important site because it is in the heart of the downtown area. She felt installing the signage on City Hall Plaza would be a problem because the Plaza is used for so many different purposes. If Lytton was selected to be the King Plaza, it would not be used for a lot of different things.

Council Member Barton stated that, symbolically, City Hall Plaza is a much better location. He shares the idea that it should not just be the name, but there should be some public art included. The Committee could give some direction to the Public Arts Commission

Council Member Cordell stated she felt that Civic Center Plaza was the place that would be the utmost tribute to the Kings. She supports the idea of having a piece of public art.

Council Member Drekmeier inquired whether the Committee should be recommending one place over another or if this was something for the full Council. He favored the idea of an annual event, of people gathering and then taking the Freedom Train.

Council Member Cordell said she felt strongly about moving forward now with the recommendation to rename City Hall Plaza.

MOTION: Council Member Cordell moved, seconded by Drekmeier, that the Policy and Services Committee recommends to the City Council to rename City Hall Plaza in honor of Dr. Martin Luther King Jr. and Coretta Scott King.

MOTION PASSED 4-0.

Council Member Drekmeier inquired about adding for the record the Committee's interest in public art.

Council Member Kleinberg stated the Council does not tell the Public Art Commission (PAC) what to do.

Council Member Barton reported he is the liaison to the PAC and would report that art has been suggested.

Council Member Kleinberg stated she would also like to find ways to connect what the Kings did and their life work with Palo Altans.

Ms. Morariu stated one of the issues would be signage, which would provide the opportunity to allocate money for the project.

Council Member Drekmeier noted Mr. Balin sent an interesting e-mail about his research into Palo Alto's connection with the Civil Rights Movement and Dr. King. This would be good information for local historians.

Council Member Cordell reported another resource would be Palo Alto resident Clay Carson, a professor at Stanford. Mr. Carson runs the King Institute.

4. Consideration of a Policy Concerning Communications with the City Council and City Council Candidates Concerning the Upcoming Bid for Refuse Hauling

City Auditor Sharon Erickson said originally there was a City Auditor's report on the PASCO contract that went to the Finance Committee and then to a Colleague's Memo co-authored by Council Member Cordell.

Council Member Cordell stated this came as a result of reviewing the report with the City Auditor with a recommendation to adopt a code of conduct for the upcoming bid for refuse hauling. The Council voted to refer it to Policy and Services. Council Members are following a trend set this past year for transparency in government. All it requires is that elected officials disclose any potential conflicts. It requires disclosure by City Council candidates if they are getting money from potential proposers who want to get these contracts. It also discourages and requires disclosure of non-public meetings between those

of us who are elected officials and potential proposers during the bid process. She hoped that this Committee would recommend to the Council to go forward and adopt the policy.

Council Member Kleinberg asked if this is being focused on waste management and whether it was because of the City of San Jose and Norcal.

Ms. Erickson responded that in preparing for the RFP process, what happened in San Jose was reviewed. She noted that in the past haulers have not donated to Palo Alto campaigns, in part because we have had the same garbage company for the past 60 some years. Other local jurisdictions, such as the City of Campbell and the City of Sunnyvale, have adopted similar kinds of codes of conduct.

Council Member Cordell said the reason for the Colleague's Memo was two-fold. This addresses the second issue. She would like the Council to continue to be pro-active.

Council Member Kleinberg wondered about compliance and enforcement.

Senior Assistant City Attorney Cara Silver replied the recommendation is for disclosure.

Council Member Cordell said part of it is accountability to the public. A person must disclose actions that are contrary to the policy. It will not go unnoticed.

Council Member Kleinberg referred to wording in the recommendations: a) requiring officials to disclose; and b) discouraging. She asked why standards for Council Members are not higher and stricter than standards for people who are not even elected.

Council Member Barton asked for clarification on Council Member Kleinberg's question.

Council Member Kleinberg reiterated she is an elected official, not a candidate. She is not discouraged from taking money but the candidates are. Elected officials are not discouraged from taking the money and are not required to disclose that they took the money. They are only required to disclose a potential conflict of interest.

Council Member Barton asked whether this could be corrected by adding the words "City Council members and City Council candidates."

Council Member Kleinberg said she would encourage the maker of the motion to include "discouraging elected officials from accepting contributions and requiring elected officials to disclose potential conflicts."

Council Member Cordell said she agreed with Council Member Kleinberg. The wording should be as follows: 1) discouraging elected officials from accepting contributions from potential proposers and requiring elected officials to disclose potential conflicts of interest; 2) discouraging City Council candidates from receiving contributions from potential proposers and requiring City Council candidates to disclose those contributions should they accept them; and 3) discouraging non-public meetings and requiring disclosure of meetings if they do choose to meet.

Council Member Kleinberg asked what is meant by non-public meetings. She wondered if a Council Member met at a public café with PASCO people if that would be a private meeting.

Council Member Cordell stated a public meeting means the public know about the meeting.

Ms. Silver stated the intent was because of The Brown Act and noticed meetings. The language would be refined when the policy was developed.

Council Member Kleinberg asked for clarification as to whether that would apply to candidates.

Council Member Cordell stated The Brown Act means you can talk. We do not want private contacts during the initial bid process.

Ms. Silver clarified it is during the procurement process and until the contract is awarded.

Council Member Kleinberg stated it would be helpful if elected officials were given an official notice when the process was complete. She does not know about the candidates.

Ms. Morariu stated that would be a part of the Council Members' orientation.

Council Member Barton asked if the Committee had authority to direct staff to write this.

Council Member Cordell stated her motion is that P&S recommends these recommendations for a policy be referred to the City Council

Council Member Barton asked when the trash hauling RFP process would begin and if this would be a problem for the 2007 candidates.

Ms. Silver advised it had not been determined whether it would be a policy or an ordinance.

Herb Borock, P.O. Box 632, stated the Council was faced with a similar problem over 20 years ago when it was about to award a franchise for the first cable television. At that time, it made sense for the majority to enact a lobbying disclosure law that put the burden on the lobbyist to make disclosures. It placed the burden on people speaking before the Council to say what they were doing on behalf of potential bidders. The ordinance passed also placed limits as to when lobbyists could contribute to campaigns.

Council Member Cordell stated she disagreed with any policy ordinance that puts the burden on the lobbyist. She hoped her colleagues would agree with the responsibility to disclose.

Ms. Erickson said the refuse hauling contract would be worth somewhere in the neighborhood of \$100 million.

MOTION: Council Member Cordell moved, seconded by Kleinberg, that the Policy and Services Committee recommend that the City Council adopt an urgency/emergency ordinance:

- a) Discouraging elected officials from conflicts of interest regarding potential proposers for solid waste services, and requiring disclosure of such conflicts should they occur;
- b) Discouraging City Council candidates from receiving contributions by potential proposers during and after the upcoming campaign cycle, and requiring disclosure by candidates should they accept such contributions; and
- c) Discouraging non-public meetings between elected officials and potential proposers during the solid waste procurement process (solicitation and procurement), and requiring disclosure of such meetings if they occur.

MOTION PASSED 4-0.

The committee requested the ordinance include a definition of the solicitation process and "non-public meetings", and that it also identify the official start and end of the procurement process.

5. Discussion for Future Meeting Schedules and Agendas

Council Member Barton stated there are P&S meetings scheduled on July 10 and July 17.

Ms. Morariu stated on July 10 there will be two potential referrals from the Human Relations Commission that the Council would be hearing on July 9. One would look at a resolution condemning the use of multiple actions by the U.S. Immigration and Custom Enforcement Agency. The second referral item would be recommendations on the contract for mediation services. The other item on July 10 would be the Zero Waste Operations Plan.

ADJOURNMENT: Meeting adjourned at 8:00 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.