



POLICY AND SERVICES COMMITTEE MINUTES

Regular Meeting
Tuesday, March 19, 2013

Chairperson Kniss called the meeting to order at 7:03 P.M. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Holman, Klein, Kniss (Chair), Price

Absent:

AGENDA ITEMS

1. Consideration of a Recommendation to Council to Adopt an Ordinance Prohibiting Smoking in Three Public Parks.

Chair Kniss wished to include Johnson Park, a small park used by many children.

Council Member Holman suggested including Scott Park.

Chair Kniss inquired about the size of Johnson Park.

Greg Betts, Director of Community Services reported Johnson Park was about 2.2 acres.

Council Member Klein noted Johnson Park was named after the first female obstetrics/gynecology doctor in the Palo Alto area.

Chair Kniss stated two parks were added to the original three parks proposed for a smoking ban.

Council Member Price suggested including Juana Briones Park, and asked if the proposal would return to the Parks and Recreation Commission (PARC) for discussion.

Chair Kniss felt limiting the number of parks to six would not require PARC involvement.

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Council Member Price proposed Juana Briones Park, because it was used by all ages.

Chair Kniss believed few people opposed a smoking ban in parks.

Council Member Klein indicated the Policy and Services Committee (Committee) was establishing a rule for parks.

Chair Kniss noted the City had 36 parks.

Council Member Klein recommended the Committee list all the parks that a smoking ban did not apply to so that parks similar to the named parks were not omitted. He inquired about the number of parks containing less than 10 acres.

Council Member Holman reported all parks in College Terrace contained less than 10 acres.

Council Member Klein asked why the Committee wanted to distinguish among similar parks.

Chair Kniss felt including that many parks required a discussion with the PARC. She was willing to double the number of parks included in a smoking ban.

Council Member Klein suggested including all parks containing less than five acres.

Chair Kniss inquired about the number of parks within the City that contained less than five acres. She felt additional Staff work was needed to phrase a recommendation in that manner. She inquired about the size of Scott Park.

Council Member Holman felt it was probably 1/3 acre.

Council Member Price requested the number of parks containing five acres or less.

Mr. Betts named off parks and preserves in Palo Alto: Mitchell Park, Rinconada Park, Seale Park, Baylands Athletic Center, Esther Clark Nature Preserve, Arastradero Preserve, Baylands Nature Preserve, and Foothills Park.

James Keene, City Manager wondered why smoking was allowed in Foothills

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Park when the City staffed a fire station in that area during fire season.

Council Member Price agreed with Council Member Klein's suggestion to broaden the scope of a recommendation.

Chair Kniss wanted more information before moving in that direction, but estimated between 20 and 25 of the 36 parks contained less than five acres.

Council Member Holman noted the Agenda Item was noticed for only three parks, and expressed concern that the public objected because it was not given an opportunity to provide input.

Mr. Keene indicated the Committee had two concerns: 1) broadening the scope of the recommendation from three parks to many parks and 2) a policy interpretation.

Molly Stump, City Attorney reported the Committee could make a recommendation. There was a full hearing at the Council on the first reading, and then a second reading was required but said the Committee could direct Staff to broaden the Ordinance.

Chair Kniss noted another question was whether the Committee should include all parks under a certain size. She noted Council Member Holman's concern regarding public reaction, and inquired about the size of Juana Briones Park.

Mr. Betts reported Juana Briones Park contained 4.1 acres.

Chair Kniss believed Juana Briones Park was the largest of the parks noted for inclusion.

Ms. Stump stated the Committee could ban smoking in all parks or could name selected parks. She suggested that Staff could draft reasonable and supportable findings to ban smoking in all parks below five acres.

Chair Kniss felt incremental increases worked better politically.

Council Member Holman agreed with banning smoking in all parks; however, banning smoking in Foothills and Arastradero Parks was logical because of the fire hazard. She questioned the ability of the Planning and Transportation Commission (P&TC) to expand an Agenda Item without providing additional notice.

Ms. Stump explained P&TC was distinct from all other Commissions. The

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Council was able to determine how to use its Commissions. Not all policy matters were reviewed by Commissions. She said a policy item could be handled by the Council, or by a Committee and then the Council. Under the Brown Act, a full hearing was required with proper notice.

Council Member Holman inquired whether the P&TC was able to expand the scope of an Agenda Item to be as broad as the Committee was asking.

Ms. Stump stated much of P&TC's work was quasi-adjudicative, which was different. P&TC's work was governed by provisions of the Municipal Code, and that did not apply to this discussion.

Mr. Keene stated Council policy allowed Council Members to place a recommendation on the Council Agenda through a Colleagues Memo. A Committee recommendation was not very different from a Colleagues Memo regarding process and notice requirements.

Ms. Stump believed a smoking ban was in effect for Foothills Park.

Mr. Betts reported a smoking ban was placed on trails in Foothills Park, but not on the meadow or in the picnic areas.

Chair Kniss suggested expanding the smoking ban for Foothills Park. She viewed a smoking ban as a public health issue, and the Council was a guardian of community health.

Mr. Betts reported Sarah Wallis Park contained 0.3 acres; Cogswell Plaza 0.5 acres; Lytton Plaza 0.5 acres; El Camino Park 12.2 acres; Eleanor Pardee Park 9.6 acres; El Palo Alto Park 0.5 acres; Mayfield Park 1.1 acres; Mitchell Park 21.4 acres; Monroe Park 0.55 acres; Rinconada Park 19 acres; Cameron Park 1.1 acres; Boulware Park 1.5 acres; Bowden Park 2 acres; Bowling Green Park 2 acres; Juana Briones Park 4.1 acres; Peers Park 4.7 acres; Ramos Park 4.4 acres; Bol Park 13.8 acres; Greer Park 22 acres; Heritage Park 2.01 acres; Hoover Park 4.2 acres; Hopkins Creekside Park 12.4 acres; Edith Johnson Park 2.5 acres; Foothills Park 1,400 acres; Esther Clark Preserve 22 acres; Pearson Arastradero Park 622 acres.

Chair Kniss estimated between 10 and 14 parks contained less than five acres.

MOTION: Council Member Klein moved, seconded by Council Member Price to recommend the City Council: 1) adopt an Ordinance amending Section 9.14 to establish new smoking restrictions in all parks that are 5 acres or less in size; 2) increase no-smoking buffer zones from 20 to 25 feet for

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consistency with Leadership in Energy and Environmental Design (LEED) standards; and 3) direct the Parks and Recreation Commission to consider and make recommendations regarding expanding a no-smoking regulation to possibly include other City parks and open space areas within two to three months.

Mr. Betts indicated 17 parks contained less than five acres of a total of 34 urban parks and four open space preserves.

Chair Kniss stated almost half the number of parks contained less than five acres, but only a small percentage of total acreage.

Russ Cohen, Executive Director of Palo Alto Downtown Business and Professional Association supported a smoking prohibition in the three parks originally proposed for inclusion.

Herb Borock reported Hoover Park contained approximately 6.4 acres after acquiring land from Hoover School. He noted that under the Brown Act, the Committee could only act on the three parks noticed. The PARC had to make policy recommendations for parks. He suggested the Committee refer the item to the PARC.

Chair Kniss was comfortable with the City Attorney's statement that the Committee could recommend more than three parks.

Mr. Betts revised his previous count to a total of 22 parks containing less than five acres.

Council Member Holman requested Staff respond to Mr. Borock's comment that Hoover Park was larger than reported.

Mr. Betts reported records indicated Hoover Park contained 4.2 acres.

Mr. Keene indicated the acreage of Hoover Park would be clarified prior to the Ordinance being written.

Ms. Stump noted the Ordinance would enumerate the parks being affected by the smoking ban.

MOTION PASSED: 4-0

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2. Discussion and Recommendation on the Process to be Used to Establish Guiding Principles/Core Values.

James Keene, City Manager recalled that the full Council referred this item to the Policy and Services Committee (Committee) at the end of the Retreat. A second Retreat was scheduled to discuss Guiding Principles and Core Values. Council directed the Committee to propose a process for the Retreat, and directed Council Members to submit three Core Values to the Mayor. Staff received Council Members' proposed Core Values, and forwarded them to the Mayor. Staff proposed the Committee Chair and the Mayor work with Staff to organize the proposed Core Values to present to the Council at the next Retreat. Staff welcomed Committee recommendations regarding a process for use at the Retreat.

Chair Kniss noted the Mayor would be involved in the process. She inquired when a Retreat could be held.

Mr. Keene indicated Council Members requested a Retreat be scheduled for a weekday, which required facilitating scheduling for a Retreat in May.

Chair Kniss believed Guiding Principles and Core Values concerned long-term goals and were easily understood by the public.

Council Member Klein expressed concerns about defining a Core Value, the number of Core Values, and having topics that distinguished Palo Alto from other communities. Having too many Core Values was the same as having none, but he thought there should be more Core Values than Priorities. He preferred avoiding feel-good phrases. He requested Council Members reconsider Youth Well Being, which was a Priority which omitted other aspects of the population.

Chair Kniss believed Healthy Communities Healthy Cities would include Youth Well Being.

Council Member Klein noted mental health issues affected the entire population, not just youth.

Council Member Holman recalled a comment at the Retreat that Healthy Communities Healthy Cities was a Core Value rather than a Priority. She was unclear about the purpose of the exercise, and was unsure about the number of Core Values that was needed. Many Core Values were included in the Comprehensive Plan. She questioned whether the list of Core Values should be the same as or different from Core Values contained within the Comprehensive Plan.

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Mr. Keene noted a material difference among Guiding Principles, Core Values, and other terms. Values were internally direct. They were agreements or commitments among a group of people regarding the conduct of the group. He mentioned that the Council could use Core values to communicate the foundations of the City to the wider world.

Chair Kniss explained the Council needed a docking place for topics not considered Priorities. Priorities were different from Guiding Principles or Core Values.

Council Member Price agreed with comments regarding group conduct. She inquired whether the Council reviewed Core Values yearly.

Mr. Keene believed Core Values would be ongoing, given the fact that a new set of Council members could revisit any of these topics.

Council Member Price suggested the Sub-Committee review Vision Statements in each chapter of the Comprehensive Plan in order to refine values. Having a Mission Statement provided a framework for values and related to the Comprehensive Plan. At the Retreat, a time limit for Council discussion prevented lengthy self-examination.

Chair Kniss agreed with the suggestion to review Vision Statements in the Comprehensive Plan, but was uneasy with Mission Statements because they required a great deal of time to draft. The Sub-Committee organized information in order to hold a Retreat. She inquired whether the Committee would agree to the Sub-Committee being comprised of the Mayor, Committee Chair, and City Manager.

Council Member Klein favored that general policy, and asked if the Mayor was interested in being part of the Sub-Committee.

Chair Kniss stated he was.

Council Member Klein viewed the process as a series of questions. The Committee needed to draft a series of questions for Council consideration and some proposed language.

Chair Kniss agreed, and suggested limiting the number of Core Values to four to six. She inquired whether Council Member Klein meant for the item to return to the Committee prior to holding a Retreat.

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Council Member Klein did not believe further Committee discussion was necessary.

Council Member Holman had difficulty with setting a finite number of Core Values because a Mission Statement was helpful in reaching fewer Core Values. The Committee had to know what it was doing in order to establish a process.

Chair Kniss believed the discussion indicated Priorities were not Core Values or Guiding Principles; Core Values and Guiding Principles were considered by some interchangeable. She thought it might be good to include a Mission Statement.

Council Member Price suggested the number of Core Values be a guideline. She agreed with Council Member's Klein suggestion of drafting options for Mission Statements and providing a simplified list of Core Values. Vision Statements in the Comprehensive Plan provided some perfect phrases for Core Values or Mission Statements.

Chair Kniss felt the Committee had to limit the number of Priorities/Core Values.

MOTION: Council Member Klein moved, seconded by Chair Kniss to recommend the City Council: 1) appoint the Mayor, Committee Chair, and City Manager as a Sub-Committee to organize Guiding Principles/Core Values submitted by Council Members; 2) prepare drafts of Core Values/Mission Statement/Guiding Principles; 3) provide recommendations as to which term to use; and, 4) prepare clearly focused questions for Council discussion.

Chair Kniss inquired whether the Motion stated a specific number of Core Values.

Council Member Klein answered no because he thought the Sub-Committee should recommend a number.

Chair Kniss suggested that number be five to seven.

Council Member Price suggested the Sub-Committee review examples from other cities and Vision Statements in the Comprehensive Plan as part of the process.

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Council Member Holman was not comfortable with a specific number, and suggested checking the City Charter because it might contain a Mission Statement.

Chair Kniss reported the Mission Statement was no longer relevant.

Council Member Holman opposed a specific number of Core Values.

Chair Kniss explained the number was a guide or way to prevent having far too many Core Values

Council Member Klein agreed with not having a specific number in the Motion.

MOTION PASSED: 4-0

Council Member Holman noted not all Council Members submitted proposed Core Values and asked if there was a time limit.

Chair Kniss requested Staff send a final request for submissions.

3. Review and Consider Recommendations to the City Council on Potential Changes to the Conduct of the Annual Reorganization Meeting.

Council Member Klein reported a Council Member's term of office expired at midnight on December 31, and a new Council Member was sworn-in on the first Monday of the new year. Therefore, on January 1 it was possible to have a Council with only four, five, or six Council Members. Use of an emergency Council was not feasible. He suggested Council Members be sworn-in on January 1 or 2.

Chair Kniss inquired whether it was necessary for a Council Member to be sworn-in in person.

Molly Stump, City Attorney reported Council Members had to be sworn-in in person, but not in public. She mentioned that the ceremony could be held in private, and other people could be deputized to swear-in the Council Member's.

Council Member Klein noted a problem arose when emergencies occurred in late December or early January, and the Council did not have a quorum to conduct business. Typically, the Mayor continued in office until his successor was elected; however, the Mayor's term ended on December 31 and was no

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longer qualified to serve as a Council Member. If the Vice Mayor along with the Mayor were not qualified to serve as Council Members, then the Council was without both leaders beginning on January 1. These problems arose only in odd years, because Council elections were held in even years.

MOTION: Council Member Klein moved, seconded by XXXX to recommend the City Council hold the swearing-in ceremony and election of Mayor and Vice Mayor on the first business day of the year in odd years.

MOTION FAILED DUE TO LACK OF A SECOND

Chair Kniss indicated the first business day was January 2 and said there were a number of other issues that were not addressed.

Council Member Klein felt swearing in Council Members was the primary goal.

Chair Kniss inquired whether Council Member Klein wished to hold the reorganizational meeting in the evening of January 2.

Council Member Klein suggested it be held in the evening or afternoon.

Chair Kniss noted the Council's Winter Break typically extended through that Friday. Holding the reorganizational meeting at that time required Council Members to return early from vacation.

Council Member Klein indicated the reorganizational meeting was held on the first business day of the year only in odd-numbered years.

Chair Kniss suggested the City Manager and emergency personnel handle emergencies if the Council did not have a quorum. If the Council had a quorum but no Mayor or Vice Mayor in place, then the longest-serving Council Member would act as Mayor.

Council Member Klein felt it was possible for Council Members to return from vacation every other year to tend to City business.

Council Member Holman noted Staff often scheduled vacation time over the holidays, and was unavailable. School schedules were also a consideration in determining the Winter Break. She asked if the reorganizational meeting would be held on the first business day of the year or on January 1.

Council Member Klein stated the first business day.

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Council Member Holman inquired whether the swearing-in of Council Members occurred on January 1.

Council Member Klein suggested the Council strongly encourage new Council Members to be sworn-in on January 1.

Council Member Holman asked if the Council could require Council Members be sworn-in on January 1.

Chair Kniss suggested changing the City Charter regarding end of term provisions because other cities held swearing in ceremonies and reorganizational meetings as soon as election results were certified.

Council Member Holman asked when election results were certified.

Ms. Stump reported that depended on how quickly the County Registrar worked; however, it was usually the first week in December.

Chair Kniss stated results could not be certified any sooner than 28 days after the election.

Council Member Holman inquired about the process for changing the reorganizational meeting to a date in December.

Ms. Stump explained a Charter Amendment had to be proposed by the Council, placed on the ballot, and approved by a vote of the electorate. The City's Charter was unusual in that it stated a conclusion date of Council terms.

Council Member Holman preferred to avoid the cost of an election, and asked if there was a way to amend the Charter without an election.

Ms. Stump Charter responded no. Amending the Charter required a vote of the people.

Council Member Price supported encouraging Council Members to be sworn-in on January 1, and inquired whether it was simpler to state the first business day or January 1.

Ms. Stump reported the Council could direct the City Manager to ensure that the appropriate Staff was available to swear-in Council Members at the first moment a Council Member was eligible to be sworn-in, or January 1. Taking the oath of office was a voluntary action, and the Council was not able to require Council Members to be sworn-in on January 1. She suggested that

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the Council schedule a meeting on January 1, assuming a quorum was present.

Council Member Price proposed that newly elected Council Members be encouraged to take the oath on January 1.

Chair Kniss questioned whether a Council Member had to be in the State to take the oath of office.

Ms. Stump said she would review the location issue, because she was unsure whether a Council Member was required to be in the jurisdiction or in the State to take the oath of office.

Chair Kniss separated the issues of Council Member's swearing-in from a date for the reorganizational meeting. She inquired whether Council Member Klein proposed holding a reorganizational meeting on the first business day in January in every other year.

Council Member Klein responded yes. The ceremonial aspect and celebration continued to be held on the first Monday of the year. Voting for Mayor and Vice Mayor was held on the first business day of the year.

Chair Kniss noted holding the reorganizational meeting on January 2, 2015 required changing the Council Winter Break.

Council Member Klein indicated the Winter Break start date could be adjusted.

Chair Kniss was not in support of that point.

Council Member Price inquired whether Council Member Klein would consider setting January 3 for the election of Mayor and Vice Mayor, the second business day.

Council Member Klein indicated the second business day in 2015 was Monday. In 2017, the first business day was Tuesday, January 3.

Chair Kniss suggested holding the reorganizational meeting on the first business day after the end of Council's Winter Break.

Council Member Price asked if the second business day of the year was agreeable.

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Council Member Klein stated the second business day left a gap of five days in 2017.

Chair Kniss suggested holding the reorganizational meeting on January 5, 2015 and January 3, 2017, and wanted to include language that encouraged Council Members to be sworn-in on January 1.

Council Member Klein agreed with encouraging Council Members to be sworn-in on January 1, and added the Council needed to direct the City Manager to ensure that Staff was available to assist in the swearing-in process.

Chair Kniss inquired whether Council Member Klein agreed to the two dates for the reorganizational meeting.

Council Member Klein answered no.

Council Member Holman asked why the reorganizational meeting could not be held on January 2, 2017.

Council Member Klein explained that was a holiday.

Chair Kniss noted Staff would not be working on a holiday.

Council Member Price recalled the City Manager could require an individual be present to conduct the swearing-in.

Chair Kniss wished to choose two dates for the reorganizational meeting in 2015 and 2017.

Council Member Klein chose January 2 in 2015 and 2017.

Chair Kniss asked if he wished to keep those dates even though they were holidays.

Council Member Klein replied yes.

Council Member Price inquired whether Council Member Klein proposed separating the selection of Mayor and Vice Mayor from the celebration.

Council Member Klein answered yes.

Council Member Price supported scheduling the first Monday for the celebration with the Mayor and Vice Mayor already in place.

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Council Member Klein suggested amending the Charter to avoid the awkward process.

Ms. Stump reported Staff would follow Council direction.

Chair Kniss suggested adding a Charter Amendment to the ballot in 2014.

Council Member Holman was concerned about the cost of an election, but felt a Charter Amendment was cleaner. A gap existed between Council Members being sworn-in on January 1 and a reorganizational meeting being held on the first business day.

Council Member Klein proposed amending the Charter to hold the reorganizational meetings in December or to have Council Members serve until successors were sworn-in.

Council Member Price agreed that was better.

Chair Kniss also agreed, and inquired whether an emergency Council meeting was needed in the past on a holiday.

Council Member Klein indicated that there were three different occasions that came close to requiring emergency Council meetings.

Ms. Stump clarified that January 2 was the first business day of 2015 and 2017.

Chair Kniss reiterated that new Council Members would be sworn-in on January 1 if possible, and a meeting to elect the Mayor and Vice Mayor were held on the first business day in 2015 and 2017.

Council Member Price clarified that they were talking about odd numbered years.

Chair Kniss agreed with swearing-in Council Members on January 1.

Council Member Holman inquired whether that worked with moving the organizational meeting to December.

Council Member Klein suggested the Committee ask the City Clerk about the cost of an election to amend the City Charter.

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Chair Kniss believed the January 2 dates for organizational meetings were a compromise until the Committee discussed it fully at another meeting.

Council Member Holman suggested a series of Motions that began with moving the swearing-in date to January 1 for all newly elected Council Members.

Council Member Kniss recalled that Council Members were not required to be sworn-in on January 1.

Council Member Klein noted incumbent Council Members reelected to office were not official Council Members from January 1 until sworn-in.

Chair Kniss inquired whether reelected Council Members were not officially Council Members from January 1 until they were sworn-in.

Ms. Stump explained a Council Member who served four years was out of office at midnight on December 31, and were not eligible to act as a Council Member.

MOTION: Council Member Klein moved, seconded by Council Member Holman to recommend to the Council that it do all things reasonable and necessary to have newly elected Council Members sworn-in on January 1; and the City Clerk make that a part of the package given to all candidates.

MOTION PASSED: 4-0

MOTION: Council Member Klein moved, seconded by Council Member Holman to recommend to the Council that the reorganizational meeting for election of Mayor and Vice Mayor in odd-numbered years take place on the first business day in January.

MOTION PASSED: 3-1 Kniss no

MOTION: Council Member Klein moved, seconded by Council Member Price to recommend to the Council to consider, depending on information from the City Clerk regarding cost, the possibility of a Charter Amendment to eliminate this problem.

MOTION PASSED: 4-0

Chair Kniss suggested the Committee obtain parameters for amending the Charter in two to three months.

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Council Member Holman noted the Council would meet the first business day of January for its reorganizational meeting, and that they retain the first regular Monday meeting for celebration.

Chair Kniss indicated the Mayor and Vice Mayor would not be elected at the first regular Monday Council meeting.

Council Member Klein explained in odd years, the reorganizational meeting occurred on the first business day, and the ceremonial event occurred the following Monday.

Council Member Price appreciated the modification to explore the possibility of moving the reorganizational meeting to December.

Chair Kniss referred the issue of a Charter Amendment to the City Clerk and noted an ending date for the Winter Break was not set.

Ms. Stump stated the Winter Break was scheduled to begin on December 20, 2013.

Chair Kniss indicated the Winter Break could end on January 3, 2014; in 2015, it had to end a day earlier.

FUTURE MEETINGS AND AGENDAS

Sheila Tucker, Assistant to the City Manager noted Staff would return to the May 2013 meeting with vehicle habitation and an update on the emerging technologies pilot program for the April 2013 meeting.

Council Member Price suggested Val Fong and Thomas Fehrenbach be present for the emerging technologies update.

Ms. Tucker anticipated the emerging technologies pilot as an informational item.

Chair Kniss hoped the City Clerk could provide a report regarding amending the Charter at the April or May meeting.

Council Member Holman inquired whether the recommendation for a Charter Amendment would be presented to the Council.

Chair Kniss answered no and said it would return to the Committee.

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Molly Stump, City Attorney anticipated a Staff Report would consider election date options for a Charter Amendment, cost estimates for an election, and a survey of surrounding jurisdictions with options for framing the Amendment.

Council Member Holman inquired whether recommendations other than the Charter Amendment would be presented to the Council with a note that the Policy and Service Committee was considering a Charter Amendment.

Chair Kniss responded yes.

ADJOURNMENT: Meeting adjourned at 9:00 P.M.