



## **POLICY AND SERVICES COMMITTEE**

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Regular Meeting  
February 15, 2011

Chairperson Price called the meeting to order at 7:04 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Burt, Holman, Klein, Price (chair)

Oral Communications

None

City Manager, James Keene said Staff would not be presenting Item No.4 at this time but Staff was available to answer questions regarding the item.

### **1. Agenda Automation Presentation**

Mr. Keene said Management Analyst, Greg Hermann would be giving an update of the Agenda Automation process.

Management Analyst, Greg Hermann said the new Agenda Automation process and management software was a program that accessed Council Agendas and Staff reports through advanced technology. IQM2 was the vendor and they were located on the east coast. He said the program minimized processing time, reduced the resources used in collecting data, standardized the process, and increased accessibility and usability of information. He said over 200 City Staff members were involved in processing Staff reports on a regular basis. Implementation of the program would be rolled out in phases. He compared the old agenda process with the new giving an in-depth overview of the new process. The new agenda process provided transparency in locating Staff reports, had the capability of notifying the City Manager when a report was ready for signature approval, and electronically produced an agenda packet that minimized the use of paper. The packet had a new look and feel, but changes and configuration could be easily be made. He said Assistant City Clerk Beth Minor and he would be able to provide detailed information about the program. He asked for feedback on the finished product.

Mr. Keene said Staff had only made minimal changes to the agenda format in the program as more focus had been placed on process.

Mr. Hermann said the new look was one component and the other was electronic distribution of documents.

Assistant City Clerk, Beth Minor said the quantity of paper packets printed each week had been reduced from 43 to 20 copies with the distribution list including the Council Members, Libraries, The Palo Alto Weekly Newspaper, Radio Station KZSU and a few copies for the public. Executive Leadership Team (ELT) members no longer received paper copies.

Mr. Hermann said the electronic version could be produced quickly and easily.

Ms. Minor said the new process had a tracking mechanism that allowed Staff to track reports.

Mr. Keene spoke regarding quality control and as the final reviewer he now had the capability to review the items and Staff comments at any time. The new process had implications of other possibilities such as an earlier release of the weekly packet.

Mr. Hermann said the process had previously allowed public access to information through the City's website, which was not always affective. The new system would have the information in a web portal that would be launched in coordination with the new City website. The new process would have the capability to search information by date range, keyword, and subject area. Information produced on a weekly basis could be viewed and accessed in various ways and integrated with video stream. The new web portal rollout was scheduled for spring. Public outreach will consist of "how to" videos for using the new web interface. An internal test of the e-packet was scheduled in 30-days with the Council Members and full transition of the process was scheduled for the second quarter of 2011.

Mr. Keene said Staff would be offering various testing methods prior to full roll out to the Council. The e-packet would be accessible through a variety of electronic devices such as a laptop or iPod. The iPod allowed the capability of writing notes with a stylus with limited functionality. He said he easily adapted to not having paper with the new system.

Mr. Hermann said the new automated program was a large endeavor for many Staff members. There will be difficulties during implementation but was moving towards a greater goal.

Ms. Minor said Staff and the superuser group of Staff members had embraced the system and found that reports were being input months in advance. She said there was a decrease in the City departments' workload because of not having to physically track down reports. Additionally, there was a decrease in City Clerk Staff workload in terms of not having to handle large volumes of paper even though her workload had increased as she had to manage the new process for the entire organization and monitor the program's oversights and glitches. Overall most people have embraced it and it had been well received.

Council Member Holman asked how many paper packets were made for the public.

Ms. Minor said five copies were created for the public and extra copies of the Council's agenda were provided at the meetings. Additionally, the public was being directed to the website for information.

Council Member Holman raised concerns regarding edits since Staff was submitting reports earlier.

Mr. Keene said the system had a mechanism to easily track edits and changes.

Ms. Minor said minor changes could be made while the report was moving forward.

Council Member Holman questioned Mr. Hermann's statement regarding 200 people being involved in the creation of a packet.

Mr. Hermann clarified there were 200 people total in the City that worked on reports in a given year.

Council Member Klein asked if a system could be in place allowing for real time edits to resolutions to be projected onto a screen in the Chambers during Council meetings.

Mr. Keene said Staff was looking at a technology foundation for the Chambers that would work better than the current system. There were plans to have two screens set up above the dais. One would capture presentations and the other to have the agenda rolling and would reflect the changes.

Council Member Holman clarified the City Clerk had already made a commitment for the year to have Motions and Amendments on the screen during real time.

Ms. Minor said there were still glitches with in the Minutes portion and in the agendas but the overall process was moving forward.

Council Member Burt asked for more information about the process being part of a more comprehensive use of technology in the organization. He wanted to know what the City Manager's vision was.

Mr. Keene said the program was an orientation for looking at better ways in accomplishing a task or process. He discussed overcoming resistance to change. The new system brought enhancement to the agenda process and a method to distribute innovation throughout the organization. Other goals were earlier packet release, creating simpler agenda item titles and having short descriptions under the agenda titles.

Mr. Hermann said there was a nexus between using technology, saving money and providing better services. Communication distribution and service delivery could be improved through technology. He spoke of the CRM (Customer Relationship Management) software where customers could input information through a mobile device or online and be given service without having to come into an office. It would be a knowledge type system with instructions on resolving problems while diverting telephone interactions.

Mr. Keene said Palo Alto had fallen behind on a CRM database platform. He spoke of the use of mobile applications to connect citizens to City services and information. For example a customer could take a picture of a pothole, send it in, and the City would go out to do the repair.

Chair Price said she felt technology was not always ultimate goal. Not everyone had access to the resources and those people should not be left behind.

Mr. Keene said tools and solutions can be two different things. A tool is only a tool. Staff was reviewing processes. He said everything we do had an element of technology. There was a need to get better oriented to the fact that there were multiple constituencies across the community and many of them communicate in different ways. There could not be a one size fits all approach.

Mr. Hermann said the intent was to not take away any communication channels but rather to add to them.

Council Member Burt said Staff may want to enable as many people as possible to use the new tool and consider delivering training programs to Avenidas, the libraries and other organizations to get more engaged. He suggested Staff use a spaghetti flowchart as a tool to show how material moved back and forth in manufacturing a process. He said people would be amazed to learn what it takes to produce a widget and that was what the organization was attempting to eliminate through improved processes.

Mr. Hermann said in establishing a baseline, trainees were given a questionnaire to determine the amount of time it took to process a Staff report. The baseline would be measured 6- and 12-months out to quantify savings. He said a savings was already incurred in the Printshop's time associated in producing paper packets.

Council Member Burt asked if graphics would be part of the rollout sequence.

Mr. Hermann said Staff had put in a fair amount of time to insure a strong foundation was in place. More focus would be made on the look of the program at a later date in terms of better language, tone and graphics.

Council Member Holman spoke regarding imagery and how it had to do with systems in place and communications. She said non-meaningful items get included in the packet and suggested adding color to packets. The public received black and white copies and color would help to differentiate sections. Documents should be produced to be copied and readable. She asked if gatefolds could be integrated into the packet

Ms. Minor said she did not know if gatefolded documents could be integrated in bound books. She said Staff was asked to make extra copies of colored or larger documents for the time being.

Chair Price asked if Staff had been in contact with the Valley Transportation Authority (VTA) regarding issues they may have encountered.

Ms. Minor said she had discussions with VTA regarding issues and would schedule a meeting in March with VTA and the City of Fremont to discuss problems and issues.

Chair Price concurred with the idea.

Fred Bailin said the City's information needed to be standardized and searchable in a Portable Document Format (PDF) format. Revised agendas needed to indicate what had been revised. Outside documents needed to be

scanable and oversized document was a problem for printing at home. He was in favor of the new process.

## **2. Discussion of future topics**

Chair Price spoke of the Council's Retreat, 2010 topics, and the five areas of focus for discussion. She said reference materials were provided to Policy and Services Committee members since two members were new.

City Manager, James Keene spoke about topics carried forward from last year. He said Mr. Braulik would be sharing the five priorities that were in the stages of getting finalized.

Assistant Director Administrative Services, Rob Braulik provided to the Committee members copies of the City Council Priorities Spreadsheet, a memo addressed to the City Manager and Assistant City Manager following the January 22<sup>nd</sup> Council Retreat, and a sample of a detailed description of one Council priority. He said notes from the Retreat were integrated with the two-year plan and focused on key items of each priority to be accomplished by December 2011. He gave an overview of a workplan that would involve monitoring progress and Staff's feedback on performance measures and standards regarding the workload. A quarterly report from the City Manager's office would be generated to the Council based on the progress of the workplan, milestones, and a performance metrics. The Executive Leadership Team (ELT) would schedule time as part of the regular meeting schedule to focus on the template information and performance metrics and make adjustments accordingly.

The Five Council Priorities were as follows:

### **City Finances**

- Complete labor negotiations with all major bargaining groups
- Complete refuse study and execute plan to balance and stabilize fund
- Complete and execute an economic development strategic plan
- Execute new budget and fiscal measure to help ensure long-term financial stability
- IBRC complete analysis of city long-term infrastructure needs & report to CC

### **Emergency Preparedness**

- Conduct one major community emergency preparedness event exercise
- Evaluate a secondary electrical transmission line and make a report to the CC
- Execute a Foothills fire emergency operations plan

- Execute a reorganization plan based on Fire operations study
- OES will initiate methods and strategies to enhance citizen volunteer support

### **Environmental Sustainability**

- Evaluate construction of composting digester or alt's to reduce greenhouse gas (GHG)
- Evaluate plan to install electric vehicle (EV) charging stations at commercial/residential sites
- Establish formal collaborative relationship with Stanford re: sustainability initiatives
- Explore methods to integrate PA Green into City sustainability program
- Prepare and present an Urban Forest Master Plan to monitor and manage City Tree inventory

### **Land Use & Transportation**

- Complete strategies and plans at the Development Center to improve customer service
- Complete draft Rail Corridor Study outlining measures to provide 4 community land use, transportation.& corridor urban design
- Complete Stanford University Medical Center rehabilitation and expansion project
- Substantially complete update of City Comprehensive Plan including draft Housing Element, 2 area Concept Plans
- Continue HSR monitoring & facilitate w/ other Peninsula cities, regional agencies plan to assure short and long-term Caltrain operational viability
- Actively participate, provide input into prep of regional Sustainable Communities Strategy (SB375), Regional Housing Needs Allocation (RHNA)
- Prepare Pedestrian and Bicycle Master Plan Update to facilitate bike and pedestrian facilities, programs and education

### **Youth Well Being**

- Execute Project Safety Net
- Monitor private fundraising efforts and status to raise funds for Magical Bridge playground

Mr. Keene said Mr. Braulik's presentation was a follow-up to the Council's Retreat of January 22, 2011. Future discussions could develop that were not included in the workplan. He said there were several in-service policy questions that faced the City and needed to be identified. He wanted to report on the most appropriate venues and to let the Committee know of items that would be coming back.

Council Member Klein said he would like a calendar of when Staff would be bring back the items to the Committee. He raised concerns regarding the agenda title being unclear since it consisted of only four words. He said the City had not been commenting on legislation at the State and Federal level, consequently they were not being heard as much as other communities.

Chair Price asked Council Member Klein if that item would be ongoing and if it would be coming through the Policy and Services Committee.

Council Member Klein said it would come through the Policy and Services Committee with a request for authority to act without the Council's approval if necessary. He said not everything would need to go to the Council.

Council Member Holman agreed the agenda title was unclear and thought the topic was going to be a different conversation. She said there were partnerships affected by the workplan and it would be helpful to have a column to reflect their involvement. She raised concerns regarding the work done in 2010 on the priorities that was not provided at the Retreat. The presentation contained data in setting parameters and an informational mode but was not presented to the full Council. She said a fair amount of work and effort was made in compiling the information and did not want to have it put aside.

Council Member Price said that she had requested copies of the matrix.

Mr. Braulik said he had a copy of the matrix but did not know if it had gone to the entire Council. He recognized the amount of work that was involved and said it could be used as a framework to look for additional ideas. The Committee may want to focus on items not included in the 2011 priorities.

Council Member Holman said the matrix was drawn from the 2010 Retreat and established the priority list.

Mr. Keene said the challenge was to identify the column titled "priority" and to determine what needed to get captured in strategies, actions, deliverables, and for what purpose. The question was what level of information did the Council need to help get the most important tasks done versus the less important tasks.

Chair Price said one of last year's issues was identifying the items grouped by priority that would help the Council get a better understanding of what was required in accomplishing a task. There were items in the list that were mandatory and others that had more flexibility in scheduling. She requested



clarification on what needed to be accomplished at this evening's meeting and clarification on whether Staff needed help in managing the list.

Mr. Keene suggested focusing on items that were essential for the Council's leadership to help drive an initiative or to redirect an issue.

Chair Price said one process the Committee could use was for each member to make comments on the more important and timely items for the current year and to decide which items could be accomplished.

Council Member Burt asked to deal with mandatory functions first. He said certain subjects may have different emphases during certain years depending on the ongoing activity of the topic such as labor negotiations. He suggested to not include ongoing normal topics in the organization.

Mr. Keene agreed that the Council should not spend time on routine issues.

Council Member Burt said the Policy & Services Committee's primary function was to review at the policy level. It was important to understand the distinction between management functions and oversight versus auditing the Staff. The Committee responsibility was oversight and not to have a management or an auditing role. The City Manager and the other Council Appointed Officers (CAO) were responsible for implementing priorities and accountable to the Council for implementations. The Council was accountable for reporting at a higher level.

Council Member Klein agreed with Council Member Burt. He said the 2010 matrix was confusing and found this evening's presentation to be useful and Staff should prioritize the 24 items. He raised concerns about the Committee micromanaging.

Chair Price said the Committee struggled with the 2010 matrix. She said the one-sheet summary presented at this evening's meeting was what the Committee had been looking for. It allowed flexibility to identify items and to consider or add items.

Council Member Burt introduced a different context. He said the Committee and the community was not getting enough credit when presenting each item in a two-dimensional approach. He found that almost every item impacted and fulfilled one of the other priorities. For example, every emergency preparedness items affected City finances as well as land use and environmental sustainability. He suggested identifying a primary classification and establishing a cross-reference because one accomplished task might be fulfilling a number of policies. Another column should be added to capture what

had been fulfilled and used as a reporting measure to the Council. He concurred with Council Member's Holman's comment about having a collaboration, partnership or resource linkage for some of the items. The information should be on an 8-1/2 by 14 sheet of paper, not 10 pages, and to have the whole picture reflect integration. Achievements could be appreciated in broader terms and have a more valuable prioritization rather than the two-dimensional approach.

Chair Price said she was in agreement with Council Member Burt's comments. One of the venues was not only to simplify the matrix but to have a useful document. She raised concerns about the Committee members having issues they wanted addressed.

Council Member Holman said she had a few issues for consideration and wanted to review the contents in detail in order to be able to come back to the next meeting with more well thought-out comments.

Council Member Klein was in agreement with Council Member Holman and suggested adding the Fire Department's Study.

Mr. Keene said the Fire Department's Study was listed under Emergency Preparedness, Item No.4, Execute a reorganization plan based on Fire operations study.

Council Member Burt reaffirmed the need for cross-referencing.

**MOTION:** Council Member Klein moved, seconded by Council Member Holman for Staff to bring back to the Policy and Services Committee, at a date uncertain, a brief, yet detailed discussion of the City Council Priorities Worksheet and a list of what Staff can reasonably accomplish.

Chair Price spoke of the need to clarify the liaison's role, assignments of Council Members.

Council Member Keene said it was a Policy & Procedures issue.

Chair Price said it was noted in 2010 that Discussion of Binding Arbitration Models and Options was an issue to be discussed with the Policy & Services Committee.

Council Member Klein said he thought there was a timeline for that issue and would be coming back to the Policy and Services Committee.

Mr. Keene said the item was scheduled to come back quickly.

Chair Price said the Tentative Agenda noted the Stanford Agreement and the Project Safety Net Update would be returning on March 8, 2011.

Mr. Keene confirmed Project Safety Net Update would be come back on March 8<sup>th</sup>. The Stanford Agreement was undermined at the time but Staff would have a clearer idea of the timing shortly.

Council Member Holman said she wanted part of the Motion to include that items that needed to be added to the worksheet could be forwarded to Staff and report back on how long the assignments would take.

Council Member Price asked if Staff would need a deadline.

Mr. Keene said Staff was open and for the Committee to pick a date.

Council Member Burt said he was confused about what needed to be done based on the examples and raised concerns about reverting back into a laundry list. The list included many items that had actions from last year as well as current actions. He was under the impression that items under major policies were at a higher level than specific action items.

Council Member Klein said that would be appropriate for discussion at the next meeting.

Council Member Burt said he felt the Committee should leave this meeting in agreement regarding how to frame the items with confirmation on what to include in the categories with a focus on major categorical level versus details. The Committee should be in agreement about what the Committee was attempting to do.

Council Member Holman was in agreement regarding the higher level but there would be discussion on whether an item was at a higher level or not.

Deputy City Clerk Ronna Gonsalves restated that Council Member Klein stated to reagentize the assignment for the next meeting asking Staff to come up with a more detailed discussion of the 24 items with a reasonable list of what Staff can accomplish in a year.

Council Member Klein said to add the Committee members would be free to propose addition or deletions to the 24 items.

**AMENDMENT TO THE MOTION:** Council Member Klein moved, seconded by Council Member Holman for Staff to return to the Policy and Services Committee at the next meeting with a brief, yet detailed discussion of the City Council Priorities Worksheet including a list of what Staff can reasonably accomplish, allowing the Committee members to propose additions or deletions to the list.

Mr. Keene said it would be helpful for the Council to define whether or not priorities were successful for the year.

Chair Price agreed it would help to determine the trade-offs in achieving priorities in terms of, what was manageable, Staff's capacity, what could be accomplished, and what were important priorities.

**MOTION AS AMEDED PASSED: 4-0**

3. CAO Report from the City Clerk Procedures and Protocols

Chair Price said Procedures and Protocols went before the Policy and Services Committee in 2010.

Council Member Klein clarified the only information being considered at the current meeting were on pages 284-286 of the packet.

Council Member Holman said she would be submitting factual changes to the City Clerk that needed to be incorporated in the document. For example quasi-judicial and Planned Community (PC) was mentioned throughout the document and PC was omitted in several paragraphs.

Rob Braulik said the City Clerk will do a master clean-up on whatever action was taken. Additional comments will be incorporated into the Council's packet. He advised Council Member Holman to forward her changes to the City Clerk.

Fred Balin referred to Page IV-I, Quasi-Judicial Hearings, A-1. He said Council Member Klein raised concerns regarding the word "autonomy" and suggested changing the word to "independence." The idea was to support the independent process. He spoke regarding "Submittal of Materials Directly to Council." He said materials needed to be vetted by Staff and suggested changing the words "agenda item" to "planning application items" and should be submitted to the City Clerk or the City Manager as soon as possible for Staff's review. He referenced Page 286, Page 6-7, "Other Procedural Issues" and said the section was deleted due to late submittal of Planning Application materials and was an earlier version of what was on page 297. It was

duplicated in the Quasi-Judicial Handbook section and in the Protocols and should be deleted.

Tom Jordan referred to page 284 of the Report and said Study Sessions should be a smoother and easier interchange between applicant and the Council. He felt it was the appropriate forum for detailed dialogue and the simpler the procedure the less reason there was for independent private communications. He referenced Page 285 of the Report, Page 6, to change "Council" to "Council Members" and "agenda items" to "Planning Application Agenda Items" which corresponded to Page 297's language. He said "Submittal of Materials Directly to the Council" should be consistent with Page 297 since it was a late submittal problem. He clarified the materials were late due to amendments made by the applicant. He supported moving the item forward.

Council Member Holman said the Study Session structure needed to be changed because they were not functional and not helpful. She said they needed to be more of an open forum, with a free-flow exchange of information in a roundtable format. The public should be more participatory, and they should be a learning experience for everyone involved. Agendized action items should follow Study Sessions.

Chair Price said Study Sessions had no action and asked how actions could be taken later since they could not be noticed.

Council Member Holman said there could be two noticed items. One would be the Study Session and the other to notice an actionable item based on the Study Session information.

Chair Price asked if it was feasible procedure.

Council Member Holman said it was feasible.

Chair Price asked how action can be taken on items not yet known by the public and presented within minutes before a Council Meeting.

Council Member Holman said the public would be informed since the purpose of a Study Session was to give preliminary guidance to an applicant. She felt the information was loose and ill-formed leaving the applicant with mixed opinions on Council's direction.

Council Member Burt said the disconnect was that Council Member Holman was trying to envision framing an action item from the Study Session.

Council Member Klein said to keep in mind that Study Sessions were used for items other than land use matters and that items could be moved and acted on in another meeting.

Council Member Holman said she thought an applicant would go to the Architectural Review Board (ARB) and the Planning and Transportation Commission (P&TC) after a Study Session without Council guidance except for what was given at the Study Session.

Council Member Burt said there was a distinction between a decision-making action versus formalized guidance. He said Study Sessions were a collection of comments that may or may not represent the majority of the Council. He raised the question about how to have guidance that was less than a final action. He questioned whether this was the right thing to do.

Chair Price agreed guidance was not always clearly conveyed through the Study Session minutes and questioned who was responsible for interpreting the outcome of a Study Session.

Mr. Keene said that was a complicated question because there was a wide range of topics in a Study Session. He said the majority of Study Sessions were not on land use applications and more to preview meetings and getting familiarized with issues. Staff did make judgment calls on directions. He said there may be an in-between step or meeting that could take place between the Study Session and when the action occurred but they would need to give more thought about what that process might be.

Council Member Holman agreed that many Study Sessions were not about land use projects and that Study Sessions should not get too fine grained, but a guidance policy should be set to allow the applicant, Staff, and the public to have some notion regarding direction.

Chair Price said Council Member Holman's observation was that the applicant was not given enough guidance. A Study Session was to provide a preliminary review and status of a project. She asked what the best way to summarize the results might be.

Mr. Keene needed clarification on what the problem was that needed to be solved.

Council Member Holman said applicants felt Study Sessions do not work. They raised concerns of not getting the guidance and clarity, and a lack of ability to get Council's full agreement. Applicants end up wanting private sessions with

Council Members which counters transparency. She said clarity should be provided in general policy terms of what was expected prior to moving on to the next step.

Council Member Burt suggested, in order to move forward, 1) to exclude from consideration obligating the Council to take actions even if they are at a guidance level, and 2) to not include normal actions that may be under consideration. Staff did pose questions to the Council as a result of Study Sessions, and questions were or were not answered, leaving Staff to make assumptions on Council's perspectives. He said perhaps there was value for general guidance where appropriate which becomes a discretionary action at the meeting or subsequent meeting. He did not want a Study Session to restrict the Council in future decision-making or to interfere with the autonomy of Boards & Commissions.

Council Member Holman concurred with Council Member Burt.

Council Member Klein suggested that Council Member Holman draft a policy clarifying her vision. The policy would need to accommodate all Study Sessions by sharply distinguishing between land use matters and non-land use matters.

Chair Price asked Staff how to gain better results and more productivity out of Study Sessions.

Mr. Keene said Staff would require more of Council's guidance and direction on what was being achieved.

Herb Borock said issues raised by Council Members Holman and Burt were important but did not belong under what was being discussed. They were separate issues; Study Sessions had grown at the ARB, P&TC, and the City Council without legislative authority for them. Legislative authority was important when planning and zoning issues were being discussed. He said he could not tell from the agenda item description and supporting materials what this discussion was going to be about. He said there was legislative authority for prescreening applications and preliminary hearings that required fees. Study Sessions were invented but not authorized by the Council. The subject should be properly agendized. He suggested the Committee put aside planning and zoning issues for another item, separate from the Procedures Handbook.

**MOTION:** Council Member Klein moved, seconded by Council Member Price to continue the discussion regarding Study Sessions to a future Policy and Services Committee meeting where Council Member Holman would bring a draft version of the language to the Procedures handbook.

Chair Price asked if the focus would be on the Policy and Procedures.

Council Member Holman asked about Mr. Borock's point regarding the proper location for these items.

Mr. Keene found Mr. Brock's bifurcation helpful. He said Study Sessions were one matter and land use applications would be what Council Member Holman focused on. He said if the Motion was focused on Council Member Holman's discussion, that language could be brought back to the Council.

Council Member Burt requested Director of Planning and Community Environment Curtis Williams' perspective input.

Mr. Keene asked to have the City Attorney present for discussion on land use issues.

**MOTION PASSED:** 4-0

Council Member Burt said he had questions regarding the scope of this evening's discussion. Council Member Klein said discussion was limited to pages 284-286. He raised concerns regarding a need for clarity on the role of City Council representatives at Board and Commission Meetings and was it appropriate to discuss under these items.

Council Member Klein said he did not think so but would need to go to the Council for discussion. He said he had a problem with the way the agenda item was worded, "CAO Report from the City Clerk Procedures and Protocols."

Council Member Burt said "as agendized" did not give the Committee latitude to discuss other issues. He said in the body of changes to the Protocols there were highlighted sections and asked if they were part of what was being referred to in the agenda or what was contained in the pages.

Council Member Klein said he thought it was the content listed on the three pages of the City Clerk's memo.

Rob Braulik said the City Clerk's memo was an attempt to frame what was outstanding based on action the Council had taken and action taken by P&S. He said these were the outstanding items prior going to the Council.

Council Member Burt said that when they went to the Council there were specific language items which were reflected within these pages. There were issues Council felt still needed to be addressed, which have not yet been discussed by P&S.



Council Member Klein said a number of the issues were addressed at the December meeting but still needed to go to the full Council.

Council Member Burt wanted to agendize additional discussion regarding the role of the City Council representatives to Boards and Commissions and the responsibilities of City Council Liaisons to community groups.

Chair Price said that had not yet been discussed. She asked the Committee to focus back on pages 284-286.

Page IV-1

#### **IV. Quasi-Judicial Hearings, A-1**

Purpose. These rules are intended to assure that City Council decision making on quasi-judicial matters is based upon facts and evidence known to all parties and to support the autonomy of Boards and Commissions in making recommendations to Council.

Council Member Klein referred to Page IV-1 saying he was not in favor of the word "autonomy" and suggested it be changed to "role".

Mr. Keene clarified the entire statement saying it should read "the role in Boards and Commissions in making recommendations to the Council". The intent would be that the Council would expect the Boards and Commissions to make recommendations to the Council.

Council Member Burt agreed it needed better clarification. He said it was to emphasize that the Council Members to not have undue influence over Commissioners. He suggested "independent advice" to address the reason for clarification.

Council Member Holman did not think Council Member Burt had the issue in context. She said the context was the reason that the recommendation coming from the P&S 4-0 vote that Council Members would have ex parte communications on quasi-judicial PC projects until after the P&TC and ARB had concluded their recommendation.

Council Member Burt said Council Member Holman's statement added clarification but felt "independent advice" added value over "role" or "autonomy" and clarified the statement.

Mr. Keene asked Council Member Burt to re-read the statement.

Council Member Burt said "and support the independent advice of Boards and Commissions in making recommendations to Council."

Chair Price said suggested "to support the role of Boards and Commissions in making independent decisions to..."

Council Member Holman suggested "to support the procedural integrity of Boards and Commission in making recommendations to Council."

Council Member Klein said the sentence had evolved to having two conflicting ideas in the sentence. He felt the word "integrity" raised the question of the honesty of the Boards and Commission and suggested to stop at the word "parties" in the second line.

Council Member Holman said the rest of the clause was added because over time people lose sight of laws, rules and procedures.

Council Member Klein said quasi-judicial and straightening the role of Boards and Commissions were two ideas that did not mesh in the sentence.

Council Member Holman said in context this was strictly referring to quasi-judicial in each project.

Council Member Burt said the word "integrity" had two potential meanings creating ambiguity.

**MOTION:** Chair Price moved, seconded by Council Member Klein to change the verbiage on page IV-I in the Procedures handbook as follows:

**IV. Quasi-Judicial Hearings, A-1**

Purpose. These rules are intended to assure that City Council decision making on quasi-judicial matters is based upon facts and evidence known to all parties and to support the role autonomy of the Boards and Commissions in making independent recommendations to Council.

Council Member Holman said the Boards and Commission made independent recommendations even if there was constraint. It may be independent but not functional because it was precluded by other discussions. She said she did not think "independent" captured what the Committee was trying to accomplish.

Council Member Burt said it was moving closer to capturing independence. He suggested less ambiguous language that would capture the procedural aspects being addressed.

Council Member Klein suggested adding “meaningful” after independent.

Council Member Burt said what Council Member Holman was trying to address with the word “integrity” was process integrity and not of the individuals.

Council Member Holman suggested “and to support the function of Boards & Commission in making recommendations to Council.”

**AMENDED MOTION:** Chair Price moved, seconded by Council Member Klein to change the verbiage on page IV-I in the Procedures handbook as follows, removing the word “autonomy” and adding the word “independent”:

**IV. Quasi-Judicial Hearings, A-1**

Purpose. These rules are intended to assure that City Council decision making on quasi-judicial matters is based upon facts and evidence known to all parties and to support the autonomy of Boards and Commissions in making independent recommendations to Council.

**MOTION AS AMENDED PASSED:** 4-0

PROTOCOLS DOCUMENT

Page 4

- If attending a Board or Commission meeting, identify your comments as personal views or opinions.

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting, when that Council Member is not the liaison to the Board or Commission, ~~should be clearly made as~~ should make a point to clearly state it is an individual opinion and not a representation of the feelings of the entire City Council.

**MOTION:** Council Member Klein moved, seconded by Chair Price to approve the recommended changes to page 4 of the Protocols document, removing the words “should be clearly made as” and adding the words “should make a point to clearly state it is an” as follows:

- If attending a Board or Commission meeting, identify your comments as personal views or opinions.

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting, when that Council Member is not the liaison to the Board or Commission, ~~should be clearly made as~~ **should make a point to clearly state it is an** individual opinion and not a representation of the

feelings of the entire City Council.

Council Member Burt asked if the intent applied to a Council Member, whether they were coming as a representative of the Council or as an individual Council Member.

Council Member Klein said it would apply to any public comment made by a Council Member when that member was not commenting as a liaison.

**MOTION PASSED:** 4-0

Council Member Burt asked why have the rule only apply when they are not a liaison to the Board and Commission. He said it should include any Council Member and not just a liaison.

Chair Price asked Council Member Burt if he was suggesting broadening the Motion to include not only the liaison.

Council Member Burt said there was language in the protocol that the liaison was to represent the position of the Board as a whole.

**MOTION:** Council Member Holman moved, seconded by Council Member Klein to approve the recommended changes to page five of the Protocols document, eliminating the words "Limit contact with" and "to questions of clarification", and adding the words "Refrain from Lobbying" as follows:

Refrain from Lobbying ~~Limit contact with~~ Board and Commission members ~~to questions of clarification.~~

**MOTION PASSED:** 4-0

Page 5

- Concerns about an individual Board or Commission member should be pursued with tact.

If a Council Member has ~~a concern~~s with the ~~effectiveness~~ of a particular Board or Commission member fulfilling their roles and responsibilities and is comfortable in talking with that individual privately, the Council Member should do so. ~~Alternatively, or if the problem is not resolved, the Council Member should consult with the Mayor, who can bring the issue to the Council as appropriate.~~

Council Member Burt asked why the final sentence was proposed to be deleted. He asked why the protocol would not give guidance on the next step if a problem was not resolved.

Council Member Klein said the statement was not necessary and asked for options.

Council Member Burt said it was in the protocol to provide guidance.

Mr. Keene made an observation that if the sentence were deleted it could have implications the Council decided to eliminate tactful conversations with Boards and Commissions.

**MOTION:** Council Member Holman moved, seconded by Council Member Burt to remove the words "a" and "can bring", add the words "fulfilling his or her roles and responsibilities" and "may address", and not strike the last sentence, as follows

- Concerns about an individual Board or Commission member should be pursued with tact.

If a Council Member has ~~a concern~~s with the ~~effectiveness~~ of a particular Board or Commission member fulfilling their his or her roles and responsibilities and is comfortable in talking with that individual privately, the Council Member should do so. Alternatively, or if the problem is not resolved, the Council Member should consult with the Mayor, who ~~can bring~~may address the issue with the Council as appropriate.

Chair Price as a point of clarification asked if the Council Member would be going to the Mayor rather than the person directly.

Council Member Holman said yes.

Council Member Klein said he was not in favor of the Motion. He said the second line should read "his or her" instead of "their" and the Council Member has "concerns" with a particular Board or Commission member.

Council Member Holman re-read the statement, "If a Council Member has concerns with a particular Board or Commission member fulfilling his or her role and responsibilities and is comfortable in talking with that individual privately, the Council Member should do so. Alternatively, or if the problem is not resolved the Council Member should consult with the Mayor who may address the issue with the Council as appropriate."

**MOTION PASSED:** 3-1, Klein no

Page 6

Submittal of Materials Directly to Council

If Council receives materials related to agenda item matters they will notify the City Clerk and the City Manager as soon as possible.

Council Member Burt asked if the sentence previously read, "If the Council receives information" and was switched from "information" to "materials" to clarify the intent.

Council Member Holman said it was switched from materials because of a lack of clarity.

Council Member Burt said it was back to "materials."

Council Member Holman said it was an old language and switched from "materials" to "information."

Council Member Burt said "information" seemed broad and ambiguous and "material" was more concrete.

Council Member Holman thought "materials" was an issue brought before the Council.

Council Member Klein said most of the language was covered in II-5, paragraph c. He asked to add if an individual Council Member received something that fits within the category, that he or she should immediately forward it. He said it needed to be reworded. For example "materials" was ambiguous, and the next "related to an agenda item". He said this was not just referring to land use. He said II-5 was referring to Planning Applications.

**MOTION:** Council Member Klein moved, seconded by Council Member Holman to request Staff rewrite the language on page 6 of the Protocols document regarding Submittal of Materials Directly to Council to further define what materials would be included, and re-agendize it on a future Policy and Services Committee meeting date.

Chair Price clarified the item would be deferred to a future date for action.

**MOTION PASSED:** 4-0

Mr. Braulik asked if the procedure would be rewritten at the next meeting.

Council Member Klein said Staff was being asked to rewrite the statement so that if an individual Council Member receives the type of materials that are referred to he or she would have the obligation to turn it into the City Clerk.

Chair Price said the individual Council Member would have no idea if they were receiving information that was unique.

Council Member Holman said the language was there and did not matter whether it was unique or not. All they needed to know was that they were getting something that impacted the project.

Council Member Klein said to include that the receipt was only in the last five days.

Council Member Holman said it was subsequent to when packet materials are due to Staff.

Chair Price said her point was if she received information she would not know if she was the only one receiving the information.

Council Member Burt clarified if information was given to an individual Council Member other than through Staff it did not mean the other eight Council Members did not receive the information. The other distinction would be getting materials in the last five days other than through Staff.

Page 6-7

**Other Procedural Issues** (delete paragraph as late submittals are addressed in the Procedures Handbook).

~~Late Submittal of Planning Application Materials:~~

~~In order to allow for adequate staff review and analysis and to ensure public access to materials, all plans and other applicant materials related to Planning applications being heard by the City Council must be submitted not later than noon 5 working days prior to the release of the Council agenda packet. This includes materials delivered to staff or to Council members either before or during the meeting. If items are not submitted by this date or if staff determines additional review is needed, staff will reschedule the item to a future Council meeting. Additionally, if there are significant changes, staff will analyze whether the need exists to continue the item.~~

**MOTION:** Council Member Holman moved, seconded by Chair Price to approve the recommendation to remove the paragraph on page 6-7 of the Procedures Handbook, as follows:

~~Late Submittal of Planning Application Materials:~~

~~In order to allow for adequate staff review and analysis and to ensure public access to materials, all plans and other applicant materials related to Planning applications being heard by the City Council must be submitted not later than noon 5 working days prior to the release of the Council agenda packet. This includes materials delivered to staff or to Council members either before or~~

~~during the meeting. If items are not submitted by this date or if staff determines additional review is needed, staff will reschedule the item to a future Council meeting. Additionally, if there are significant changes, staff will analyze whether the need exists to continue the item.~~

**MOTION PASSED: 4-0**

Page 7

**Policy & Services Committee – Role, Purpose, & Work Planning** (add fourth paragraph in section).

Purpose Statement: The purpose of the Policy & Services Committee is to regularly review and identify important community issues and City policies and practices with a focus on ensuring good public policy and best practices. A particular focus of the Committee is to ensure that the City organization is responsive, effective and aligned with community values and City Council priorities.

Council Member Klein said a purpose statement was already in place and that the Charter states what the Policy and Services Committee should be doing.

Chair Price said one issue was to try to clarify the purpose statement.

Council Member Burt said the purpose statement placed the Policy and Services Committee in a role of overseeing management and almost an auditing role. He said he would be open to other ways to address making the Committee more proactive on policies. He said insuring the organization was responsive and effective was the City Managers job and the Council reviews the City Manager's performance. He did not feel insuring the organization was responsive and effective was the role of the Committee. The best practices of the Committee outside of direction from the Council were also overstepping. He thought the original intent was to capture something allowing the Committee to have a more proactive role, but this was going into domains that were outside of the Committee's responsibilities.

Council Member Klein agreed. The Municipal Code governed the issue. He did not think the Committee's responsibilities could be changed unless the Municipal Code changed.

Council Member Burt asked Council Member Klein if he was saying the Committee could not legally add the roles without passing it through the Municipal Code.

Council Member Klein said it did not make sense to have two different purposes.



Council Member Holman said the purpose of the language was to give the Committee more authority to initiate and not just be a body that takes things that the Council refers to them.

Mr. Keene said it appear to him that the Municipal Code needed to be changed in two ways. One would be when the issue comes to the Committee and the Code was not clear whether or not everything comes as a referral from the Council to the Committee, or if phrases are separated. In other words, "consider and make recommendations on matters referred to by the Council related to the parliamentary and administrative procedures." He asked if policy matters could come directly to the Committee without being referred by the Council.

Council Member Klein said it could be read that way and could be rewritten for clarity.

Mr. Keene said the second issue was references to "such as" were not clear enough to be referenced.

Chair Price said the language in the purpose statement seemed that people could take exception to the second sentence. The first sentence captured "insuring good policies and best practices." She asked if City Manager Keene was suggesting this item come back as a modification to the Municipal Code modifying the language as it relates to role of the Committee.

Council Member Klein said he had problems with the first sentence. He said there was a Standing Committee and to identify important community issues and policies. He said the City had several financial policies.

Chair Price said they try to keep it broad because there is a Finance Committee. She suggested "to identify important community issues or policy issues" might be more appropriate.

Council Member Burt said the statement needed more consideration and said by adopting this may not preclude or limit or speak to the role of the Finance Committee.

Council Member Klein said the two needed to be written together.

Council Member Burt asked if this should be limited to one of the Standing Committees and if this was the best description of how they were broadening the role of P&S Committee. He was not comfortable with the public policy and best practices capturing what the Committee was trying to do in broadening the

role of the Committee. He agreed it would be of value to broaden the role of the Committee and would like to come to an agreement of broader language and narrowing it down to succinct language to capture that.

Chair Price suggested clarifying the Committees role beyond the general language in the Municipal Code. She asked if role in the Municipal Code had a parallel relating to the Finance Committee.

Mr. Keene said Staff could bring the Municipal Code pieces back for both committees and make recommendations.

Mr. Braulik said the way the Municipal Code was written was that the only things the P&S Committee would review were things referred by the Council.

Council Member Klein said it was time to modernize the present grant of authority, not to include planning and zoning. He thought that should be taken away from Policy and Services.

Chair Price suggested keeping it flexible.

Council Member Klein said it needed to be better drafted or modernized to make clear that most planning and zoning issues are going to the Planning and Transportation Commission and to have it on the same paper.

**MOTION:** Council Member Klein moved, seconded by Council Member Holman to continue the discussion on page 7 of the Procedure Handbook regarding the Policy & Services Committee - Role, Purpose, & Work Planning to a future Policy and Services Committee meeting. Staff will provide the Municipal Code sections regarding the roles of both the Policy and Services Committee and the Finance Committee at that meeting.

**MOTION PASSED:** 4-0

4. ~~Staffing Flexibility Changes for Changing Environment~~

Future Meetings and Agendas

Council Member Klein announced he would not be present for the March 8, 2011 Policy and Services Committee Meeting.

ADJOURNMENT: Meeting adjourned at 10:43 p.m.