



# POLICY AND SERVICES COMMITTEE FINAL MINUTES

Special Meeting Council  
November 13, 2018

Chairperson Fine called the meeting to order at 6:06 P.M. in the Community Meeting Room, 250 Hamilton Avenue, Palo Alto, California.

Present: DuBois, Fine (Chair), Holman, Wolbach

Absent:

## Oral Communications

None

## Agenda Items

1. Review and Acceptance of Fire Department Emergency Medical Services Future Needs Assessment.

Eric Nickel, Fire Chief stated that his main concern was the ambulance services that the Fire Department operated. He was thankful that the City Council (Council) had approved to move the needs assessment forward for further review. He introduced Amber Cameron who worked for the Fire Department on strategic projects.

Amber Cameron, Senior Management Analyst announced that she was the Strategic Operation Manager with the Fire Department. She noted that the needs assessment took 18-months to complete. The analysis was assessing the health of the community and how it would impact the Fire Department in the next 15-years. The emergency medical needs of the community made up most of the service demands of the Fire Department. With the aging population, the Fire Department was expecting to see increased demand in future years.

Mr. Nickel noted that the analysis was in alignment with the Fire Departments Strategic Plan.

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Ms. Cameron introduced Jen van Stelle who was to present the highlights and details of the data to the Policy and Services Committee (Committee).

Jen van Stelle, Co-Founder & Principal of Actionable Insights explained that while they did assess the future needs for Palo Alto (City), she noted that she also looked at other cities who had effective models that addressed the rising call and patient volume. The analysis was strictly done for the City and Stanford University. Actionable Insights used 2-years of Palo Alto Fire's City System data and estimates from the US Census Bureau's American Community Survey for 5-year resident population. To understand the predictions of call volume for 2030, the firm used the Department of Finances 2030 estimates, the City's growth scenarios, and Stanford's growth estimates from Stanford's General Use Plan Application. Stanford did not keep records by age and that affected the results for the emergency call and patient volume for Stanford. In conclusion the projected increase in both residential and commute population drove the predicted increase up by 30 percent in call volume for both the City and Stanford by 2030. Projected aging of residential population drove the predictions to increase for older medical emergency patients by 2030.

Mr. Nickel declared that the Fire Department was not asking for any resources. Overall the Fire Department wanted to prevent medical emergencies from occurring. Their recommendations to achieving that goal were to explore evidence-based models that included projects such as integrated healthcare, outreach, education, and partnering with community organizations.

Council Member Wolbach advised that the report should reflect the Council's approved selection of anticipated growth scenarios for jobs, housing, and population. He asked when Phase 2 would be coming to the Council and the Committee for review.

Ms. Cameron declared that Phase 2 was projected to be implemented in the Spring of 2019. The Fire Department would bring an update to the Council and the Committee 12-18 months after Phase 2 had begun.

Council Member Wolbach acknowledged that the data presented to the Committee backed up the anecdotal evidence that had been seen in the City.

Council Member Holman asked how the General Use Permit (GUP) potential growth for Stanford was factored into the data.

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Ms. Stelle explained that Actionable Insights used the figures that were in the GUP as part of the predicting analysis.

Mr. Nickel added that the Fire Department did discuss the GUP with the Council and it was written in the contract with Stanford.

Council Member Holman questioned if the Fire Department had appropriated resources in case of an emergency disaster.

Mr. Nickel confirmed that the study did not address an emergency disaster. He stated that they would have to do some further investigation and would bring the findings back to the Committee.

Council Member Holman wanted to know in terms of the Integrated Healthcare Model if there would increased liability with that program.

Mr. Nickel stated that there certainly could be and more analysis would need to be done on that subject.

Council Member Holman advised that liability concerns should be investigated with the City's Attorney's Office. She inquired what kinds of conversations were happening with partnered organizations within the City.

Mr. Nickel responded that in terms of partnering with organizations within the City, the Fire Department would partner with Stanford Health Care, the paramedics would be under the medical direction of Stanford physicians, and there would be strict protocols that would be followed.

Council Member Holman questioned whether the Fire Department had an opinion on how to address community members who go to the emergency room for treatment because they do not have insurance.

Ms. Stelle explained that Actionable Insight was working with the Stanford Healthcare Hospital and other hospitals in the four-county area on community health need assessments. Access was one of the needs that hospitals had identified as an area that needed improvement. The current round of assessments would be done in the spring and summer of 2019. Once implementation strategies were drafted then the reports would be available to the public for review.

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Melanie Espino, Co-Founder & Principle of Actionable Insights added that Stanford Healthcare's needs assessment would be available at the end of 2019, early 2020.

Mr. Nickel noted that the Palo Alto Fire Department transported patients regardless if they can pay or not.

Council Member DuBois asked if Actionable Insight considered the City's population in terms of shifting from more family oriented to professional singles.

Ms. Stelle disclosed that the Department of Finance had projected the population increase and she was not sure what their analysis criteria was.

Council Member DuBois suggested that the executive summary should be inflated with more recommendations. He advised to consider other ideas instead of going with a model that other Cities used. He wanted to know what the next step were on how to deal with Super Users and he suggested implementing a senior shuttle, like a ride sharing service, that transported to health facilities. He requested information on if there was any left-over money available in the Stanford Health account.

Rob de Geus, Deputy City Manager reported that Staff would have to go back and check to see if any funds were left over.

Council Member DuBois articulated that if there were any funds left then it should be used to mitigated next steps for Super Users and seniors. He suggested to incorporate into the needs assessment report the response data time and forecast that data for future years. He wanted to know if the Fire Department participated in reviewing roadway changes.

Mr. Nickels declared that they did monitor roadway changes and that the Fire Prevention Office was involved in that. As per the new contract Stanford was required to provide the Fire Department notification of any roadway changes or construction.

Council Member DuBois questioned how the Fire Department determined what was and was not an emergency call.

Mr. Nickel responded that the Fire Department was reviewing an evidence-based criterion to determine what was an emergency. The Fire Department

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currently used a Medical Priority Dispatch System that helped prioritize calls from emergency and non-emergency situation.

Chair Fine agreed that the report should be refined and include the Council's adopted growth scenario and the Stanford GUP. Along with Super Users, he suggested adding in the category of in appropriate or non-emergency users.

Mr. Nickels disclosed that in terms of Super Users, the Fire Department personal in the field identify these users and then a process started that worked with the patient's doctors to mitigate the Super User's problems.

Chair Fine advised that the community impact planning phase should have more work done on the fiscal impacts as the City moves to a more emergency medical call system.

Council Member Wolbach acknowledged that what the fire department was currently doing with Super Users was the beginning of the integrated healthcare project.

Mr. Nickels confirmed that was correct.

Council Member Wolbach suggested that the Fire Department use that point when explaining the integrated healthcare to the community.

**MOTION:** Chair Fine moved, seconded by Council Member Wolbach to recommend the City Council accept the Fire Department Emergency Medical Services Future Needs Assessment, and direct Staff to explore viable alternative service delivery models.

Council Member Holman suggested that the Committee's comment should be included in the report that goes to Council.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** that Staff is to include comments made tonight into the report to Council.

**MOTION AS AMENDED RESTATED:** Chair Fine moved, seconded by Council Member Wolbach to recommend the City Council accept the Fire Department Emergency Medical Services Future Needs Assessment, and direct Staff to explore viable alternative service delivery models; Staff to

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include comments made tonight into the report to Council.

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

2. Policy and Services Committee Recommends the City Council Accept the Code Enforcement Audit.

Harriet Richardson, City Auditor introduced Yuki Matsuura who presented the Code Enforcement Audit to the Policy and Services Committee (Committee).

Yuki Matsuura, Performance Auditor 1 announced that the Planning Department was often seen as the main department for code enforcement but in fact it was spread out among the various departments in Palo Alto (City). The audit called out the elements of effective code enforcement which were public awareness and prevention, detection, enforcement actions, and regulations and penalties. The audit did determine that in many cases a code enforcement case had an effective resolution but it was not done in a timely manner due to reduced Staffing and reorganization with in the City's departments. The common theme that Staff had determined was that the Palo Alto Municipal Code was not clear, it was complex, and the 2005 strategy that discouraged code enforcement. Staff recommended that the City confirm and clarify the City's code enforcement strategies and priorities with the City Council (Council), develop updated enforcement procedures that were aligned with the strategy, and update the Municipal Code sections governing code enforcement. In terms of the City receiving, classifying, and recording code enforcement complaints effectively, the audit determined that the City did not have complete and reliable data. Staff's recommendations to address those issues were to identify data to track, determine which systems to use for each code enforcement function, standardize code enforcement terminology City-wide, design a reporting process, and determine if the Planning Department will continue to use the Accela Program. In terms of if the City communicated effectively with the public, the audit determined that the City did communicate well but the information was scattered across separate systems and websites. There was internal communication issues and the Program PaloAlto311 was not user friendly. Staff recommended City-wide information on code enforcement be located in a central location on the City's website and assign City Staff members to administrate the PaloAlto311 Program.

Ms. Richardson noted that the City's Manager's Office agreed with all the audit recommendations.

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Winter Dellenbach voiced her appreciation to the City Auditor for the report. She suggested that the City Manager should set more specific goals as the audit progressed to the targeted dates. She requested that more code enforcement officers be hired and the hiring freeze be lifted. She wanted to see major improvements to the PaloAlto311 Program and that the Program Accela was not user friendly. She voiced that personal information should be kept confidential.

Chair Fine restated that the issue with code enforcement was the feedback cycle and the integration across City departments.

Ed Shikada, Assistant City Manager reported that due to the complexity of code enforcement it would take some time in working with the Council and the City departments to identify where the issues in code enforcement were. He announced that Staff would be able to provide updates on an ongoing basis in terms of audit recommendations.

Michelle Flaherty, Deputy City Manager announced that the timeframes were vague in the Staff report because Staff was looking to work with an internal Staff development team to come up with a more refined and detailed work plan.

Mr. Shikada added that code enforcement Staff members and the Planning and Community Environment Department Director will work with the City's Manager's Office to come up with a refined and detailed work plan.

Council Member Holman noted that the terminology needed to be standardized. She was not sure what closed or completed meant when it came to code enforcement cases that were still on going.

Ms. Flaherty explained that City Departments took the code enforcement case out of the PaloAlto311 Program and moved it into their internal case system. The Staff member then closed the PaloAlto311 case when in fact it was just assigned to a City Department and was under investigation. She explained that now City Staff were told to stop closing cases out in the PaloAlto311 Program and communicating with the complintive on what was being done about their complaint.

Council Member Holman articulated that Staff can report a code enforcement complaint but it very rarely happened. In terms of construction noise or on-going noise, she stated that many people who had complained about noise

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have been told that the police department did not know how to measure noise. She advised that citations should be given in cases of recidivism.

Ms. Richardson noted that once a case was closed, a new case was opened if the offender received another complaint. By doing this the repeat offender was not being tracked as a repeat offender and thus the department could not issue a citation.

Council Member Holman wanted to have verbal updates on the process for code enforcement every 6-months.

Ms. Flaherty confirmed that once the full work plan was ready, she was happy to supply the Committee with detailed reports on the progress.

Council Member Holman wanted to know if it was best practice to go down to one complaint system or to keep multiple complaint systems.

Ms. Richardson explained that the new Enterprise Resource Planning (ERP) System might have a code enforcement component built into it. Staff did not know if that component existed because the final decision for the new system had not been made. Also, the police department was required by state law to have a certain system for their complaints.

Council Member Holman agreed with the public speaker that confidentiality had been broken for several community members. She wanted to know how many Staff members other Cities had devoted to code enforcement.

Mr. Shikada interjected to say that work needed to be done with the Council and City Staff to determine what level of enforcement and what level of resources needed to be put into code enforcement going forward.

Council Member Holman stated that the City did not have good records of Occupancy Permits and that the Business Registry was not functional. She asked Staff how the audit determined that all code enforcement cases were resolved.

Ms. Matsuura articulated that the City's Auditor's Office manually reviewed the cases for code enforcement and saw that most of them were resolved. In terms of data, the data was not complete to receive an accurate number of completed cases.



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Ms. Richardson added that many code enforcement cases pertained to leaf blowers. Code Enforcement Officers do an inspection and if they did not catch the violator in the act then the case was deemed closed.

Council Member Holman advised that code enforcement cases should be prioritized in terms of urgent and then not so urgent.

Council Member DuBois inquired how long the audit took.

Ms. Richardson stated it took about a year and a half.

Ms. Matsuura added that the meeting with City departments and coordinating those were a bit tricky.

Council Member DuBois wanted a financial analysis showing savings if code enforcement was done more efficiently and long-term cost of not enforcing.

Ms. Richardson explained that other jurisdictions tried to receive compliance before issuing a citation to the violator. She explained that policy changes would have to be clear in the Municipal Code for Staff to implement it effectively.

Council Member DuBois reported that code enforcement was a critical issue and he wanted to make code enforcement a clear priority. He advised that a code clean up should be brought to Council to help mitigate repeat offenders. He also wanted Staff to consider shutting down PaloAlto311 and replacing the program with a more efficient program.

**MOTION:** Council Member DuBois moved, seconded by Council Member Holman to recommend the City Council accept the Code Enforcement Audit and direct Staff to review the audit in early 2019 and to return to Policy and Services Committee with a work plan and progress report.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** that Staff is to include comments made tonight into the report to Council.

Council Member Wolbach did not want to shut down PaloAlto311 but to update it.

Chair Fine agreed that PaloAlto311 should not be shut down, he wanted to

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see a financial analysis, and he wanted to know what management decisions the City wanted to make via the audit. He stated a short-term solution was to boost communication between the City and residents.

**MOTION AS AMENDED RESTATED:** Council Member DuBois moved, seconded by Council Member Holman to recommend the City Council accept the Code Enforcement Audit and direct Staff to review the audit in early 2019 and to return to Policy and Services Committee with a work plan and progress report; Staff to include comments made tonight into the report to Council.

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

The Committee took a break at 7:50 P.M. and returned at 7:58 P.M.

### 3. Review Council Procedures and Protocols.

Rob de Geus, Deputy City Manager started off by stating that the last time the procedures and protocols were thoroughly looked at was back in 2015. Staff's recommendation was to have the Policy and Services Committee (Committee) review and comment on the previous discussion that City Council (Council) had. Then Staff would review the Committee's comments and present a new draft to the Council in the beginning of 2019.

Jim Keene, City Manager articulated that the protocols and procedures were constantly changing with each new City Council that was elected. He explained that the in-depth discussion that happened in 2015 was never formally adopted. He suggested that the Council and the Committee have more discussions on procedures and protocols instead of just an annual review. He cautioned the Committee about thinking about pushing for implementation of any changes made to the procedures and protocols until the new City Council was sworn in.

Molly Stump, City Attorney advised that the expectations for new procedures and protocols should be clear.

Chair Fine noted that there were two main issues and one was that residents of Palo Alto were not happy with the efficiency of the Council and the engagement process between Council and residents. The other issue was that the procedures and protocols were guidelines and it was up to the City

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Council to enforce them. Staff's time was directly impacted by how the City Council's meetings functioned and he wanted to make sure that the Committee realized that before they made their comments. He suggested that the new 2019 City Council review the standing City Council Committees and Regional Assignments.

Council Member Wolbach agreed that the Committee should make very clear recommendations to the new 2019 City Council. He suggested the Committee review the time for public speakers, how many members it took to pull an item from the Consent Calendar, clarification on how a City Council Member calls in remotely to a meeting, time restrictions for items on meetings that run past 10:00 P.M., and review the Regional Assignments and City Council Committees. In terms of public speaker time, he wanted to encourage the public to group up and have a spokesperson present their case to the Council.

Council Member DuBois advised that the City Council appoint non-City Council Members for some of the local Boards. He asked Staff how they determine which rules to use if the 2015 strategy was never adopted.

Ms. Stump explained that some of the old rules were inconsistent with the Brown Act and so the 2015 rules were being applied for consistency.

Council Member DuBois wanted to allow conference calling or video calls for City Council Members who were in remote locations and it should not be limited geographically. He agreed that pulling items from the Consent Calendar was a topic that needed to be discussed. He wanted to see what other Cities did that had a small City Council. He wanted clarification and alignment on the rules for the Council's appointed Boards and Commissions. He wanted to review the swearing in date after an election.

Ms. Stump interjected to state that the City's Charter had a rule on when elected officials would be sworn in and a change to that rule would require a Charter Amendment change. She added that swearing in new City Council Members did not have to happen at a meeting, it could be done privately.

Council Member DuBois inquired if the Council could make the Charter Amendment.

Ms. Stump confirmed that Council could propose a Charter Amendment. In terms of General Municipal Elections, it had no impact on organized labor.

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Council Member Holman agreed that a discussion should happen in terms of the time limit for public speakers. She did not want the time limit to be less than 2-minutes. She did not want to have City Council Members making significant changes to projects without having those ideas vetted before the meeting.

Ms. Stump commented that the Brown Act did not allow City Council Members to propose new topics or suggestions at meetings unless there was proper public noticing was done before hand. She cautioned Council Member Holman that there were major challenges to limiting Council Members from bringing forward new topics during a meeting.

Council Member Holman restated that she wanted City Council Members to limit their opinions if it would make a significant change to a project. Those opinions needed to be thoroughly presented to the City Council in a Staff report with all documentation before it could be discussed.

Ms. Stump advised that the City Council and the Committee needed to make rules that the majority was in agreement with.

Mr. Keene added that Council Member Holman's concern was appropriate and noteworthy but could not be resolved in one meeting.

Council Member Holman noted that in terms of the number of City Council Members it took to pull an item from the Consent Calendar it should be reduced to two instead of three. She wanted to discuss the guidelines and standards on how an item was placed on the Consent Calendar. She stated that if a City Council Member was going to vote no on a Consent Calendar item, they should be given the option to speak to their no vote after voting. She wanted more guidelines for Study Sessions. She wanted a review of the Council Appointed Officer (CAO) Committee roles, limitation, and expanse. She requested that there be clarification on the election of Mayor and Vice Mayor was a Brown Act action and on how those positions were elected. In terms of the role of the Mayor participating in meetings, those needed to be strengthened, and that the Mayor must be fluent in parliamentary procedures. All quasi-judicial items should be indicated on agendas and there should be some training for all Boards and Commissions on parliamentary procedures. She proposed more work be shifted from the Finance Committee to the Policy and Services Committee to help balance out the work load.

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Chair Fine articulated that 3-minutes for a public speaker was reasonable and to avoid 1-minute at all costs. In addition, there should be clear wording written on the public speaker cards stating how much time was allotted when there were large groups of speakers. He agreed that some guidelines or criteria should be used to determine what items go on the Consent Calendar. He wanted to leave the procedure that three City Council Members were needed to pull an item from the Consent Calendar. He suggested to add language that the review of City Council's policy and procedures be optional every year and not mandatory. He agreed with Council Member Dubois that video calling would be best when a City Council Member was in a remote location. He concurred that a limit should be maintained on how many times a year a City Council Member could call in. He wanted to remove the language that the site where the City Council Member was calling from should be compliant with the Americans Disability Act. He agreed with Council Member Wolbach that there should be a check in during City Council meetings at 10 or 10:30 P.M. to determine if a new action item should be taken up at such a late hour. He wanted to revise the language stating that each City Council Member has 1-hour to ask questions about an item. In terms of Council Committee votes, he recommended that an item that did not receive unanimous vote should have the Mayor and Vice Mayors discretion to be put on the Consent Calendar or be an action item. He wanted to try a clock that tracked how long each City Council Member talked in 2019. In terms of Calling the Question, he wanted to know if it was possible to move that to a simple majority instead of a 2/3s majority.

Ms. Stump clarified that the rule was modeled after Robert's Rules.

Chair Fine wanted clarification on when a City Council Member was supposed to notify Staff or the Mayor about pulling an item from the Consent Calendar. He agreed with City Council Member Holman that there should be a discussion about if a City Council Member should speak to their no vote on Consent Calendar items.

Mr. Keene cautioned that if a City Council Member were allowed to speak to their no vote, then a discussion and debate could quickly take place among the City Council about that item.

Ms. Stump added there was tension between Staff and City Council when a City Council Member does not give notice to Staff that they want to pull an item from the Consent Calendar.

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Chair Fine asked for more definition on Study Sessions. He wanted to limit the behavior of addressing public speakers outside of the public comment period unless the Chair has identified them and told them to come to the microphone to speak.

Mr. Keene restated that he understood that the Committee wanted the item to come to the new Council in 2019.

Council Member Holman proposed that the Policy and Services Committee review the City Council Committees and Regional Assignments.

Council Member Wolbach disclosed that it was a good idea to have the protocols be City Council Member to City Council Member and the procedures were the public to City Council Members interactions. He was in support of changing the number of City Council Members that were needed to pull an item from the Consent Calendar and letting a City Council Member who voted no to speak. He believed that it was appropriate for a Council Member to voice significant changes to a project if it was within the agenized item. He recommended that the Mayor, Vice Mayor, City Manager, and the City Clerk review the City Council's Committees and Regional Assignments at the start of each year. He recommended that when speaker times were limited to 1-minute, he wanted to still allow groups of five or more speakers to speak for 10-minutes.

Council Member DuBois restated that any City Council Member can put a consent item on as an action item and make any action item a consent Item.

Mr. Keene clarified that any City Council Member could put an item on the Consent Calendar. By doing it that way there were many City Council Member's requesting to put the same item on the Consent Calendar but with different wording.

Council Member DuBois suggested that City Council Members should be given more responsibility and the City Council Member were to live up to those responsibilities. In terms of a significant change to a project he suggested that there be a process that less than a majority could trigger the continuation of an item. In regards to the City Council Member with the highest vote become Mayor, he thought that was an interesting idea. He felt strongly that a Committee's vote on an item that was not unanimous should go to the City Council for discussion. He liked the idea that each City Council Member have their own clock. He agreed that if an item was on the Consent Calendar that it made sense to speak after the vote. He stated that the

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review of City Council Committees and Regional Assignments should be discussed by the Policy and Services Committee but the Mayor would appoint who were on those City Council Committees.

Council Member Holman emphasized that it was part of agenda management and not just about how many people showed up that determined how long public speakers could talk. She articulated that City Council Members should never pull anything off the Consent Calendar that was an appeal. She was not in favor of limiting City Council Members to a specific time in which they could talk.

Council Member Wolbach was not in favor of having a minority of City Council Members to force an item to be continued. He was in favor of having a non-binding clock for each City Council Member.

**MOTION:** Council Member Fine moved, seconded by Council Member Wolbach to direct Staff to finish the previous suggested revisions to the 2015 Procedures and Protocols and bring the updated document to Council for discussion, including comments made by the Committee tonight; and early in 2019 bring a discussion to Policy and Services Committee regarding Council assignments due to the reduction from 9 to 7 Council Members.

Council Member Holman asked Chair Fine for clarification on what he meant by thinning out the 2015 revisions of the procedures and protocols.

Chair Fine commented that he wanted the document to be cleaned up and remove any redundant items.

Mr. Keene interjected that Chair Fine meant that it should not be content based but just clarity.

**MOTION PASSED:** 4-0

Mr. Keene advised that agenda management was key to having a successful meeting. He believed that the Mayor should have some training on how to run a successful City Council meeting and shaping the agendas. He did not agree with reducing the number of people needed to pull an item from the Consent Calendar to two people. He advised to set an advanced deadline for City Council Members to notify Staff that they wanted to pull an item from the Consent Calendar. In terms of significant changes made to Staff's recommendations, City Council Members needed to know the ramifications to Staff when those major changes were being suggested.

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Council Member Holman suggested that Staff reports should include a recommended action by the City Council, two alternatives, and all three should list the pros and cons of those actions.

## Future Meetings and Agendas

Mr. Rob de Geus, Deputy City Manager announced that December 11, 2018 was the date for the next meeting.

ADJOURNMENT: Meeting adjourned at 9:26 P.M.