



POLICY AND SERVICES COMMITTEE TRANSCRIPT

Regular Meeting
November 10, 2015

Chairperson Chair Burt called the meeting to order at 7:19 P.M. in the Community Meeting Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Berman, Burt (Chair), DuBois, Wolbach

Absent:

Chair Burt: We're going to have a small change in our Agenda Item 1, which is the Auditor's Quarterly Report will move down to following Item Number 3. That will help a bunch of people who are here for other items. The Auditor has to be here for Item 4 anyway, so she volunteered to readjust.

Oral Communications

Chair Burt: In that case, our first order of business is to allow the public to speak on items that are not scheduled on the agenda. I don't have any speaker cards for non-agendized items.

Agenda Items

Chair Burt: We'll go forward with agendized Item Number 2, which is the Policy and Services Committee review of the Fiscal Year 2015 and '16 use of the Bryant Street Garage Fund for Teen Services and options for Fiscal Year 2017 spending plan. For those who aren't familiar, our fiscal year runs from July 1st through June 30th each year. It's kind of mid-year to the middle of the next year. Beth, did you ...

Beth Minor, City Clerk: Chair Burt, yes. We were talking about returning an information item back to you quickly.

Chair Burt: Before we begin on Item 2, the City Clerk has an information item for the Committee.

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Ms. Minor: Beth Minor, City Clerk, Chair Burt and Committee Members. At the last Policy and Services meeting, you requested whether I could do a poll of the Board and Commission Members if they were restricted to not being able to present an item to their Board, if we could do that poll. In talking to the City Attorney, we can do that poll. We are refining the question at this time and can get the poll out later this week and, hopefully within about ten days, get a response back from them. I just wanted to let you know that it is possible, and we are working on it.

Chair Burt: Thank you.

2. Policy and Services Committee Review the FY 2015 and FY 2016 Use of Bryant Street Garage Fund for Teen Services and Options for FY 2017 Spending Plan.

Chair Burt: Now returning to Item Number 2.. Welcome. We have a Staff presentation with Rob and Lacey and who else?

Rob de Geus, Director of Community Services: Good evening, Chair Burt and Council Members. Rob de Geus, Director of Community Services. We're here this evening to discuss what we have affectionately called the Bryant Street Garage Fund, a property at 455 Bryant Street that was once a Teen Center and now generates annual lease revenues, of which 75 percent of those revenues support new additional teen programs and services. We're in the second year of the use of the Bryant Street funds. We're here and happy to share some of the results and the outcomes of the use of those funds and share some thinking about future use and listen to your feedback and receive your guidance. It's my pleasure to introduce three amazing, talented women sitting to my right over here. They're leaders in the Community Services Department, terrific individuals. Lacey Kortsen, she's a Senior Community Services Manager at Mitchell Park Community Center. Karen Kienzle, on the end there, is the Director of the Palo Alto Art Center. Marieke Gaboury is the Director of Theater Operations at the Children's Theatre. These three do a great deal for the City and for Community Services. One specific area of focus is serving teens. I've asked them to prepare the presentation. They are really the boots on the ground with their team. We're going to hear from them. We're also going to hear from students that we asked to come, that have taken advantage of these funds, so you can hear directly from some of the population that's being served. With that, I'll pass it on to Lacey to kick us off.

Lacey Kortsen, Senior Program Manager: Hello, Council. Thanks for having us here today. I'm going to be running off the PowerPoint here. For the

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teens that are going to speak, I believe we want them to use this microphone over here in the corner. Is that right?

Mr. de Geus: Mm-hmm.

Ms. Kortsen: You guys, when it's your turn, come up to the microphone over here in the corner. A quick overview of what the presentation holds for you tonight. We're going to give you some background on the Bryant Street Garage fund, and then also talk about how those funds have been used to date, specifically in the grant program by the Teen Arts Council, Palo Alto Art Center, clickPA and MakeX. Then we'll close with talking about the teen outreach that we've done in consideration of how we might spend the reserve, which is detailed in the Staff Report. First, some background. In Fiscal Year '15, Council approved a plan to spend funds in the Bryant Street Garage Fund to hire three hourly recreation leaders with the working title Teen Program Specialist, who would support a pilot grant program in addition to launching new teen programs, events and services in Palo Alto. The grant program, which we will describe in detail throughout the presentation, gives teens the funding, support and space for their ideas to become reality and is arguably the most successful element of the BSGF. We call it BSGF now, just so you know; that's a little acronym we have going. BSGF program to date. The grant program is a similar concept to incubators, that you may hear of in the tech industry, such as Google 500 startups. Google encourages startups to apply to their incubator. If a startup is accepted into the program, Google provides them with seed money, mentorship from Google employees and partners and space for the startups to do their work. Similarly, if a Palo Alto teen has an idea for an event, program or service, they can apply to the grant fund for funding, support and mentorship and, if needed, facility space to make their idea come to life. These are just a couple pictures from the various programs that have been funded. Many of the funded applicants are groups that have ongoing projects or not a one-time event. Those groups are listed here. As you can see, we had a total of nine of these groups, 173 actual members that meet on a regular basis, and 1,080 average teens served per month. That is incredible impact and shows a high level of engagement between the teens and the community they are serving and passion for their cause. You're going to hear from a bunch of these groups tonight. In addition, we received several applications throughout the year from teens that want support to launch one-time events in the community. This year alone we have funded ten events that have served almost 1,500 people. Again, incredible impact and some very innovative events, all initiated by teens for teens in the Palo Alto community. ClickPA is a program that you may be familiar with. It's one of the oldest programs that have been funded by the Bryant Street Garage Fund. It's an internship program with stipends. Each

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of the core staff, there are seven of them, has specific roles whether it be in web design, marketing, public relations or volunteer management. They get compensated with a stipend each semester. There's also a volunteer program that's open to eighth through twelfth graders. They have weekly web traffic of 140 visitors to their webpage which advertises and markets teen events in Palo Alto to teens, 576 Facebook fans. Most recently, what we're really excited about is a new partnership with Microsoft to develop a mobile app to take ClickPA mobile. They were also a 2015 Project Cornerstone nominee. Next, you're going to hear from a recently funded group, FLY. It's a Financial Literacy for Youth program that has 18 members and reaches approximately 60 youth each month. FLY makes financial literacy a tangible concept for middle school youth, builds relationships and mentorships between high school and middle school youth. We are lucky to have Kevin Ji, the founder of FLY, here today to talk to us more about his experience.

Kevin Ji: Hi. As Lacey introduced me, I'm Kevin and I am the founder of Financial Literacy for Youth. I think that Financial Literacy for Youth is really important, because as we go into the 21st century younger and younger kids are having to deal with adult concepts such as money management. You see sixth graders are now having smartphones, buying stuff and going to shopping malls with their wallets open with bills. We have to teach all these kids how to use their money wisely. I partner up with two programs, Youth for Financial Literacy Organization which is in the Midwest and also LEAP, the Learning Enrichment Afterschool Program at the Mitchell Park Community Center. I think that it's really important that we also have teens involved in this project. Not only are middle school students being educated, but also teenagers. Teenagers are the teachers in the classroom. It's about 1 teenager to about 2 middle school students. We use as a workbook from the YFL, the Youth Financial Literacy Organization, and we teach them through the workbook the basic concepts such as budgeting, money management, etc. The final project is this carnival, as you can see from this poster. Each of the students is involved in making a game related to financial literacy whether it be a dart game or a cake walk, things that you'll see like an October Fest-kind of carnival. I think that the most important thing that I've learned from working with the Bryant Street Garage Fund is working with Jose about making all of my ideas possible. I got these workbooks, and I didn't really know what to do to make the kids excited with them. It was definitely Jose who helped me bring the idea of a carnival up. Kids love candy and games, and working with Jose we were definitely able to work on making the carnival a reality. This is the second time I've done FLY; I do it once per semester. This carnival has definitely had drastic improvements from the one this past spring. This is because me and Jose worked over the summer and he mentored me in how to get more students to come. We're

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involved with teachers at middle schools so they can send their kids from JLS which is right next to Mitchell Park Community Center to come. Also, thanks to Alesia and Imel with the LEAP program. Since that has been expanding, we have gotten more kids to work on that part as well. I think that definitely with the help of Bryant Street Garage Fund, I am hoping the community as a whole will learn more about money management. Thank you.

Ms. Kortsen: Thank you, Kevin. The next speaker I wanted to highlight is DocX Films. They recently created a documentary on the teen suicides in Palo Alto to initiate and encourage positive dialog in the community around hope and resilience. When they launched the film, they've had sold-out screenings across Palo Alto, and they have recently returned from the LA Film Festival, where they were invited to screen their movie. We are lucky to have Andrew Baer, the founder of DocX Films, here to talk about his experience.

Andrew Baer: Thank you for letting me speak here today. My name's Andrew Baer, and I'm a senior at Paly. This summer I worked with a group of other teenagers to produce a documentary film about mental health in our community. As with any other film, the quality of it is not only dependent on the talent of the filmmakers, but also on financial and technological resources available for the project. This proved to be a significant need for me and my film team. Shortly into the project, we realized that the film was in crucial need of financial aid. We had cameras, microphones and computers, but lacked some crucial tools for post-production that would elevate our film above the normal standard. Luckily, one of my close friends referred me to the Bryant Street Garage Fund and said, "You should apply here for an application and see if you can get some funding." I presented my storyboard and short slide show about the film to the administrators of Bryant Street Garage Fund. After a few short weeks and some application forms, the project was funded. We used the funds to purchase royalty free music, some editing plug-ins and accessories. Without these, the film would not have been as successful or professional. Furthermore, the Bryant Street Garage Fund provided positive adult support and helped us put on the premier which we certainly couldn't have done without their help. The film was shown to many teens and adults throughout the community. I'm very grateful that the Bryant Street Garage Fund was able to help make that a possibility. Thank you.

Ms. Kortsen: Thank you, Andrew. Next we have Project Enybody. This is another group that is in the second year of funding from the Bryant Street Garage Fund. It has 15 members and reaches 50 youth per month. They recently completed a PA Got Green contest and also launched Green Fest

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2015 that had over 250 people in attendance from the community. Today we have the founder, William Zhao, here to talk about his experience with Project Enybody.

William Zhao: Hello. My name is William. I am a senior at Paly, and I've always been a nature enthusiast. Seeing melting glaciers in Alaska two years ago really motivated me to want to do something to protect the environment. A couple of years ago with the help of the City and Bryant Street Garage Fund, I started my own environmental organization made up of Paly and Gunn students, and it's called Project Enybody standing for Earth Needs You and sort of embodying this idea that anybody can make a difference. With the support of the Bryant Street Garage Fund, we've continued to expand our scope and reach. Just last week actually at this time, we were in front of the School Board presenting with Walt Hays to campaign for solar panels on schools, which is really cool. This summer we also got to work with the Chamber of Commerce of Palo Alto Medical Foundation to host Green Fest at Mitchell Park where we had local green organizations and businesses teach over 200 family members on how to be more efficient in their daily lives. I know some of the Council Members were there as well. Other things we've done include teen green art contests, speaker nights and energy home renovations. I think it's important to note that the current scale of Project Enybody would not have been possible without Bryant Street Garage Fund and our amazing mentor, Jose Perez, who has helped us plan, find resources, spaces, connections and helped each of us become better leaders and also team players. He's even inspired some of our Enybody members to sort of launch their own Bryant Street Garage Funds which, I think, is really inspiring. Bryant Street Garage Fund is truly special; there's nothing like it that gives teens the opportunity to take their passions and interests and make such meaningful and positive impacts. I could go on and on, but honestly this has been one of my favorite and most important learning experiences living in Palo Alto. I think it really epitomizes our City's sort of spirit of progression, belief in community service and commitment to creating these really passionate and innovative youth. I sincerely hope that more teens in the future will be able to experience this and that we'll continue setting examples for other cities in the nation. Thank you.

Ms. Kortsen: Thank you, William. That's just a couple of examples of the great that's been done in the Bryant Street Garage Fund grant program. In addition to that, the Teen Arts Council has been doing some incredible work with the Bryant Street Garage Fund. I'm going to turn it over to Marieke Gaboury to talk more about that.

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Marieke Gaboury, Theater Specialist: You've heard about a lot of the projects that the Teen Arts Council have done in the past. We've had some years of really exciting work as an initiative of the Children's Theatre, including open mike nights, poetry events, original student productions. I'm sure all of you know that when teens put on a project and they can get 100 to 150 of their peers to attend anything, we consider it a wild success. We've been really excited to have some of the help from Bryant Street Garage Funds to help them expand their programming and build on it. One of the ways that we were helped was through Staff time as well as through actual project resources. An example of Staff time was that generally the Children's Theatre is able to give them a contractor that serves them during the school year but then not throughout the summer, so there's no summer planning phase, there's no summer meetings. This past summer they were able to have a summer retreat where they actually had leadership training and planned for their future year ahead which would help them diversify their events. That was a really exciting step. The biggest project that they had funded through the Bryant Street Garage Fund was an original production that they produced themselves, filling all of the leadership roles of a play called *Ghost Bike*. We have a member from the Teen Arts Council here, Claire, who's going to come and talk to you a little bit about her experience with *Ghost Bike*.

Claire Eberhart: Hello. My name is Claire Eberhart, and I am a junior at Palo Alto High School. I work with the Teen Arts Council on lots of things like poetry jams, open mikes and movie nights and a lot more. I was the Executive Production Designer for our spring show, *Ghost Bike*, which was funded by the Bryant Street Garage Fund. I worked on the show from November 2014 until we performed in 2015. *Ghost Bike* was an incredible opportunity for young artists to work with their peers to create an amazing, thought-provoking performance. From directing and acting and performing, producing and stage managing, all the executive positions and roles were filled by teens which gave us the opportunity to exercise and build leadership skills. These funds not only helped us put on a great performance, but also helped us turn our creative vision into a reality. This show took a lot of work, but the entire cast, crew and audience agreed it turned out to be an incredible success. Our teen producer Joelle Dong says, "*Ghost Bike* was an amazing experience for the cast, crew and audience involved. We are so grateful to have had the resources to put on such a fantastic show. It is truly an experience that will last a lifetime." A statement from our executive teen stage manager, Jason Pollock, "*Ghost Bike* was a life-changing show for me. It gave me a new perspective on theater by working with just my peers and by stage managing for the first time. It also gave me more confidence in my love of theater and more motivation to continue pursuing my passion. Teen Arts Council and its

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shows have been an invaluable part of my artistic identity." We are all so grateful. We had a wonderful time. Thank you.

Ms. Gaboury: *Ghost Bike* actually happened in our last fiscal year. In the current fiscal year, we're really focusing on helping the Teen Arts Council diversify. They've already done an amazing job, but we're looking at reaching more students from north and south Palo Alto as well as helping them really diversify through collaborative events. We're going to be doing events with TAC and the Youth Council as well as with the Art Center and with LEAP, where they're actually going to start mentoring students. They've also expanded their meeting location. They've traditionally met at the Children's Theatre, but with this additional project support, they're now able to hold one meeting a month at the Teen Center. They're spending more time at Mitchell Park which is, again, helping us serve both parts of the community. In the next fiscal year, we'd like to continue to build on the success of these collaborations. We'll also be looking to help them expand their kind of definition of Teen Arts Council. Because it started from the Children's Theatre, it just happens to be sort of performing arts centric. They're going to be looking to doing events that actually serves a more broad definition of arts and, therefore, serving a larger teen community. We're also going to be looking to really build our relationships with PAUSD and really help foster and mentor projects that come from the students directly for the Garage Funds. We're really excited about it. I'm going to turn it over to my colleague, Karen Kienzle, from the Arts Center.

Karen Kienzle, Palo Alto Arts Center Director: Thanks, Marieke. The Bryant Street Garage Funds have been really instrumental to the Arts Center to prototype and test some new ideas for engaging teens in the arts. I want to mention a couple of things we did this summer. One of which is the Walter Robinson Workshop. We hosted an exhibition of work by Walter Robinson. He's a nationally recognized artist who grew up in Palo Alto, and actually went to Cubberley High School. We engaged teens in an opportunity to learn about Walter and his work and then do a hands-on art activity where they actually did leather embossing. Walter is an artist who's really fascinated by text, so the leather embossing activity engaged teens in actually doing text-based works. We also launched a teen ceramics drop-in program, which was really successful for us. This was really a beta test. We had no idea whether this was going to be successful or not. It was hugely successful. Ceramics is something that you really can't do at home, and so we found that teens were really interested in engaging in this media. This was mentored, so we had a ceramics faculty member who was onsite. It really was an opportunity for teens to explore ideas, and the mentor was there to kind of support teens in exploring new styles or techniques. Current fiscal year, we're continuing workshops with artists, giving teens an

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opportunity to engage directly with professional artists. We're launching a new teen initiative *Compose Yourself* which is an exciting opportunity for teens to engage in a wide range of different projects including artist workshops. We're exploring a collaborative teen mural project. Also looking at offering drop-in ceramics again in the summer along with some other drop-in art activities as those were incredibly popular. Next fiscal year, second *Compose Yourself* workshop, drop-in ceramics and potentially exploring further opportunities with this teen mural project. This is one of the testimonials from a teen who participated. I'll let you read. Now I'm really excited to introduce the entire large and incredibly vital MakeX team. They are amazing.

Claire Kokontis: Hi, I'm Claire.

James Wong: James.

Kai Gallagher: Kai.

Ms. Kokontis: We're from MakeX, and MakeX is a teen-run maker space for students by students. A maker space, our maker space at least, is an open workshop and it combines traditional machine shop tools with 21st century machine shops tools like 3-D printers and laser cutters. We work with students that come in in the mentorship programs to teach them the skills they need to use the machines and to work on their own independent projects. We're really excited that we were able to provide these services to teens and students and community members through the Bryant Street Garage Fund, because without the money to maintain the machine shop tools and buy new materials and tools for people to use, we really would not be able to exist as an organization. We're really excited that we can bring these tools to people who may not have access to them without MakeX.

Mr. Gallagher: Not only are we a traditional maker space where we train people with the design, fabrication and refinement process, but I think one of our greatest assets is that we're a wellness program. We encourage creative autonomy and, like I said, wellness. This is because we're completely sustained by teens. Visitors who come to MakeX can expect to not only share the vast wealth of knowledge that the teen mentors have, but they also are in an environment of friends. They're very willing and fearless when they are pursuing new things and being creative and just really, really comfortable. They can recuperate maybe from the stresses of a typical Palo Alto High Schooler. Not only that, but we also developed a community through making. What that means is that students from many different walks of life are all unified at our space, because we're all sharing the same passion, we're all helping each other out. People who normally may not

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interact are making friends with others and making connections and just making really, really great things.

Mr. Wong: This variety in makers leads to a big variety in projects. As you guys have seen, we have a guitar and a self-made electric vehicle in this room as well as things like Eagle Scout projects and a nuclear fuser recently. It's completely safe, don't worry. Let's hear some guitar.

Russell Starlack: I'll show this (inaudible) I don't know if it will support (inaudible) put it on the table. This is a 1957 deluxe amp, a (inaudible) amp. It usually goes for \$2,000 or \$3,000 on the market, already made. I didn't want to pay that amount of money, so I bought all the parts from the individual resistors for about \$500. I decided I could solder them all together and make something that works. The only issue was that I didn't know how to solder. That's where MakeX came in. I brought everything there, and it took a fair amount of floor space (inaudible) parts that I had. I spent about three months making this and putting it all together. I guess they asked me to come and play something. Coincidentally, the first time that I actually performed with this was at a TAC open mike. You guys can name this. *[Mr. Starlack played his guitar.]*

Mr. Gallagher: In the past year, we've served about 300 unique people which amounts to 1,000 visits and over 2,000 hours. These aren't people that just pop in and say "Hi." The average visit is around two hours. These are people who are helping, very much like Russell and Jeremy, make things that maybe they don't have the skill to make when they come in. Also our mentors have learned a lot in their journey learning to teach what they know. We've produced four Presidents Awards which amounts to about 1,000 hours between four teen mentors. We've had an impact beyond just our walls at the building. We've done outreach programs with the Mitchell Park and Rinconada Libraries, at their openings. We've taught kids what making can mean to them and what they can do with just really basic skills with power tools and how far it can take them with just making something that at first existed only in their head. We've also done education talks. Our most recent was the Fab Learn Conference at Stanford, where we had the opportunity to talk to educators from around the world, around the country, who are doing the same thing we are which is bringing making to people who maybe wouldn't go out of their way to find it or don't know how to learn about it themselves.

Mr. Wong: What this all sums to is a really rigorous development of technical literacy. Like Kai said, we have a lot of people involved, but each person who is involved is also getting a very deep level of skills. They're learning the design process, the fabrication process and the refinement

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process, not only improving their creative confidence, problem-solving skills, skills working in teams and just their friend circles, I guess. They're also leaving MakeX with a desire to educate others, they become entrepreneurs and start little companies. They just find lots of really great ways to give back to the community.

Chair Burt: I've got a couple of follow-up questions if that's okay at this time? How many kids are typically there on a given day?

Mr. Wong: We get anywhere between like 10 and 25. Right now our space is just big enough to sustain this amount. Sometimes we get overrun. Yeah, we get a pretty consistent amount in between Fridays and Saturdays.

Chair Burt: Has it been that way throughout or has it been growing in terms of number of kids?

Mr. Wong: It has been growing. We originally started in the Art Center; actually we didn't get too many people. Then we jumped between different places until we landed in Cubberley. Since we've been in Cubberley and developed a more permanent culture, people have been trickling in. It's grown from like 6 to 10 to 15 to 20, sometimes like 30 people. It's just been really great.

Chair Burt: It's how much space? Maybe Staff knows the square footage or you can just tell me about how many feet by how many feet.

Mr. Wong: I would say it's about half the size of this room here.

Chair Burt: Outside of our Staff, are there mentors that are involved?

Ms. Kokontis: Adult mentors?

Chair Burt: Yeah.

Mr. Wong: We had mentorship in the beginning of the program from some consultants and a lot from the Art Center which was really great. Since then, we've been pretty independent. We've gotten some help from the Library along the way, the Community Services Department. The mentors, we handle pretty much everything. We do budgeting, we train volunteers, we manage the space, we clean the space, improve the space, find outreach programs, conduct the outreach programs. Much of it is teen sustained.

Chair Burt: Out of those of you who are pretty active and regularly there, how many hours a week do you spend there?

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Mr. Wong: Too many.

Mr. Gallagher: I would say like ten-plus per week. The open hours amount to six, and then we're there on and off for maintenance as well as just checking on the space and talking about what's next (inaudible) MakeX.

Mr. Wong: I can't resist just spending a lot of my free time at MakeX working on my own projects.

Chair Burt: I think you're answering my next question. How much of this is about—I mean, you're obviously learning a ton of stuff. While you're learning that, how much of what brings you there is wanting to acquire a skill and how much of it is that once you're hooked on it, you love it?

Mr. Wong: I would say it's definitely half-half for me. Obviously MakeX offers tools that can't be found anywhere else, like a laser cutter, 3-D printer, some power tools. What really has me coming back over and over again is the group of friends that I've developed at MakeX. The MakeX mentors who I didn't know too well at the beginning of the project have become my closest friends. We've been able to build projects together, and we just encourage each other to keep coming back and keep developing our space.

Ms. Kokontis: I think the reason I keep coming back is because all the other mentors are really inspiring me, because you can see all the things that they've created. You really want to do it yourself too and find the things that you're really interested in, develop those skills to make it and then have a product that you've come up with yourself.

Chair Burt: Great, thanks.

Mr. de Geus: Chair Burt, I'll just add something there. The MakeX program is definitely (inaudible) it's fair to say. It really began out of the leadership of Karen Kienzle, the Director of the Art Center, with support from the Library. The Library took it over for a little while, but that wasn't quite working. Then we moved it over to Community Services to provide greater support. They're correct; they're a very independent group.

Chair Burt: Rob, do we have any corporate partners who are contributing materials, equipment, those kinds of things?

Mr. de Geus: None that I'm aware of.

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Mr. Wong: We don't have any official sponsors, but we send out requests for free equipment.

Chair Burt: It shows up?

Mr. Wong: People are charitable, so they send us free things. We've gotten some free laser tubes and these other little things here, but nothing major.

Mr. de Geus: I think it's a great opportunity though, because there was a lot of people that believed in this type of program among the others that we're doing. There's an opportunity for grants and other things here.

Chair Burt: Grants and a lot of our local companies. Out of those that are still making stuff, they have an affinity toward wanting to help people are interested in the hardware side of things today. You ought to get your laundry list of what you'd really like to have, and we can see what can turn up.

Council Member DuBois: I have one quick question.

Chair Burt: Yeah.

Council Member DuBois: The teens that go to the maker lab, do they tend to be different than the people involved in the robotics or is it kind of the same group?

Ms. Kokontis: Actually I bring some of my friends from robotics. I'm actually the captain of the robotics team. I bring some of my friends over when they need to use stuff. I don't know; what do you guys think?

Mr. Wong: I think something really great about MakeX is, as I said before, a lot of people who typically wouldn't identify as maker inclined still come. A lot of people on the robotics team are like very machine savvy and stuff like that. Russell, for example, he didn't have very much experience with technology, but he came ...

Mr. Starlack: I kind of hate stuff.

Mr. Wong: He's a history guy. He came just to hang out. After a while, he kind of got infected by the maker culture. We convinced him to start a project, and then it escalated into a very, very impressive guitar amp.

Chair Burt: I realized one other question. Just by kind of word of mouth, it's caught on and growing. You're kind of maxed out on space, you're

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saying. Putting that aside for a moment, outside of your friends, that that's how this word of mouth helps it grow, what portion of the teens in town, would you say, are familiar with the MakeX space?

Mr. Wong: I can only speak for the students in my school, I guess, but most of the people in my grade know about MakeX and have dropped by at some point. I also forgot to mention that a big part of our audience is actually elementary schoolers and middle schoolers too. It's not just our group of friends. We have a lot of people who have just seen MakeX and since then have become repeat visitors, learning how to use 3-D modeling software, learning how to use our tools which are typically way beyond the scope of like elementary or middle school education. We have visitors like that as well.

Mr. de Geus: We have a couple more slides, but since we're on this interesting topic; all of them are. We are also trying to make a connection between the Cubberley Artist Studio Program and some of the artists that are in residence there and connecting them with the MakeX kids. That seems like a nexus and some mentorship that can happen there. Something we're working on.

Chair Burt: Thank you.

Ms. Kortsen: In addition to the testimonials that you've been able to hear today from a couple of our teens, we also have some evaluation data. After every Bryant Street Garage Fund program or event is completed, we send the folks that participated a survey to fill out, just talking about their experience. We've got some really great data from it. 100 percent of the teens felt that their project was a success. Not that it went perfectly, very rarely do we get a perfect project, but it was successful. They learned something from it. They have new skills. They built relationships. That, for us, was a huge win. Also, you can see the number of hours that they spent on average is very considerable, 85 percent spent more than 40 hours on their projects. You can see they're very engaged, passionate about their project and willing to put in the time needed to make sure that it comes to life. The next piece of data that we found really interesting was on developmental assets. I don't know if you're familiar, but in 2011 Palo Alto Unified School District sent out a survey to all youth in the School District. For the purposes of this presentation, we focused just on the high schools numbers. The lowest asset that was identified was the community values youth, only 22 percent of high school students had that asset. That's something that we as Community Services Department in the City of Palo Alto can significantly impact. In this program, we wanted to see if Bryant Street Garage Fund, because of all the relationships that we're building with

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the teens through the program, how it would impact this asset in particular. You can see it did impact it in a significant way. On the left-hand side column, you'll see the 2011 results, what percent strongly agreed with the statement or agree. On the right column, you'll see what percentage of students agree with the statement. There's a significant increase from 2011 to the Bryant Street Garage Fund participants. We're proud of that asset. We definitely want to continue to build on that success and expand. Also, the next piece which is actually my favorite statistic is 100 percent said that they were able to build positive relationships with adults through the project. It's so important for teens to build positive impactful relationships with adults in the community. That is one of the main outcomes of the Bryant Street Garage Fund grant program. From these testimonials alone, you can see that teens built relationships with the business community, with CBOs and with Staff at the Teen Center. They felt valued and, I especially like this quote from the last paragraph, "It's really cool how us, the teens, were able to work on the same level as the adults. We were essentially peers, treated just like adults or even leaders, which was really cool and made us feel like our ideas mattered." That's another, like I said, key indicator that what we're doing is working, that we have something here and want to continue to build on it. I think that quote was from William. We're going to do kind of a transition here. That was one piece, what we've done and what we've launched and the lessons that we've learned from the Bryant Street Garage Fund grant program. We also have this other kind of topic that we've been trying to wrap our heads around, this reserve. There's a significant amount of money in a reserve fund. It's in the Staff Report, over \$300,000.

Mr. de Geus: It's about \$321,000.

Ms. Kortsen: There we go. It's a significant amount of money. We want to make sure that what we do propose is something that the teens want. We wanted to make sure that we did due diligence in researching that. In talking with Karen Kienzle, she has a lot of experience in kind of the design-thinking process, so she helped us kind of embark on this.

Ms. Kienzle: Thanks Lacey. We use design thinking a lot at the Art Center. My MakeX colleagues will know that design thinking was really an integral part in the kind of design of MakeX. We used a design-thinking tool to kind of look at how might we spend these funds in a way that would be most impactful to the community. We first started by developing frameworks, really looking at what are the questions that we want to answer. That was the first step in the process. The most profound step was the interviews. We interviewed a variety of teens. The process was really actually profound for many of us. We interviewed a lot of teens who told us that failure was not an option for them, that they deliberately do not engage in activities

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where they think they may fail. It was hard; it was a really difficult process for us as Staff working with teens. The concept of free time is foreign to many teens. Again, fear of failure and then transportation was identified as a barrier to engaging and participating in programs. Those were key findings from the interview sessions. Based on that, we started to brainstorm and prototype solutions to some of these issues with teens in our community. One of the ideas that came out was a teen shuttle that could provide transportation to various sites in the community that had all sorts of amazing features that would be particularly appealing to teens; an app and game (inaudible) system; kind of thinking about this notion of a failure club, like how could you kind of accumulate badges or participate in new activities and be rewarded for it; an international service learning program; and this idea of kind of an outward bound program we called Adventure Palo Alto. Some of the ideas. We did some awesome building, tons of fun art materials. The MakeX teens know that we have some really awesome art materials in the Art Center basement, lots of fun stuff for prototyping.

Ms. Kortsen: It was a very interesting process. As many of you know that have been through the design-thinking process, it's one thing to kind of prototype a solution and another to actually make it reality. Of all these after we had prototyped them, the one that we felt had the most legs was this teen shuttle. That was a barrier that we thought we could have significant impact on. With that said, in the next steps, we wanted to remove that perceived transportation barrier and move forward with doing this teen shuttle, but then we found out that the Planning Department had embarked on this five-year plan, had hired a consultant and was going to definitely to take the teens' needs into consideration when developing this plan. To avoid a duplication of efforts, we are just going to work with Planning on that shuttle five-year plan and make sure that the teens' voices are definitely heard when putting that together. In the meantime and kind of concurrently, we want to do an outreach campaign that promotes the current free and affordable means of transportation that we have in Palo Alto for teens, whether it is promoting more of the Palo Alto shuttle or creating signage such as you see here that just says how long it will take someone to ride a bike or walk to a certain location. In addition, we want to make sure that teens know about this grant program, that there is funding available for them if they have an idea that they want to see come to fruition. We want to brand the program and really promote and need some funding to do so. We want to continue to do outreach to the teens, to test ideas that we have for spending down the reserve. We realize that the reserve is one-time funding and so we have some things kind of marinating in our brains that we want to test with our teen audience. Finally, we definitely want to develop a more sustainable staffing model. We realize that the originally recommended staffing model of part-time unbenefited Staff was problematic

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for a variety of reasons. The Recreation Division had to recruit three times before finding the current, awesome Staff member, Jose. The Art Center had similar problems finding a quality person. There's just additional challenges of making sure that this highly impactful, very visible position is up to speed, can fulfill the duties of the job. The Library was never able to find a qualified candidate and eventually turned their only program to CSD to manage. As you can imagine, this is a demanding and rewarding job. If we want to continue to invest in the grant program and expand it, we also need to consider investing in the Staff that support it. With that, I'm going to turn it over to Rob for some closing remarks.

Mr. de Geus: I want to say thank you to the Council Members and to the Staff that presented. I think they're doing really impactful work. Thank you to the teens that came out and participated in this. This is great stuff. I think what I appreciate most about the program is that we're trying to intentionally focus on putting teens either in front of or at minimum alongside caring adults so they can follow their passion. One of the things that helps guide us is—we talked about the developmental assets. That's something that the Council's approved as a focus and an approach to youth developmental and the School District has and the YMCA has. It's a common language that we use. It reminded me of something that was written in a book by Peter Benson. Peter Benson started the Search Institute where the assets were developed. He's written a number of books, but he's written on sparks. This is written for parents; I have two teens and so I'm always reading stuff about that. Of course, we in CSD do a lot of work with youth and teens. I'm always trying to think about how we can do better and how we align our work across the different program areas. The idea of finding the spark in a young person and then investing in that, I think, is really a powerful thing. I just wanted to read how it defines sparks here, Peter Benson. He says, "Sparks are the hidden flames in your kids that light their fire, get them excited, taps into their true passions. Sparks come from the gut. They motivate and inspire. They're authentic passions, talents, assets, skills and dreams. Sparks can be musical, athletic, intellectual, academic, relational, anything from playing the violin to enjoying doing service. Sparks when they are known and acted on help youth come to the life-changing insight that my life has purpose." I think that's a really powerful thing, and that's what we're trying to do with all of our youth programs in Community Services, certainly what we're trying to do with the Bryant Street Garage Fund. With that, we'd be happy to answer any questions.

Chair Burt: Thanks. We treaded some new ground tonight for Policy and Services Committee. I have plenty of questions and comments. As a result,

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I want to let you guys go first. Anybody have anything or do you want me to kick off some or what?

Council Member Wolbach: I have a couple of comments.

Council Member DuBois: I have a lot as well.

Council Member Wolbach: I have a couple of short comments but (crosstalk).

Chair Burt: Great. Go right ahead.

Council Member Wolbach: Just a couple of comments. First, I'm glad to see a helmet here with the motorized vehicle. As I think the only Member of the City Council who rides a motorcycle frequently, I'm glad to see you're putting safety first. Don't forget about gloves and boots and everything else too. It comes with storage?

Male: (inaudible)

Council Member Wolbach: Excellent. Yeah, safety first, guys. Also, a couple of the things that were mentioned in the presentation from your surveys about things that might hold kids back or hold youth back from involvement, whether it's a sense that it's too late to start something when you're in high school. I think for adults, we hear that and we're like that's insane or it's a couple of miles away and, as an adult, we're like, "So what? That's not a long commute" or "I don't have time for it." I remember when I was at Gunn, all of those held me back occasionally if not frequently. I sympathize with that, but I think it's important for all of us adults to remember that those really do feel like real barriers to a lot of youth. It's important for us to do everything we can to provide the facilities and the tools, but also the reminder that it's certainly not too late to start something in high school. Two to four miles across town is not too far to go. Time is a resource that's valuable, but worth investing in new opportunities. Failure is a sign that you're courageous, not that you're a failure because you tried something. You have guts. Those are my comments for now.

Chair Burt: Tom.

Council Member DuBois: I'm concerned about the fusion reactor. Also, I don't think we said it, but apologies for being late beginning the meeting here. I had a combination of mostly questions and comments. This was quite a thick packet for Policy and Services. There was some repetition, but I actually did read through it. I'm curious what other cities are doing. Are

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there other innovative examples? When you guys were looking at how to spend this money, did you see things other cities were doing?

Ms. Kortsen: Yeah. We know some cities that have digital art studios. Like in San Jose, they have a really popular digital art studio recording program. A lot of those youth have gone on to launch albums and movies and all that stuff. In addition, we've seen—what's that in San Leandro? Is that (inaudible)?

Mr. de Geus: Yes, the Ashland Community (inaudible).

Ms. Kortsen: The Ashland Community Center has a variety of programs that support the whole person. It's not just recreation, but they have a fitness facility, they have gymnasiums, they have arts programs, they have mental health support, all sorts of things like that. Those are the two that come to mind immediately.

Council Member DuBois: I would say even worldwide, not just the Bay Area. I'm just curious if we looked at that. In terms of—I guess the topic for tonight is kind of funding and planning for the funding. Have you guys talked about explicit goals in terms of number of teens engaged? Do you have other goals like, the things that came to mind were the number of adult mentors. Is that part of the goals? Also, I guess age engagement, are you looking at a range from middle school to high school or is it all high school?

Mr. de Geus: It's a little more focused on high school. I think that's an area where we see the biggest gap. There's a lot of activities for middle schools. We're certainly focused on that. In terms of goals, we're trying to reach—we're trying to get a really diverse range of teens participating. Just like us adults, the teens have different passions and different interests. We want to make it easy for any teen to come forward and let us know what they want to try and figure out how we can help them do that.

Council Member DuBois: You had a lot of metrics. I liked how many teens reached. I think that makes a lot of sense. Financially, is it to make revenue match expenses on a yearly basis? Is that a goal?

Mr. de Geus: It is a current goal. The lease for 455 Bryant Street generates a certain amount, and we've been focused on spending no more than that. We have the reserve that we still need to think how best to fund. The good news is the lease revenue is going up, so that's growing. That creates opportunity. Back to the measurement. The developmental assets is a piece certainly that we look at and measure against a lot. We have teens

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that are filling out questionnaires related to those assets before they participate and then after to see if we're building assets.

Council Member DuBois: Also just reading through this, I had a question like are we leveraging area resources. I don't know, has there been any attempt to reach out to the Stanford School of Education in terms of getting people involved or is this really more focused to be teen-led, teen-driven?

Mr. de Geus: Teen-led, teen-driven. We really looked back to the Youth Master Plan which is ready for an update. It's over a decade old. It's still really relevant actually in terms of its goals. It was discussed with the Youth Council at that time whether to give up that Teen Center (inaudible) or not. It was very specific, and it's in the Plan that the monies are for programs for teens, by teens. It was very much focused there, so we built the program around that.

Ms. Kortsen: Within the individual programs, we occasionally need to reach out to the business community or to our nonprofit partners to get support, depending on what they want to see happen. It's like clickPA, we're partnering with Microsoft. William with Project Enybody partnered with the Chamber of Commerce and the Palo Alto Medical Foundation. Within the individual projects, we do reach out as needed.

Ms. Kienzle: Along those lines, for the initial kind of setup of MakeX, it involved actually tours to maker spaces all over the Bay Area. The Born Lab at Castilleja, the Fab Lab at Stanford School of Education, the Crucible, IDEO. It was really an opportunity too for the teens to kind of see what's out there. That was really the foundation from which they created their own space.

Council Member DuBois: I just didn't—go ahead.

Mr. de Geus: I should add too that's a really good question, Council Member DuBois, about the outreach and the rest of the community and even the business community. Chair Burt has asked a similar question. How do they start engaging with this program? I think there's a lot of opportunity there. It's a little bit like a startup; we're still trying to sort of figure it out. We thought initially it would be with hourly Staff and then teens working there. That's worked really well in one area, but not in other areas. How do we rethink that with the staffing model or for a partnership model with businesses being the mentor for the teens potentially, as an example.

Council Member DuBois: It also struck me that the connections to ROPES Project, I don't know if they're aware, if you promote to them. A student

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could actually submit an event as their ROPES project and have a goal of engaging more teens. Again, that's eighth grade. I did notice the Youth Master Plan was a little out of date, but there were still a lot of good ideas in there. The world's changed a lot since then too. I did have a question of is it worth spending the time to update the Plan or do you want to have a bias for action and start doing things? You could spend all your time planning and updating the Plan. Again, it is a little old. One other reaction I had on the branding and spending money on branding was why not have the teens do the branding as a project.

Mr. de Geus: Absolutely, right.

Ms. Gaboury: I think (inaudible) to the branding is that the focus isn't just on the activity of branding. The branding speaks to a bit of your question of what our goal is. In terms of less about the specific number of teens and more that we make sure the project is available to all teens. Part of the branding is that we make sure that all teens know about the project. That's definitely our goal, that every teen knows that they have that resource and that they can feel like it's easily accessible to them.

Council Member DuBois: I just thought it was an area that the kids could get really creative. Maybe money is not what's needed; it's just ideas on how to do that. Also I guess part of the branding is, is Bryant Street Garage Fund still a relevant name.

Ms. Gaboury: That's been brought up in the meeting.

Council Member DuBois: I was trying to follow the finances, and they were spread out a little bit. I think in the current budget there was time for, at some point it said like three hourly people. I was trying to follow up with is the money that was spent on those three almost equivalent to the one FTE. Is that right or wrong?

Mr. de Geus: Originally we were planning a budget around \$84,000 with \$20,000 in three locations with three hourlies being paid \$20,000 annually. The remainder would be split three ways for supplies, materials, contract services, things like that. A full-time Program Assistant—if that is something that we end up thinking is the right thing to do among all the other potential needs that the department has and the City has, and we're not really there yet—is I think \$108,000 or somewhere around there. It's higher than 84.

Council Member DuBois: It's fully loaded, right?

Mr. de Geus: Yeah, that's a fully loaded, benefited person.

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Council Member DuBois: That 60 would be replaced by that?

Mr. de Geus: As we looked at it, just as an initial sort of review of how we might fund that, the thinking is we need to find a way to fund it. To just come forward hoping that we can fund it out of the General Fund is unlikely. Take some portion, maybe 50 percent of the annual revenues that come from the lease toward a full-time position plus temporary salaries that we would then save having positions at the Teen Center to help fund a position, and then the remainder, support from the General Fund to cover it. Again, we're still sort of evaluating it. I will say that it's very much about relationships, the grant program in particular, having Staff that stay for a while and there's not turnover. It works because if you have good people, it works. You don't and it doesn't.

Council Member DuBois: It looked in the FY '17—I'm just trying to find it. You're still planning to have grant money, right? I guess I didn't see it in the total, but I assume it's still there.

Mr. de Geus: We definitely would have grant money to support the position, so that the teens can actually access some funds and get things off the ground.

Council Member DuBois: I had a question too about kind of the ongoing projects versus one-time projects and how you balance that. I guess once you have a lot of ongoing projects, you've kind of committed your grant money for the year in a way. How do you trade off how many one-time projects you want to do?

Mr. de Geus: It's another area of discussion among the teens. As things are successful particularly a grant program, MakeX is an example, ClickPA is another one. These are so successful they're not only staying around, but they're growing. They have great opportunity to grow. This fund isn't endless, so how do we continue to support that? You can see what could happen is that we end up having two (inaudible) let's just say seven great programs that develop like that, then it ends up taking all the money and there isn't money for new things or for teens that want to try something. That's a challenge we need to figure out. We don't have an answer for that yet.

Council Member DuBois: Have you had an ongoing program survive the high school graduation of the founders?

Ms. Kortsen: ClickPA, yeah. Then MakeX, a lot of them are graduating.

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Council Member DuBois: On the shuttle idea, it was also kind of striking that—first of all, it was more than transportation. It was a fun shuttle, a lot of customization. The next paragraph it says the Palo Alto shuttle stops running in the hours that the teen shuttle will be needed primarily, a lot of it. It seemed really obvious could you do some kind of customization where you turn the existing shuttles, you flip them into teen mode. Maybe the decorations could be taken in and out, the karaoke machines brought into the shuttle.

Ms. Kortsen: We had a lot of (crosstalk).

Ms. Kienzle: (crosstalk) over here at our (inaudible).

Council Member DuBois: Again, you don't have to buy a new shuttle which is a big expense. You have these shuttles that aren't being used on the weekends or in the evening.

Mr. de Geus: We completely agree. We think there's an opportunity with the existing shuttle program that can better serve the teens. We also think that this barrier to being able to ride back and forth is actually not merely as much of a barrier as maybe what the kids think. Council Member Burt knows just because he rides a lot, it's very rideable, Palo Alto. We've got several great boulevards. If we invest in some marketing around that with the teens, then we will see a change in perception.

Chair Burt: My standard line now is I might have driven it if I had time.

Council Member DuBois: My understanding is it was like 15 teens that participated in those prototypes. How much weight do we give to those ideas versus doing some more focus groups? Again, it looks like the ideas have changed over the years. Some of the earlier things I saw were ski trips and dances. The newer things are the shuttle and the app challenge thing. I did have a question of how much weight do we give to the initial prototyping session you guys went through? For instance (crosstalk).

Chair Burt: Tom, I don't know if you saw, but in 2014 we had a survey of 541 folks. For the 2015 one we had, if I understood it right, like 15. Out of that 15 was where the shuttle emerged. It wasn't out of the 500.

Ms. Kortsen: The survey, actually 25 percent of those that took the survey identified transportation as a barrier to participating in programs in Palo Alto. That's where we initially were like, "That's an issue."

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Council Member DuBois: You sent the survey to (crosstalk).

Ms. Kortsen: So we'd bring it up in the interviews.

Chair Burt: Yeah, I would love to see that focus group and understand why the bike doesn't work. I just don't get it.

Council Member DuBois: I was going to go the other way, which was to caution of relying on Planning and Transportation, because it didn't seem to be about transportation, it seemed to be about a fun mode. A lot of it seemed to be more about having this kind of teen-centric transport, not just getting on a shuttle.

Ms. Gaboury: Engagement, it's basically about engagement.

Council Member DuBois: I guess I've talked quite a bit, so I will stop there.

Chair Burt: Marc.

Council Member Berman: First of all, thank you guys all so much. Thank you to Staff for the work that you guys have done. Thank you to all the teens that came tonight to kind of show off what—I lost her—you guys have been working on. You guys described the grants program as kind of an incubator-type thing. You guys all know that the owners of the incubators take a percent of equity, right? Have we worked that out? Do you have a funding opportunity? This is awesome. Midway through the presentation, you guys brought up the developmental assets, but that was the first thing that came to my mind when you guys were all presenting and telling us other things that you guys are working on and the fact that you're working with students who are younger than you. You're mentoring them and providing a really good example to them. Having grown up in Palo Alto like Cory, I remember students that were just two or three years older than I that when I was a third grader and they were a sixth grader, that's a big deal. They'd kind of look out for me and just show me the way on something. That's something that really sticks with you as get older, the opportunity that you guys are having to work with adults in the community. I was really excited to see the kind of poll results on some of those questions, because I think that's incredibly important. If it's something genuine around something that you guys are really passionate about, I think that's a great opportunity. A couple of questions that I had. It looks like you guys are talking about increasing the funding—using the reserve to increase the funding about 25K for the grants program, taking that from 18K to 43K approximately, which I think is great, because it seems like it's really yielded a lot of good results. How many people have applied for grants?

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That might have been deeper in here that I didn't get to, but I didn't see it. Approximately, I don't need an exact number. How many folks ...

Mr. de Geus: (crosstalk)

Ms. Kortsen: No, we have—we generally don't deny. What we do is we work with them to massage their proposal (crosstalk) until it's approvable.

Council Member Berman: I saw that, Staff, which is great.

Ms. Kortsen: We haven't denied anybody.

Council Member Berman: To what extent is there interest amongst the teens, and to what extent would it work, to have teens be involved in that approval process? I noticed that right now it's mostly City Staff or all City Staff that evaluates the proposals. Would that make sense? Maybe I ought to start out there as an idea, not necessarily something that you guys have to reply to tonight, but something to consider.

Ms. Kortsen: Our initial idea when we first were creating the grant program or wanting to pilot it is that the potential Teen Council would serve as kind of the approval committee with the Teen Services Committee supporting it. That Palo Alto Teen Council doesn't meet in the summertime and they're working on significant things during the school year, so we've had to pivot from that a little bit. It's still something that I think would be valuable (crosstalk) if we invite some of the teens to come onboard.

Council Member Berman: If it works, great. I was also excited to see that your initial assumptions were that a lot of the proposals would come from the organized groups in town, but that hasn't been the case, which I think is great because it means that we're pulling in teens that aren't necessarily already involved which is really great. Transition plans. You mentioned that there are a lot of seniors currently involved. Do you guys have plans like at the different programs to transition this on to freshmen or sophomores or juniors or whatever the case may be? It seems like this has definitely been really positive. I'm getting a lot of head nods, so I'm guessing yeah.

Mr. Zhao: Our current board is around 20 Gunn and Paly members. We recently finished recruiting for the new year and a large focus—obviously I'm graduating next year—has been looking to recruit underclassmen. We currently finished elections, so our vice president for this year is a junior. When I go on, we'll have another person to take over. I definitely this year tried to give a lot more—just kind of take a step back and let my group do more of the work so that when I'm gone it can still sustain and run itself.

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Council Member Berman: Having just transitioned out of a job, that's smart, or else you get a lot phone calls once you leave asking you a lot of questions.

Chair Burt: This is Project Enybody?

Mr. Zhao: Project Enybody.

Council Member Berman: I guess one comment. I had a couple of questions that I might remember as we go on. I was really sad to hear that this whole failure is not an option mentality. If you think about it, you guys know Silicon Valley was built on failure and it was built on a willingness to try something out and fail or try something out and not get it perfect at first and iterate and make it better. That's in our blood. That's who we are. If you ask anybody who's been successful in Silicon Valley, I guarantee you they can show you five times where they failed before they got where they are. You guys clearly who are here today aren't afraid of failure. That's why you tried the thing that you tried. Make sure to remind your classmates and peers that failing is half the fun of life. It's not permanent, so don't be afraid to throw yourself out there at some point without a safety net. That's when the coolest things might happen. You guys aren't necessarily looking for approval from us on anything tonight. This is an update and giving us a heads up on what you guys are going to probably be proposing for the 2017 budget.

Mr. de Geus: Correct.

Chair Burt: We're supposed to give feedback as well.

Council Member Berman: Yes, yes. The feedback that I would give, I guess, at this stage—I'm just looking for that part of the Staff Report—is I'm glad to see that you guys are increasing the amount for grants. I think that seems good. I'm not surprised at all by the report back in terms of staffing. I think we found a similar problem with Project Safety Net. To the extent that we can have a further conversation about that and see. I don't know what would work for—is this a program that needs a full-time Staff member? Would a half FTE or three-quarters FTE be sufficient? Just things to consider and that we can talk about. If it needs a full-time FTE, don't be afraid to say that. I'm just trying to figure out ways that we can do something that's sustainable and that won't eat up the entire reserve on that. I think the idea of getting students involved in the marketing campaign is great. That's pretty much the comments that I have for now. Thank you guys.

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Chair Burt: Let's see. I have a few things. One is when I was looking at the survey from 2014, some of it resonated to the survey that went all the way back to when essentially the Bryant Street Garage Fund was created. For those who don't know, it was created on paper, and it didn't exist for what? About eight years. Essentially my wife found it under a rug. Some of you may know her, Sally Bemus who had helped started clickPA and a couple of other things. She was bugging me why we can't have a Teen Center Downtown. Our teens had said, "That's what we'd like." We had a Teen Center Downtown a decade ago. It's where the Bryant Street garage was built, so there's an agreement that the funds from this commercial part of it would go back into teens. The teen group at the time—I'd like to go back and kind of re-look at who was surveyed and how we came up with whatever we did. Basically that group said that they'd prefer not to have another permanent location Downtown. This was a place Downtown that was a complete teen hangout, open Friday and Saturday all day and Sunday in the afternoons, and had up to 175 kids a day attending. It was a pretty good success when it happened. When the garage opened, initially there wasn't any positive revenue to go into the fund. For several years, it got forgotten about. When we started digging into it, we found that there was a pile of cash accumulating on the books somewhere. That's how we got it back going a couple of years ago. One of the things that I saw was out of last year's survey a lot of interest for—the descriptors were things like self-directed, socialization and verbiage like that that basically sounds to me like teens being able to hang out and not have highly structured time and have fun. I want to make sure that we're looking for those opportunities. The Mitchell Teen Center was conceived of as a place where a lot of that would go on. I don't think we've hit a rhythm on that yet. It's called The Hangout, but it's not where teens go to hangout. When I go by there, it's not packed. Do we have the additional staffing onboard yet?

Ms. Kortsen: We received the funding, but we've had difficulties recruiting quality Staff to fill those positions. We've recently made a couple offers, so they're going through that process right now, the fingerprinting, backgrounds checks, things like that. We hope to open up on the weekends by the end of this month. It was a significant challenge of just getting quality people to apply. We had to work through those.

Ms. Gaboury: Just if I could add?

Chair Burt: Yeah.

Ms. Gaboury: Also, another thing we've done is we've been collaborating with the other existing teen groups. The Teen Arts Council is going to be taking sort of more and more of those nights on themselves. In addition to

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their Wednesday night meetings, they're holding open mike nights, they're holding movie nights. We're using existing resources to fill up that time.

Chair Burt: Stuff like open mike and that, that sounds like a real natural.

Ms. Gaboury: The teens are really excited to be there and do those things. That's already happening.

Chair Burt: Now are we still charging a \$25 fee for teens to be able to use the hangout?

Mr. de Geus: I don't believe so.

Ms. Kortsen: No.

Chair Burt: It's still on the website I think.

Mr. de Geus: Is it?

Chair Burt: Yep, I think so.

Mr. de Geus: We'll have to fix that, because we (crosstalk).

Chair Burt: Good, glad to hear it. Kind of along the lines of having space where we've got the open mike, but what I really liked is this concept of a digital art studio. Is that being conceived of for Mitchell or where would it be located or has that been figured out?

Ms. Kortsen: That is just an idea right now. We're still in the exploration phase. We wanted to check that out with teens, see if that's what they really felt was needed. I know the initial feedback we received is that there's a couple other places in Palo Alto that already offer similar programs. Again, we're still exploring to see how ours might be different, how we could fill in gaps without duplicating services that are already being provided.

Mr. de Geus: I think there's more work we need to do there. This is the feedback I've heard from the Director of the Children's Theatre, Judge Lackey, as well who's very obviously supportive of the performing arts in Paly and their theater program. There are some pretty nice assets already in town. He didn't think that was necessarily something that we would do or need to invest in. It's something we're looking at.

Chair Burt: The kids I've known who were doing their own music, it's different to taking classes at school and going to a place where you can

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drop-in and do your own thing. I think it's real appealing. When we look on the movie side, you could have both those things integrated. One of the concerns I've had about Mitchell Park Community Center—I want to say that because we've got a bunch of these rooms that are just great rooms at the, I'll call it the southwest end of that. They're primarily rented out for income. I haven't understood how we morphed into spending tens of millions of dollars on a community center so that we could rent them out to private parties for income. At first, I thought maybe that income is going to Community Services to fund other stuff, but it goes to the General Fund. I don't understand why there's been this pride in getting all this revenue return for those rooms, rather than really making them available for youth and things like that, whether it's a recording studio or whatever stuff. We have the maker space over at Cubberley, and I had been asking why isn't it there. That would really make the Teen Center have this synergy between—if you had a recording studio or a digital arts studio and a maker space and the Teen Center. That place would be a beehive, I would think. Instead we're using these great new rooms to rent them out to private parties.

Mr. de Geus: The Mitchell Park Community Center hasn't been open a year yet, so we're still learning a lot about the use of it. I think you'd be surprised to learn who's using it. It's not primarily sort of private, for-profit groups. There's a lot of community groups that use it and meetings of Staff across the City are using it for classes and programs. I think that's actually the majority of use. The revenues generally come in from the bigger events that happen on weekends. It's a very popular space for weddings and life events.

Chair Burt: I'd still question we ought to be pushing the maker space off to Cubberley in a real limited space, or having that and this potential digital art studio right there at the community center. That's, to me, what a community center is. Give them the good, quality space. If somebody wants to rent a room at Cubberley, let them to do that. When we as a community committed those tens of millions of dollars, it wasn't to rent it out.

Mr. de Geus: Those rooms were designed to be flexible spaces, so they could be used for (crosstalk).

Chair Burt: Flexible is great; although, part of flexibility might be recognizing when we put that ballot initiative, nobody was talking about maker space. There's flexibility, responding to emerging interests and trends that the kids have and adapting to that. I'd say that's flexible as opposed to rotating within a week. I want to see more discussion come

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back on how to utilize those. You guys know those rooms. How would you feel if you had those available?

Mr. Ji: I actually use the rooms a lot for (inaudible) programs and Palo Alto Youth Council. I really like the spaces. I think it'd be really interesting to move maker space, for example, or any of the other youth-involved programs into the Mitchell Park Community Center. The Bryant Street Garage that you mentioned that used to be here had up to 175 teens up there. I think that adding some facilities that like interest different groups of teens would definitely attract different groups of like teens (inaudible) myself. We could have artsy things going on, maybe theater. We could use the big rooms for presenting things or maybe we could have activities going on with the soccer fields or outside or maybe some kind of sportsy thing using the basketball courts, etc.

Chair Burt: I can see once you're all there, you might float from one thing to another.

Ms. Kortsen: There's something I want to say on that. We do have over 30 classes that we offer for all ages through the Community Services Department, from the Art Center, Children's Theatre, from the Recreation Division. In addition we did tour the Oak Room, one of the rooms at Mitchell Park Community Center with the MakeX group, with a couple of the mentors and offered it up to them as an option. For the summer, they could have it completely on their own. They actually preferred the Cubberley space, because it's their room, they get to keep all their stuff out there. They have a lot of bulky equipment. It's just they felt that that was a better space for them at that time. It is definitely something that I'm interested in exploring, even if it's just a portion of the program coming over to the Mitchell Park Teen Center. I think there's a lot of synergy there.

Chair Burt: What I just heard you say there is that part of what they cared about was not being itinerant there, where they came for the summer and could take half their stuff or whatever. I think it may be that doing it halfway wouldn't work very well. I'm not sure what the answers are, but I think a starting point needs to be that those community rooms around the Teen Center should be reconsidered in how to make best use of them. I'm not saying I know what that would be, but I think we should have a real open discussion with the teen community. If they weren't handcuffed by saying, "You could only do this much. What would you value on these?" To experiment some on this too.

Ms. Kortsen: If it was up to me, I'd have the entire facility be for teens. Unfortunately, we hear from all ages all the time. Seniors wish that they

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had a room that was dedicated to them for their table tennis all day every day, for bridge playing and things like that. We hear the feedback from everybody at all times. We have heard the specific feedback that too much stuff here is for teens, there's a teen place in the library, there's a teen center in the Mitchell Park Community Center, everything's for teens, what about for adults, what about for my young child, what's at this community center that's supposed to represent the entire community, what is there for me.

Chair Burt: I'm all fine with that. I just want to make sure that we're not using these rooms for income purposes principally.

Ms. Gaboury: I think we can speak to it also that when we've needed to use the space at Mitchell Park, it's been very much available to our teens who need it and also to the grant program teens. Many of the granted activities have taken place at Mitchell Park. That idea that there be these projects that are about unplanned and low pressure kind of things that came from that 500-person survey is a lot of what led to this grant program, so that they could just come up with an idea, that it could be about the bowling and the pizza, and that we give them a space which has really been available at Mitchell Park.

Mr. de Geus: In the process for renting out those rooms, we do have sort of a hierarchy of who goes first. It is all of our programs first, recreation program, arts, CSD programs, Citywide programs, our nonprofit partners that are working here, and then those that need to rent space.

Mr. Ji: I just to say that for the other Bryant Street Garage programs that work with Jose, we've all been able to use that space really efficiently. I've run my car bowl in the courtyard at Mitchell Park Community Center. Will ran his Green Fest also in the courtyard. I think the Usher movie was also held there. I think that being able to use this space for Bryant Street Garage is already really helpful. I just think that maybe we don't need to bash a little bit about not being able to use it for teens. I think that we just need more teens to understand that this space can be used for them.

Chair Burt: This digital recording, what's the next steps on exploring that?

Mr. de Geus: I think we need to talk to more students, more teens and enlist Marieke and Judge Lackey on this topic, talk with the School District and really understand the sort of inventory of digital spaces that are around. I do agree that having a space outside of the school actually can be really powerful and much more fun and interesting for teens. It's something that's still on the table. We just need to understand more. We need more data.

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Chair Burt: Tom was mentioning kind of looking at other best practices and not just thinking about locally. It made me think about we have three great Sister Cities that I know have really strong teen programs in Sweden and Netherlands and Germany. They have really great teen programs. We're always looking for ways that we can share best practices. They might be a great resource on that. They love to collaborate. I mean they've wanted to collaborate with us and offered things that we haven't taken advantage of.

Mr. de Geus: It was terrific seeing the delegation of Enschede here just the other week. We've connected with them on Project Safety Net, because they've had some issues around teen suicide in their community. Thank you for that suggestion.

Chair Burt: I agree that the Bryant Street Garage is not the greatest name, but why don't we just drop Bryant Street and just call it the Garage Fund. That's a little edgier. I don't know what the teens would feel about it, but it's wouldn't be a radical departure. It's still coming from the garage.

Council Member Wolbach: It could be your garage band or your garage startup.

Chair Burt: Yeah, that's right.

Mr. de Geus: I think we should let the teens name it.

Council Member DuBois: (inaudible) teen center or something like that.

Chair Burt: On this transportation issue, I guess I need to—I don't necessarily need to know tonight—understand if you're waiting for a shuttle, I don't know how long it takes. Unless you're lugging around a big amp, you can get pretty much anywhere in the City in maximum of 15 minutes by bike, then you can go wherever you want whenever you want. It was really interesting that sign that I thought, "Wow, I haven't seen that. That's a really cool sign." It answers the question of why didn't we think of just getting on a bike and riding wherever we want to go.

Ms. Gaboury: I think the piece to keep in mind about that is the engagement piece. You can get on a bike and you can do that, but a lot of what we've been talking about is how to get the kids who aren't already doing it. This piece that actually draws them into something and provides something. A lot of this is about when we talked to our teens in the Teen Arts Council and we said, "What would you want?" They said, "We want something on a Friday night that maybe goes to 10:00 or 11:00 at night,

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that doesn't have any middle school kids." Sometimes that isn't the best time to ride a bike through the streets or in the winter. We're looking for something that actually becomes part of the fund and actually is an activity in itself, I think is the idea of the shuttle, that really incentivizes as opposed to just facilitates.

Council Member DuBois: (crosstalk) party bus.

Chair Burt: When I'd heard this issue, at first I thought, "Let's adjust our shuttles." The more I thought about it, the less I became convinced of that. As far as the riding in winter, we have our Sister Cities that have up to 50 percent of their transportation by bike. Their line is there's no such thing as bad weather, just bad clothing. Anyway, we'll see. The other thing about how to staff things. I want to make sure that as many of the dollars go to teen-directed programs as possible. As great as our Staff is, I'm real hesitant about shifting too much of this fund toward a permanent Staff position. This goes into kind of my final point is how do we leverage our resources. Talking about on the MakeX space on potential corporate sponsors for equipment, we think about companies in town that are just engaged in this kind of stuff. We have IDEO, we have other design companies in town that are really renowned. We now have the Global Playground that is this huge incubator of hardware, and a bunch of other big companies, I think, would gladly just help this maker space and give a lot of resources. The other thing too is if you're looking at staffing it, I'm not sure that we couldn't have volunteer staffers that would cover a lot of that staffing for the maker space. One of the things that I thought was great, that I learned tonight, is the kids don't feel like they need the adult mentors there. They're teen mentors to younger teen mentors. That's fantastic. I don't want us to get in their way, but be there for—of course, we have to have some kind of adults around for whatever kind of emergency and those kinds of things or whatever is needed. I'd like to see us look at doing more of that. Rob and I have talked about the youth collaborative that was doing a lot on just having chaperones be there in the background for whatever youth dances or events and things like that. If we had to hire Staff to do all that, we could never do it.

Council Member DuBois: Could I comment on that?

Chair Burt: Yeah.

Council Member DuBois: I heard what you said about retaining good people when you have them. It sounds like you have a good person that you want to retain. I think I disagree with Pat on that, just in terms of keeping that program going. One thought I did have though; I don't know if you've

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looked at does it have to be City Staff or could it be an independent kind of contractor. I don't know if that's an option

Mr. de Geus: We're looking at all options. It does take time and sort of a caring adult. Even with the program that you're talking about, Chair Burt, where we're connecting with businesses and others, I can see that potentially working, but someone needs to manage that and create those relationships and build them.

Chair Burt: The youth collaborative didn't have basically Staff management. It was a whole bunch of volunteers that made a lot of stuff happen. When we had the success report of Project Safety Net two years ago that came before the Council, the vast majority of the things listed as successes came out of the youth collaborative. Then it was disbanded. We could talk more about this as a follow-up. I'm not convinced that the only way for us to be able to have resources is additional full-time Staff. I'm not saying that's a big part of the picture, but I think we tend to get into what is a mindset within organizations that ...

Mr. de Geus: Always staff.

Chair Burt: Yeah, that's the way to do it. I think in some examples we've dropped what we had in the past in terms of some great volunteer resources that we're not presently taking advantage of.

Mr. de Geus: I was very close to the youth collaborative, and we had Staff on there. We probably have a little bit of a different perspective on its effectiveness. We certainly had our Staff on there that did a lot of those programs that actually got them across the finish line. I would say that some of the programs that we do with the grant, they're individual kids that come and they just need someone to help them, get them across the line. That's not always a volunteer or a business leader; it's a ...

Chair Burt: No, I didn't say always. I'm just saying that we want to strike the right balance. I'm not sure we have the right balance now.

Ms. Kortsen: I did also want to clarify that the MakeX program is very unique in that they are kind of a self-run, self-contained, great success. Every single other Bryant Street Garage funded program needed that mentorship for that idea to be massaged and given direction and come to life. Every single other program. They needed significant (crosstalk).

Chair Burt: I think our Staff in this area is great. I don't think Staff is the only way to do this.

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Mr. de Geus: We agree with you there. We will look at all options. I guess we're a little sort of hesitant because it's growing, and it's growing fast. We can see it getting bigger. If we want to fund more grant programs, we're sort of at capacity in terms of our ability, so we have to find another ...

Chair Burt: That's right. What I would say is step back and maybe think a little differently, not just we scale it, we add more Staff. That's what we do. Maybe that is the right thing to do, but I don't think it should be the only thing considered.

Council Member DuBois: One last comment. I think we should watch the clock; we have some other items. I would rather see you guys spend the money, spend it well, but I don't think it sitting in a reserve is doing anybody any good. That would be my comment, to spend some more time planning, but let's figure out how to get moving.

Chair Burt: Cory, you had something else?

Council Member Wolbach: Maybe I was missing it. It looked like your Fiscal Year 2015 expenses, you said it was about 115 grand. 2016 revenue was only 108 or round up to 109,000.

Mr. de Geus: I think the 115,000 for '16 includes, I think, \$20,000 in contingency for those things that may still come up before the end of the year that we want to invest in. We'll bring back ...

Ms. Kortsen: (inaudible) funds.

Mr. de Geus: We had some unspent funds from 2015 that rolled forward.

Council Member Wolbach: The reserves, there's not a lot going into the reserves currently.

Mr. de Geus: it's whatever we don't spend the year prior.

Council Member Wolbach: That's all it is. It's just (crosstalk).

Mr. de Geus: We keep it; it doesn't just return to the General Fund. We feel some sense of urgency about spending it too, because kids are growing up and they don't get to take advantage of it. If they could take advantage of a digital studio and that's what they want, let's build it.

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Council Member Wolbach: I guess what I'm kind of getting at is—actually I did notice that some of the things you were highlighting is potential ways to spend the reserves were things that would have lasting value. Of course, we never want to get in the habit of spending one-time funds or reserve funds for ongoing expenses. We want to think sustainably, both about how we grow the program so that we can support what seems to be something growing in popularity whether through Staff or volunteers or possibly through both. I also want to have that same mentality, planning to be sustainable in our funding. I think Council Member Berman earlier alluded to if you need more funds at some point or you think you need more funds, at least don't be afraid to consider that or talk about it. If it's a valuable program, it's worth supporting. If we, it can be self-funded and self-contained, that's great. It's just kind of like performance goals and performance metrics. I think it might be useful to continue to think more about things like you talked about diversity of engagement, so diversity of young people engaging, also the number of participants and also the number of adult mentors as appropriate. I do think that there is a lot of opportunity for people in the community to serve as mentors. On looking for nonprofit partners, looking for mentors, looking for corporate partners, fundraising, things like that, those might be things where the students might want to do that themselves, have somebody mentor them, how to do a fundraising pitch or something like that. I understand Council Member Berman has lots of free time and has some experience in fundraising.

Council Member Berman: Always happy to help.

Council Member Wolbach: Sorry to volunteer you. I'm joking with Marc, but in general that might be one more way that the students, as they continue to be the leaders of this, can build upon what's already there. This question about what stands in the way of young people biking across town, what stands in the way of a kid from south Palo Alto going to something Downtown, just speaking to my experience, it was a couple of decades ago at this point, but I think it's really about psychological and social barriers, not about physical and weather barriers. The more that we can do, whether it's signage or communication, encouragement, all of the above, and of course our continuing investment as a City in our bike and pedestrian planning to remove those psychological and social barriers to biking across town and otherwise getting across town are really important.

Chair Burt: Thank you very much. Have you got the feedback you need?

Mr. de Geus: Yeah. Thank you for all that feedback. Very, very helpful. We're going to continue to work on the program. We'll be back during the budget season to talk a little more about it. I would say if you're interested

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in visiting the Mitchell Park Center during the afternoon when teens are there or the MakeX maker space and talking to the teens just to get a better sense of what's happening there, that'd be great for us. We can continue the conversation.

Chair Burt: Great. Thanks and thanks to everybody who came.

Council Member Berman: Thank you.

Ms. Kortsen: Thank you.

NO ACTION TAKEN

3. Provide Direction Regarding Expanding Smoking Ordinance to Include E-Cigarettes, Change Signage Language, and Include Additional Enforcement Options, Restrict Sales of Tobacco, Direct Staff to Draft Changes to Include Smoking Restrictions for Multi-Family Buildings, and Direct Staff to Support Increasing the Age for Tobacco Sales.

Chair Burt: Let's go ahead and proceed on Item Number 3 which is to provide direction regarding expanding the Smoking Ordinance to include e-cigarettes, change signage language, include additional enforcement options, restrict sales of tobacco, direct Staff to draft changes to include smoking restrictions for multifamily buildings and direct Staff to support increasing the age for tobacco sales. Those are all the subtopics tonight.

Ed Shikada, Assistant City Manager: (crosstalk) follow-up items based on the prior Committee discussion. Kirsten, I'll hand it off to you.

Kirsten Struve, Environmental Control Program Manager: All right. Kirsten Struve, Public Works. I wanted to introduce all the people that are here to support this item. We have two Staff from the County, Jill Stephens and Joyce Villalobos. They're from County Public Health Center for Chronic Disease and Injury Prevention. We have Liz Williams, Project Manager for Americans for Nonsmokers' Rights Foundation, and Professor Shick who is an Assistant Professor of Medicine at UCSF. You had a lot of questions the last time, so we thought we'd bring some experts, because I'm not it. Phil Bobel will be joining us as well. We have our legal team. We'll have a brief presentation, and it will be a presentation by both City Staff and the experts, but the experts will then also be available for questions. In terms of the outline, we'll talk a little about the background, the draft ordinance that was Attachment A, tobacco retailer licensing, and then the response to your questions from May on multifamily smoking restrictions, and our recommendations. The background was that we were last here in May and were directed to include e-cigarettes into the Smoking Ordinance. We

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presented the survey results on multifamily properties, and we discussed potential restrictions of sales of tobacco products and retailer licensing. We'll go through all those issues one-by-one. The draft ordinance is attached. It now includes e-cigarettes anywhere tobacco is currently banned. In addition, we made some minor changes to the signage language and included two additional enforcement tools, because the current ordinance has only a misdemeanor as an enforcement tool, so we're adding administrative citations and infractions. On tobacco retailer licensing, you directed us to pursue that. However, we found after internal coordination, that it was not feasible with existing staffing levels. Our preferred approach is to continue discussions with the County of Santa Clara. In San Mateo County, the Public Health Department of San Mateo County administers tobacco retailer licensing programs for its cities. We are discussing with Santa Clara whether they could start something like that and us be the first ones. The other options would be use of the Zoning Code; however, that would have similar staffing concerns too, just having a tobacco retailer licensing program. It's not used very often. Indoor smoking restrictions. We'll address your questions. The first two related to engineered protections to prevent migration of carcinogens and the cleaning processes that might be used to convert residential units from smoking to nonsmoking and how potentially harmful materials are transferred and in what amounts they become dangerous. That's why we brought our experts. We'll start with Professor Shick to talk about third-hand smoking and then Liz Williams will talk specifically to these questions as well.

Suzaynn Shick: I'm told that you used the term environmental (crosstalk).

Chair Burt: Is the mike on? I think it has to be.

Ms. Shick: Terminology wise, environmental tobacco smoke, I refer to it as secondhand smoke. It's semantic. It helps us distinguish what we are now calling thirdhand cigarette smoke. Thirdhand cigarette smoke is relevant to cleaning and also to exposure of people in both indoor and outdoor spaces. Thirdhand cigarette smoke is essentially the semi (inaudible) organic compound phase of cigarette smoke. Broken down, that means the tar and the nicotine, both of which stick to surfaces much more rapidly than they are removed by ventilation. In most places when you smoke, about 80 percent of the nicotine from a cigarette stays in the room. It can also stick to surfaces outdoors and also to people. That's the smell you smell on a smoker, thirdhand cigarette smoke. Chemically, thirdhand smoke can persist for months, days and years. It depends on which chemical, but that fraction contains a lot of carcinogens. Once it sticks, it doesn't necessarily stay stuck. Nicotine particularly is very—it has a vapor phase where it's basically bouncing back and forth between surfaces and the air. You lay a

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thick coat of it onto a surface by smoking continuously in a building or in an area, and you're providing a reservoir that will slowly re-emit for months and often longer. Some of the other chemicals like (inaudible) carcinogens, the polycyclic aromatic hydrocarbons, the nitrosamines, those are basically there permanently. They also absorb into surfaces, so they're very difficult to clean and remove. Most water-based paints don't provide a very effective barrier, so they get into wallboard. Finally, they're chemicals. You've just put them into the environment and they're there reacting. My research has shown that nicotine on surfaces reacts with normal, ambient air chemicals like ozone to form NNK which is a carcinogen, a very, very toxic lung-specific carcinogen. We're thinking now of secondhand smoke as being something that's more durable than just being around someone who is smoking into the air and you're breathing that. We're talking about something that's very difficult to clean out of buildings, very difficult to remove from surfaces, outdoors and indoors, a persistent environmental pollutant.

Elizabeth Williams: Thank you. I was asked to speak to your questions regarding the deletion systems and whether they're effective at addressing secondhand smoke exposure. There's consensus among public health authorities, scientists, technicians and ventilation experts that ventilation cannot eliminate the health risks that are associated with secondhand smoke exposure. They agree that the only way to effectively reduce those health risks is to eliminate the indoor smoking by taking it outside. If it's present in the building, it cannot be effectively addressed through ventilation technology. This is significant because in buildings, including multiunit residences, research shows that the secondhand smoke can transfer between individual units through common spaces, through ductwork, things like that. Also because the US Surgeon General has shown that there's no safe level of exposure to secondhand smoke, so even lower levels can be harmful to health. Can we see the next slide please? In particular I wanted to mention ASHRAE, the American Society of Heating, Refrigerating and Air-Conditioning Engineers. They are an international standard setting body for indoor air quality. They have been addressing this issue around secondhand smoke for a number of years. In 2005, their board of directors unanimously adopted a position document that stated that ventilation cannot eliminate the health dangers exposed by secondhand smoke and that smoking does not belong indoors. They based their standards for ventilation on a smoke free indoor environment. As part of that earlier this year in January, they amended their position document to state that not only are their ventilation standards based on a smoke-free environment, but that it also now considers marijuana smoke and e-cigarette emissions to be part of that definition of indoor smoking. Their ventilation rates are based on not allowing any of those three substances in a building. The third one, thank you. As Dr. Shick mentioned, the thirdhand smoke is that sticky residue

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that just persists on the surfaces. It is very, very difficult to remove both in terms of time and cost. In terms of the cleaning and renovation that restoration companies and cleaning experts have told us in public health that's required to adequately clean a unit that has been smoked in, oftentimes they say lightly smoked in or heavily smoked in in terms of both volume and duration that's been occurring in there. Some of those cleaning processes that need to take place include stripping all furnishing, cleaning the surfaces, walls, ceilings, floorboards under carpeting and such with certain types of chemicals, and then using special sealants and then painting at least three times with certain types of paint. If that's not done adequately, the nicotine will reabsorb out of the walls and surfaces and drip down walls, which is pretty intense. Then things like replacing the carpeting, replacing the filters and cleaning the ductwork is necessary. If there's been heavy smoking, because the thirdhand smoke can absorb so deeply, oftentimes even the wallboard or fixtures need to be entirely replaced. Due to both the time and the cost related to that, property managers are often very supportive of making their buildings nonsmoking because of those costs, as I stated.

Ms. Struve: You also had asked about what other cities are doing. The Staff Report provides a link to a collection of various multifamily ordinances. They really range in scope to covering some units, covering all units, covering only common areas, exempting condos, delaying implementation for older units but starting with new ...

Male: Somebody hit your mike, I think.

Ms. Struve: There is a large variety of what cities have done in terms of multifamily ordinances. We took that into account when we performed our survey during the spring. We did ask questions of occupants of multifamily as well as landlords as to whether they would favor just a partial, a full ban in all units, common areas, indoors, outdoors as well as whether condos should be included. There was general support for all units, all common areas and no distinction between condos and rentals. I did link the entire list of ordinances. If there are more questions, our experts also know a lot about what other cities have done. Another question was the possible legal contradiction with medical marijuana law. Basically the State law says in it that smoking marijuana is prohibited wherever tobacco smoke is banned. Wherever Palo Alto's smoking restrictions place restrictions on tobacco smoke, they would apply as well. Existing case law suggests that there is no right under State law to be allowed to smoke even medicinal marijuana in a housing complex. We could consider accommodation if that is something we wanted to do as part of the ordinance. Phil, you wanted to do the (inaudible).

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Phil Bobel, Public Works Assistant Director: Thanks. Many thanks to our experts. We really appreciate them coming tonight. Phil Bobel, Public Works. I'm just going to run over the recommendations. These are the same as in the Staff Report; we've just repeated them in the slides. The first two are on this slide. The first one recommends that we adopt ordinance revisions that have three parts. This is Attachment A to the Staff Report as well, the actual ordinance. This is the only one that we're prepared to go forward with a actual ordinance revision at this time. It is draft; it is Attachment A; and it does these three things. We're recommending, of course, that you push this on to Council. The first is that we include e-cigarettes in the definition of smoking, so that everywhere that the ordinance refers to nonsmoking, you would not be able to smoke e-cigarettes. We discussed this at the last meeting, and I think we didn't feel this would be controversial for the four of you. The second is changing the signing language just a bit to make it more flexible. We realize, frankly, that some of the signs we had up didn't meet the strict definition that we've currently put in the ordinance for signage, and we don't think there's any negative aspect to increasing the flexibility on that a bit. That's all that one does. Thirdly is providing an additional option for enforcement. Currently, the formal enforcement, should we have to take it—again, this isn't the first thing we do; it's the last thing we do. First are education, outreach, notification, all the usual stuff that we do so well, I think, in Palo Alto. We would do that first. If it came to the need to actually take an enforcement action, right now we're limited to a misdemeanor. A misdemeanor, as our attorney friends know, means the person shows up in court, and the judge has to take action. This is a cumbersome way in our opinion to deal with this problem. Many other parts of our ordinance have administrative penalties as a possibility. That's what we would introduce here. The proposed ordinance has administrative penalties as a possibility. It leaves the misdemeanor in place as a possibility, but it just gives our enforcement people two tools instead of one, should formal enforcement action be needed. Those are the three things we're doing with the actual ordinance that we're suggesting you move on to Council. The next recommendation is to continue the discussions with the County about them running a retail sale program for us in Palo Alto. Kirsten went over this, and we discussed it last time. The County is still considering whether it's able to do that. Their suggestion is that we make a slightly more formal request to them, that they consider this. We're asking for your support tonight, and we'd then ask either Ed or our City Manager to sign a letter not requesting that they definitely do it, but requesting that they investigate it further and bring back to us whether they'd be willing to do it or not. It'd still be a decision for Palo Alto as to whether to do it, but we'd be sort of ratcheting this thing up in their hierarchy by sending a letter. If you give us your support on this

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tonight, that's what we would do. We'll send a letter to the County and say, "Would you consider doing this?" They're doing some soul searching right now, and they in a while would then respond. That's the second thing. The third thing is direct Staff to change the Municipal Code to expand the ordinance to multifamily common areas, not the living units themselves but the common areas. That's our recommendation. This part is not drafted. In this case, you're not sending it on to Council; you're directing us to draft an ordinance that we have not currently drafted. The principle would be the common areas. Those could be external. There could be some larger units that have internal common areas for use by everybody. The other thing that we would suggest be included in this concept of a common area is the balcony. I wanted to point that out specifically because you might have strong feelings on that. We've had a recent commenter and some earlier folks saying the balcony is important. It is very close often to other balconies, and it's sort of like a common area in that you can be immediately adjacent to someone who doesn't want to be exposed to the smoke and they can't avoid it if you're smoking on the balcony. We would include that—we'll turn to our attorneys—but it's probably not strictly speaking in the definition of a common area, but it would just be added language. We'd say "common areas and balconies." That's likely what we'd do. That's what this third bullet is; you'd be directing us to draft language about these common areas. Our recommendation—you might say, "Wait a minute. We just heard all this testimony about the indoor." Of course, we did that because you asked about it. At the end of the day, after conferring with our Police Department, our Planning Department, it's not our recommendation. We believe that it's too Staff intensive for us to run a program that would involve indoor spaces owned or occupied by apartment dwellers or condo dwellers. That's the recommendation on that one. The fourth is to direct Staff to support legislative efforts to raise the legal age. This is something that we had an opportunity to act on last year, and we realized we didn't have a formal position that Council Members have taken. We put that before you. You may feel that that should go on to the full Council. If so, that's fine. We could take that with the ordinance in Recommendation Number 1, the ordinance that we're suggesting goes on to Council. We could also take this bullet on to full Council if you feel it's necessary. That's something you could do. Those are our four recommendations, and that completes our little presentation.

Chair Burt: Thank you. We do have three members of the public who would like to speak. Should we hear from them first and then ...

Council Member Berman: Yeah.

Chair Burt: Our first speaker is Dr. Howard Kleckner. Welcome.

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Dr. Howard Kleckner: My name is Howard Kleckner. I'm a medical oncologist. I'm a resident here of Palo Alto for the past 40 years. (inaudible) firsthand opportunities to see patients who have been exposed to cigarette smoking and developed all variety of cancers in my 40 years at Kaiser Permanente and some other places. Cigarette smoking is actually the leading preventable cause of death in America. One-third of all cancer deaths are related to cigarette smoking. 10 percent of all lung cancers are related to secondhand smoke. Smokers not only put themselves at risk, but everyone around them with respect to cancer-related illnesses. The chance of developing lung cancer if you don't smoke is 1 in 400. If you smoke one or two packs of cigarettes a day for 20 years and you quit, your chances of developing lung cancer are 1 in 20. Cigarette smoking increases your risk of lung cancer 20 fold. It's not only lung cancer; cigarette smoking is related to throat cancer, tongue cancer, pharyngeal cancer, kidney cancer, five times more frequent, pancreatic cancer. The irony about lung cancer is that only 10 percent of lung cancer is curable at the time the diagnosis is made. Most lung cancers are found in late stages. Basically, it's a death penalty, to have lung cancer. As I mentioned, 10 percent of lung cancers are thought to be related to secondhand smoke. There's no safe level of secondhand smoke. Even brief exposure to secondhand smoke has immediate adverse affects on children, adults and the elderly. The smoke doesn't stay contained to the room you smoke it in. it can travel from one housing unit to the next. 40 to 50 percent of nonsmoking residents in multiunit housing are exposed to secondhand smoke. Yet, more than 80 percent of Californians don't smoke. One smoking neighbor can expose multiple residents, every adjacent unit to smoking. Everyone has the right to breathe clean air. Those who are most vulnerable. The very young, the very old, and those who are ill are the ones most likely to spend a lot of time in their housing units, unable to escape the hazards of a smoking neighbor. I come as a board member of the American Cancer Society, California Division. We would like a total ban on smoking in multiunit housing. I have a couple of brief things to say about e-cigarettes too. The American Cancer Society wants this ordinance to include e-cigarettes in the definition of smoking, which is what was pointed out by the previous speaker. Adding e-cigarettes to all smoke-free policies will prevent nonsmokers from being exposed to aerosols emitted by these products. Help prevent the tobacco industry from using these devices to create a new smoking norm that lures the next generation of young people to a deadly addiction and eliminates confusion in enforcing smoking policies. E-cigarettes have not been subject to thorough, independent testing so people don't know what they're inhaling. Studies of e-cigarettes have found heavy metals and carcinogens. Youth are using e-cigarettes in an ever-increasing rate. E-cigarette use in young people has tripled over the past year and it's a pathway for youth to go on to

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more traditional smoking habits. Countless jurisdictions across the country have added e-cigarettes to their definition of smoking so they can be regulated in the same way as other tobacco products. Thank you.

Chair Burt: Thank you. Our next speaker is Susie Brain.

Susie Brain: Good evening. I'm Susie Brain, and I live at 3737 La Donna in Palo Alto. I'm also a volunteer with the American Cancer Society Cancer Action Network and also a cancer survivor. We would like to thank the Council and the Committee for exploring the option of tobacco retail license. We're asking for the most comprehensive tobacco retail licensing ordinance possible. Tobacco use remains the leading cause of preventable death in the United States. More people die from tobacco-related illness than from alcohol, AIDS, car crashes, illegal drugs, murders, suicide combined. More than 80 percent of smokers become addicted by the age of 18, before they're old enough to legally purchase tobacco. A tobacco retail license with a sufficient annual fee will fund enforcement to ensure compliance with tobacco laws and has been proven to be an effective way to reduce youth access to tobacco products. A tobacco retail license should include e-cigarettes in the definition of tobacco products. Youth are using e-cigarettes at an ever-increasing rate, and their use now amongst teens surpasses that of traditional cigarettes. E-cigarettes are marketed in flavors that appeal to youth, such as cotton candy, gummy bear, chocolate mint and grape. Tragically, these flavors also appeal to small children and are responsible for a growing number of child poisonings. We support prohibiting tobacco sales in pharmacies and increasing the minimum age for tobacco sales to age 21. Selling tobacco products next to medications helps to normalize tobacco use and further obscures the deadliness of these products. Youth have a heightened susceptibility to the addictive qualities of nicotine. Delaying initiation of smoking makes it less likely youth will ever begin smoking. We also recommend prohibiting the sale of flavored tobacco products and individual small cigars. Finally, we recommend a buffer zone around schools. One-third of illegal tobacco sales takes place within 1,000 feet of a school. I ask that the Committee Members and the Council protect the citizens of Palo Alto, particularly the youth population, by passing the strongest possible tobacco retail license ordinance that the law will allow. Thank you.

Chair Curt: Thank you. Our final speaker is Carol Baker.

Carol Baker: Thank you. My name's Carol Baker, and I am the Co-Chair of the Tobacco Free Coalition of Santa Clara County. I want to thank you all for doing everything you can to protect those great youth that was here tonight and their younger brothers and sisters. It was really kind of fun for

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me to see them and how they are coming out so beautifully. I doubt if any of them smoke, but if they do, hopefully we can help them quit. I'm also a member of the American Cancer Society Cancer Action Network as a legislative ambassador. The California Division has sent me their request to you. The American Cancer Society Cancer Action Network encourages the Palo Alto City Council to take the following actions tonight. Vote to prohibit smoking in all multiunit housing. Vote to add electronic smoking devices to the definition of smoking so that their use is prohibited wherever smoking is not allowed. Ask the Staff to write a separate and comprehensive tobacco retail license that includes annual fees to fund administration and enforcement; fines and penalties that escalate for repeat offenders including suspension and revocation of the license; coordination of tobacco regulations. Prohibit the sales of tobacco products to persons under the age of 21. Prohibit free samples or price discounting on tobacco products. Prohibit sales near schools and playgrounds. Prohibit sales of small packs or individual cigars. Prohibit the sales of flavored tobacco products. Prohibit the sale of tobacco products within pharmacies. Include electronic smoking devices in the definition of tobacco products. Thank you so much. I also have a copy of these for each Member of the Council.

Chair Burt: Thank you. Returning to the Committee. Questions or comments? Cory.

Council Member Wolbach: I was just going to say I'd recommend that we break up the discussion, especially when it comes to motions on the full recommendations. We can send them all as a package to Council, whatever we decide, but I would recommend taking them up for separate votes.

Chair Burt: Let's see how the discussion goes and whether that's necessary. Any other questions or comments?

Council Member Wolbach: Sure. I strongly support Recommendation 1. I think Recommendation 2 is a good start. I guess a question regarding Recommendation 2. We heard some requests from the community to establish a tobacco licensing ordinance of a stringent nature. Do you need further direction in order to pursue that or does Recommendation 2 encompass exploration of such an ordinance?

Mr. Bobel: Phil Bobel, Public Works. We'd explore it, but we're not recommending that we craft the ordinance just yet. We're recommending first to see if we can strike some arrangement with the County where they would be acting as our agent. Kirsten was just showing me the way it's worded in San Mateo County where the county runs the program for cities. In there, the ordinance makes it clear how this is all working. If we are

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going to do something jointly with the County, we'd want to figure that out first and draft the ordinance second. We think this is a good first start as you indicated to indicate in writing that we'd like the County to very seriously explore this and get back to us.

Council Member Wolbach: I think that that sounds prudent. I do like the idea of drawing on, not just what the speakers said—thank you very much for your comments, all three of the public speakers. Thank you very much. Also, I think it's useful to pay close attention to what our neighboring county to the north has done and to learn lessons from that. Regarding Recommendation 3 about multifamily housing, I would actually—once it comes times for motions, I'll hold off for now so we can do a round of just discussion. I would actually support going further. If the only concern is enforcement, I think that we should ban smoking in multifamily housing, both in common areas and inside of units and in outdoor areas with close enough proximity to doors, windows and vents that it will impact the interior. With Item 4, as much as I hate smoking and hate tobacco, I will not be supporting Recommendation 4. SB 151 did die in the Senate; I just looked that up. My reason for opposing it is not that I would like to see more people age 18 to 21 smoking. It's that this isn't about smoking. This is about tobacco. That would also apply to tobacco uses that do not negatively impact other people. I think that it's essentially age discrimination among adults, and it's a broadening of—I don't believe in prohibition and I think this is essentially age discrimination. I'm concerned when it comes to the law about bad choices people make that hurt other people. People have a right to make terrible decisions like smoking or chewing tobacco as long as they are not hurting other people. That's what I'm seeking to avoid. I think Recommendation 4—I appreciate the Staff effort regarding Recommendation 4, but I can't support that.

Mr. Bobel: Could I just make one comment about Recommendation 3? I should have mentioned that one of the concepts we were thinking also was to have it, not as far as you were suggesting, but we would also craft it so that the exterior areas adjacent to windows and doors, just like we have in our commercial areas, was covered. The three things we were thinking about were the so-called common areas, the balconies and then external areas that were within probably 25 feet of a window or doorway, operable window is what Kirsten was thinking.

Council Member Wolbach: Actually I would ask was there any consideration of—what do you need? A special direction to include a designated smoking area maybe 25 feet away from the main structure or something like that or some way sealed off and separated?

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Ms. Struve: That was included in the Staff Report as well. It would be only outdoors because, as we heard, there is no way to have proper ventilation indoors. It would be up to landlords. We wouldn't require it, but we could and several ordinances have set parameters like 25 feet, it has to have a receptacle for the cigarette butts and it can't be near the playground, it can't be near the pool or whatever other physical activity might be going on in the complex. We could set the parameters and then leave it up to the landlords.

Mr. Bobel: We could essentially allow it.

Ms. Struve: We could allow it.

Mr. Bobel: We're reluctant to require it.

Council Member Wolbach: I would very much support exactly that. I think that's a very judicious approach to say that if the people, whether it's a condo or a homeowners association in a condo or the landowner, if the landlord wanted to establish that and follow those safety precautions to protect the rest of the residents and the neighbors, I think that that's reasonable. I like that approach. Thank you for that.

Chair Burt: Marc.

Council Member Berman: A couple of questions. Thank you to the experts from the different agencies that have come and the public speakers who spoke. In regards to Recommendation Number 2, continuing discussions with the County on regulatory mechanisms, have we considered at all reaching out to other cities in the county to try to show that there's a critical mass of interest for something like this that might make it more feasible for the County to play that kind of role? Are we aware at all that other cities might be considering them? It's just a way to kind of make it more worth the County's time if it's not just Palo Alto that they're dealing with.

Ms. Struve: We haven't yet, but that's a good idea. We could include that as part of (inaudible).

Council Member Berman: It might not even need to be part of the recommendation at least written, but just something for you guys to do in terms of outreach to other communities to see if there's any interest. Another more kind of out there idea would be, if for some reason the County of Santa Clara is not interested at the end of the day, is there anything that would stop us from reaching out to San Mateo County to say, "Would you guys help us?" We all talk about how the County jurisdictions are pretty

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arbitrary in lines. I don't know if there are other reasons why that might not work, but it could be something to consider.

Mr. Bobel: It's probably not impossible. It'd be impossible to do it the way they've done it in San Mateo County, because there the county is actually the enforcement agent, which I probably wouldn't personally recommend anyway. They certainly couldn't be the enforcement agent. On a contract basis, they could probably do tasks.

Council Member Berman: Hopefully that isn't the case. Hopefully we can work it out with the County of Santa Clara or Santa Clara County. If for any reason we can't, something to consider.

Mr. Bobel: On your other point, I think we would be talking to the County. I'm sure it's already occurred to them that they can help with that dialog too. The County could ask some of the other cities.

Council Member Berman: True.

Mr. Bobel: We'll be encouraging them to do that.

Council Member Berman: To the extent that we can make it easier on them if we're asking them to help us out, call some folks in Mountain View and Los Altos and Sunnyvale. We can call Council Members we know and put bugs in their ears. It could be a way to create a little critical mass there. I support Recommendation 1. Electronic cigarettes are something that really scare me and scare me for what might happen a decade or two from now after all the gains that folks have made in terms of lowering the percentage of people who smoke, and now here's this popular, cool thing that all of a sudden we see a lot of our youth doing. I do worry a lot that they're going to transition to regular cigarettes, and we're going to be back where we were 20 years ago before the gains that have been made. I'm glad that that's in here. Recommendation 2, I support as I just spoke to. Recommendation 3, I'm inclined to agree with Cory, but I do want to ask you, Phil. There wasn't a lot of explanation either in the Staff Report or really in your presentation about why the City doesn't want to ban it inside, in units. Can you give us a little more color as to what the concerns are or what the holdup is to doing that?

Mr. Bobel: Cities have done this; there's a number of them. Let me just give you a personal concern. In Palo Alto, our residents are a demanding group.

Council Member Berman: No.

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Mr. Bobel: If we put something like this on the books, they're going to expect us to enforce it. Other communities may be different. The expectation is more "It's on the books and public outreach is great." In our area, not so much. We're going to get people telling us, "It says that in your ordinance and damn it, do it." Our police and our Code enforcement people, one or the other which could be involved in this, are very concerned about exactly how that would work. Certainly we already do smoking in other areas more on a complaint basis, so we could say we're only going to do it on a complaint basis, but how would that work? Are we actually going to do something then on a complaint basis? What are we going to do? The practicality of this, I think, has got—I shouldn't just refer to our police and planning. It concerns us as well. I think Ed's about to chime in here.

Mr. Shikada: Yes, if I could add really also appreciate the efforts that our Public Works Department has made in leading the interdepartmental team in taking a look at this issue. As Phil indicated, really reflecting a variety of perspectives. Perhaps just to elaborate on the point he just made. From both Police and Planning and Community Environment, one perspective of recognizing the practical limitations and their ability at least currently to enforce what would be an in-unit prohibition. At minimum, even if it were, again from a resource standpoint, manageable in recognizing an expansion of functions effectively in order to address this on an ongoing basis. In looking at the options here, as Phil described both from a direct regulatory response to looking at it on a complaint basis and other models that we've seen in other agencies or even we've explored trying to maximize the responsibility placed on landlords in one or two enforcements rules, as the case may be. All of which, I think, ultimately pointed to some substantive, greater step than the City's currently involved in and requiring more of a resource expansion or potentially partnering with other agencies in order to take this role. Again, not to suggest that it's impossible because other agencies have taken it on, but it would be a significantly greater role and greater responsibility than is currently envisioned or taken on by these departments.

Mr. Bobel: If I could just add one thought to what Ed said. One could view this as a next logical step, not the end. That's certainly the way we view it. With our Recommendation Number 3, which involves the common areas, the balconies and the external areas, if we did that as a first step we'd learn a lot. We'd have taken one step. I don't think you have to view it as sort of an either/or. You can view it as a first step and direct us to come back at a later time with respect to a second step.

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Council Member Berman: I wish there would have been more discussion about that in the Staff Report. I wish this did come before Policy and Services five or six months ago. I guess I would have preferred that—this concern would have been flagged and you could have said different jurisdictions are doing it differently and here are some solutions that other jurisdictions have to the enforcement mechanism. I'd definitely understand your point that Palo Alto isn't necessarily like every other jurisdiction. If we're going to enforce it for balconies and outdoor areas, it's the same thing. How are we going to enforce it there and how is that really different than enforcing it inside a unit? It is. As I talk about it and think about it, there are differences. There are a lot of similarities also. A neighbor of mine is smoking on his balcony, am I going to call the police or hopefully the non-emergency line? That's probably the way that we're envisioning this being taken care of. It's the same thing as noise ordinances and noise complaints. We all know that we need to do a better job of enforcing our gas leaf blower ban, which is something that I think we've been talking about for 30 years. This is the same thing, but I don't think that it being difficult is necessarily reason not to do it. It is something that I want to see us do, and I'm not convinced that this isn't the right time to do it.

Ms. Struve: I just wanted to add about the types of enforcement mechanisms other cities have used. Typically they require landlords to put something in their leases within a certain timeframe that smoking is prohibited in all units and all common areas or whatever we decide to do, and that they put up signage and then treat it like any other lease violation. It wouldn't necessarily be a police matter. If there was enforcement, it would typically be verifying whether the language was included and the leases and signage put out. As Phil pointed out, that has had good results in other cities, but there might still be that concern that we should be going into people's units and checking on them. That's kind of ...

Council Member Berman: It's tough. This is a tough thing, because you've got that issue of privacy and the right of somebody to be able to do what they want in their own unit, but at the same time this is unique. This isn't noise. This isn't anything like that. We've heard from experts that this has the possibility of really creating harmful health impacts on innocent people that shouldn't be victims of that. It's one of these situations where the role of a City is—one of our big roles is to protect the health and welfare of our residents. Are we doing that if we're allowing folks, through no fault of their own, to be receiving the negative impacts of other people smoking. I'll wait and hear what my colleagues have to say, but I think this is something where the health of somebody who's innocently sitting in their unit not doing anything trumps the personal rights of somebody else to be able to smoke on their couch, for me, is really how I look at this. That said, I don't know if

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it's ironic or not, I have similar concerns with Cory on Recommendation Number 4 in increasing the age to 21 years of age. The same argument has been made for alcohol. If somebody's old enough for us to give them a gun and send them off to war, are we really saying that we're going to restrict their ability to make decisions about what they put in their body? I think as long as we, unless we're deciding that cigarette smoking is totally illegal and banned for everybody like drugs. That is one that I struggle with a lot, and I didn't have a position coming into tonight's meeting. I'll wait and hear how the conversation goes, but it's something that I'm not necessarily instinctively comfortable with. I'm not sure how I feel about that right now.

Chair Burt: Tom.

Council Member DuBois: I agree to Number 1. I'm a little confused on exactly what we're asking the County to do. I thought it was enforcement, and it sounds like it's not enforcement.

Mr. Bobel: We're not suggesting we decide that now. We're seeing what the County could do. I was just giving you my personal thought that it'd be odd for us to ask another jurisdiction to enforce our requirement, but it's what was done in San Mateo. It's possible, but we're not suggesting you try to make that decision tonight. We just recommend that we work with the County and see what we can work out, and we'll come back to you.

Council Member DuBois: (crosstalk) she was going on, I assume they don't have the Staff either. Was that part of the discussion?

Ms. Struve: We could ask them.

Mr. Bobel: Yeah, we could ask them.

Ms. Struve: It's just it would be a new program. What we would be specifically asking them to do is collect the annual fees. As many speakers pointed out, there's an annual fee for tobacco retail licensing. There is a review of any new ones, if any new ones were to locate in Palo Alto. If we had certain restrictions in place in terms of locating near schools; someone would have to maintain that map and make sure new ones don't locate near schools. Previous ones would likely be grandfathered. Whatever other restrictions we want to place on them, someone has to review these submittals and then do the administrative tasks. That's what we would be asking the County to do.

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Council Member DuBois: When you guys thought of it, there would be revenue sources, a license fee, but clearly not enough to pay for the Staff needed to run this.

Ms. Struve: Right.

Mr. Bobel: Right. The feeling is among our police and planning folks that there wouldn't be enough. We only have 20 or 30 of these locations, and you couldn't make the fee high enough to support the administrative work.

Council Member DuBois: It might be not a full-time position (inaudible) part of somebody's job. Again, it sounds like it's very early thinking here. It's just not clear to me that it's going to make sense for the County. I don't know if anybody from the County has thoughts about how this would work.

Joyce Villalobos: I'm Joyce Villalobos from the County. This is something that would still—it's very early in the conversation. We still need to explore potential options.

Council Member DuBois: I'm just concerned that you may think we're outsourcing it, but we're going to end up enforcing it ourselves anyways. Let's see. You did answer a lot of my questions already. I think, again, I didn't know if you had taken out the inside apartments because of our asking for more information. I think that wasn't the case. It was really more about this internal discussion on enforcement. I too have come around where I really think we should allow a designated outdoor space, but really look at not allowing it internally in apartment buildings. Part of it may be, I think, in how it's described. When you said other cities really enforce it through lease agreements, maybe this thing needs to be called an ordinance for landlords and rental agreements and be marketed that way, so that there's no question of who's enforcing it, who's responsible. It's not a City ban on smoking in apartments; it's a City ordinance concerning rental agreements.

Ms. Struve: I think Liz—from what I know, most ordinances won't pass if the landlords are liable in any way. We would probably have the apartment associations here. The reason most ordinances are structured being a city ban and then enforced through lease agreements—it's not actually enforced but requiring lease agreements to include language so that if the landlord does that, that's all they need to do, include signage and the lease agreement. If someone then smokes, that is not a violation on them. Do you have anything to add?

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Molly Stump, City Attorney: Thank you. Molly Stump, City Attorney. Just to be clear, the City could require leases to include certain provisions, but then the enforcement of those provisions is a private contractual matter between the parties to the lease. The Staff is quite correct that the landlord would meet their obligations to comply with City law. If smoking were to occur, then the City would not have a direct mechanism then to take an enforcement action based on that provision. That would be really to the discretion of the landlord, how to enforce that themselves.

Council Member DuBois: Right. That's what I understood. It seemed to address the concern about the City not really wanting to or being able to enforce that, but it would create, I guess, pressure from the tenants complaining. The landlord would have a decision to make if they were going to enforce it or not.

Ms. Stump: Yes, that's correct.

Council Member DuBois: That seems pretty reasonable to me. My two cents. I also think that I had to struggle a little bit with condo ownership. I think we started with something like a lease agreement that—again, I kind of heard what you were saying about doing this in steps. One of my early thoughts was how many times do we want to go back to Council with this? Should we just wait and do all of this at once? It's like listening to you I kind of came around to let's take some steps, and maybe we should start with apartment rentals. On signage, I really wasn't clear on how signage was changing in the ordinance.

Ms. Struve: Right now it requires an inch-tall, all capital letters. As Phil pointed out, not all of our signs meet that. It's not really necessary; usually the universal smoking symbol is plenty to show people that they aren't supposed to smoke. We'd just like our existing signage to at least be in compliance.

Council Member DuBois: There's the size of it. With an ordinance, are we requiring it in more places than currently?

Ms. Struve: No, the same. Currently the ordinance requires that it be in all areas where smoking is not allowed. It would be the same.

Council Member DuBois: We have an (inaudible) areas.

Ms. Struve: We did add e-cigarettes as well, because there is an international no vaping symbol as well. Once e-cigarettes are included, we would want to update our signs (inaudible).

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Council Member DuBois: Molly, I had a question on 9.14.70, the exemptions. Why are we exempting bingo games?

Ms. Stump: Thank you, Council Member DuBois. That's old language. That's not new. The new language is marked with an underline.

Council Member DuBois: Was there any thought of striking that?

Ms. Stump: Staff, did you have thoughts on that? Bingo is really sort of a special category of conduct all on its own.

Council Member DuBois: (crosstalk)

Ms. Schick: Can I speak to that?

Ms. Struve: Please.

Ms. Schick: Suzaynn Shick, UCFS. I'd just like to note that some of the highest particle concentrations recorded in a public place, that are in the scientific literature, were recorded in a bingo hall.

Council Member DuBois: (inaudible)

s. Stump: I wonder if we have a bingo hall?

Ms. Struve: Yeah, do we have a bingo hall?

Ms. Schick: Suzaynn again. This was actually a church hall being used for bingo.

Ms. Struve: We did update it the last time we updated the ordinance, because it used to just exclude all bingo, but now it says consistent with the Labor Code. If it's basically an all volunteer bingo club and they all agree, then they can smoke in there. If it's a typical place of work, they need to follow the Labor Code.

Council Member DuBois: Just like a very archaic exception.

Ms. Struve: It was updated last time.

Council Member DuBois: I want my poker game and (crosstalk) as well. I guess hotel rooms are different than apartments. Is that State law or Exception C?

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Ms. Stump: This doesn't bar a hotelier from banning smoking. As you know, I'm sure, from your travels, most hotel rooms are no smoking. This does allow a smoking room in a hotel. Does the Staff have any comments about—did we look at making a change there?

Mr. Bobel: We did not look at making changes.

Ms. Struve: No, we didn't look to make a change. Like you said, most hotels are already nonsmoking.

Ms. Stump: I would expect that the market is largely driving hoteliers towards predominantly nonsmoking.

Council Member DuBois: I didn't know if the language was correct and I just wasn't reading it. The last sentence, the last clause, what's it trying to say there? 65 percent of guest rooms ...

Ms. Struve: I don't know. That didn't change.

Council Member Wolbach: Just a typo?

Ms. Stump: It actually looks like it's possible there is some typos there in the series of—again the Staff is not recommending any changes to 070. We're going to go back and look to make sure that we've ...

Council Member DuBois: It just looked like there was something there. If you could figure that out.

Ms. Stump: We'll take a look and proofread that.

Council Member DuBois: On "4," I came in here kind of in favor of it, so I would support it.

Chair Burt: A couple of questions I have. Under the enforcement and adding infractions, would it still only be police officers who can make these citations if there are infractions?

Mr. Bobel: Yeah. Code enforcement people (crosstalk).

Ms. Stump: Administrative citations, yeah.

Mr. Bobel: In fact, we usually do.

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Ms. Stump: You don't need to be a police officer.

Chair Burt: Can you remind me—you said that we have to have signage wherever smoking is prohibited, but our Downtown areas, we have people frequently violating it. I don't run into the signs very much. Do we need more signs in those areas?

Ms. Struve: Yes. We do have ten signs on each Downtown area, mostly on University with some on side streets and also California Avenue. They're not very big. They could be easily missed, but we would need a master signage program going to the Architectural Review Board to put up more than that. We were waiting to see whether e-cigarettes are included, because then we would have a different type of sign. We would have to go through a process to put up more, but we do have 20 signs up.

Chair Burt: You aren't needing Council direction to increase the signage?

Ms. Struve: No.

Council Member DuBois: I read it as that was exempted. As a service location, you don't need a sign.

Ms. Struve: Right, but the Downtown area does have signage, because we specifically banned it. Parks have signs and Downtown and Cal. Ave. have signs as well. We have asked the malls to put up signage. I believe Stanford did.

Chair Burt: On the regulatory issues, we were talking about restricting pharmacies from being able to sell. Did this issue go beyond that? Are you saying that's the problem?

Mr. Bobel: That was tied into the licensing thing. If we had a license, then what we talked about last time was that would be a vehicle for if we wanted to say that pharmacies couldn't sell it or if we wanted to say that it couldn't be sold within X feet of a school, then we'd use the licensing provision to do that. In the ordinance, we'd say that we grandfather in existing ones. I mean, that's usually done. We'd probably grandfather in existing locations where it's sold. For any new locations they couldn't be within whatever we decided. They couldn't be within X feet of a school. They couldn't be in pharmacies. There wasn't a lot of enthusiasm for that the last time we discussed it. It's really tied into—the first step that we're now thinking would be seeing if we can partner with the County to have a licensing program. The next step would be what it would prohibit.

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Chair Burt: Setting aside for the moment what the scope of that licensing program might be, there was this argument that we need to go to the County because we couldn't charge enough to cover the enforcement. I'm trying to understand what the enforcement would entail. If we ban it from pharmacies, they're not going to sell it. That's pretty easy to enforce. There's a question on what other tools we would have. Upon a repeat violation, whether they would jeopardize other rights that they have to sell things that they really care about. I would think that that's something that is not going to be difficult to enforce.

Mr. Bobel: I'm sorry. If I said that the administrative fees collected wouldn't be enough to cover enforcement, I misspoke. It wouldn't be enough to cover—most of the costs would be administering the permit part of the program, keeping track of who's permitted, re-permitting them at whatever (crosstalk) we agreed to. The administration of the permit program.

Chair Burt: What were you thinking was a cap on what you could charge for a permit that led you to the conclusion that it couldn't be self-funded?

Mr. Bobel: We just did some quick math with the Police Department. As I recall, we were thinking if it's got to be the better part of a person, then you'd have to raise \$100,000, \$150,000.

Chair Burt: A better part of a person to do what?

Mr. Bobel: Person year. To manage the permit program.

Chair Burt: We've got 20 to 30 sellers. Why do you need a full-time to manage—to give 20 to 30 licenses a year and keep track of that? I don't get it. I'm serious; I'm asking this question. As a policy decision, I don't get it.

Mr. Bobel: We didn't do a real careful job of ...

Chair Burt: Even at a high level, I don't get it. As I think about how much work would be involved in once a year getting renewals of 20 or 30 licenses, I think that's a pretty low administrative task. It's just not a full-time person. I don't know how we get to thinking that you've got to have a full-time person to do every task that we've got. It just doesn't make sense to me. If that's the problem, then I don't think that's a problem. I wouldn't have a problem with charging enough to fully cover whatever it is. It may mean that we don't have little mom and pop gas stations selling cigarettes because they choose not to pay a several hundred dollar fee or whatever it might. So be it, in my mind. That would be one of the objectives. I would

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want to hear more on reconsideration of that. Now that I understand what the rationale was for thinking we couldn't do it, I haven't heard a good explanation. On the multifamily issues, I didn't quite hear an answer on how we would enforce these balconies, for instance. If we couldn't enforce indoor areas, how would we be able to enforce the outdoor areas? I'm not against it, I just want to understand the rationale.

Mr. Bobel: We just think that entering a premises to gather enough evidence to conclude that there's a problem is much more problematic to enter someone's private space. To observe them either outside or on a balcony is just entirely different for our Code enforcement people.

Chair Burt: I didn't hear anything about some of the things that I thought we touched on the last time we had this discussion. Even though we've heard from experts that we can't wholly address the impact of secondhand smoke through ventilation systems, are there measures that would be significant? If we aren't going to eliminate smoking in multifamily, are there measures that would be of significant benefit to tenants that can be required?

Mr. Bobel: We didn't become aware of any. I can't say that we did an exhaustive search on this, because we ...

Ms. Struve: We have our experts.

Ms. Schick: I can address that. Suzaynn Schick, UCSF. I actually wrote one of the papers that helped drive the ASHRAE decision in 2005 to make smoke free air the basis for ventilation. In multiunit housing, you have a wide variety of heating, ventilation and air conditioning systems. Some of them basically mix air from all apartments and distribute it back to all of the apartments. Some of them are individual units. Some of them are basically passively, old school ventilated with windows and have huge effects from wind conditions. Essentially, cigarette smoke is so difficult to get out of a room before it sticks to the walls and creates a persistent hazard, you have to make something very much akin to a wind tunnel. We've done modeling of how you keep nicotine and tar off of surfaces, and it doesn't work in indoor spaces.

Chair Burt: I want to break up those two concerns between how to deal with the residues on the surfaces and how to deal with the air. I heard you on both of them. I just have thoughts that I want to explore. If there was an ordinance that put two different requirements on landlords of multi-tenant units, one would be that they could only allow smoking in a unit that had separate ventilation. It couldn't be intermixed with units that are

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nonsmoking. Second, that upon any turnover of a unit, it would have to go through essentially a full purification. You mentioned what it has to go through. I'm thinking of the economics of what a landlord will choose to do. What I think would be an outcome is that you'd have a limited number of rooms and a limited number of apartments that would be smoking ones. They'd have to be separately ventilated and basically they'd have to re-rent them to smokers again. Otherwise, they wouldn't go through the very high expense that would be associated with turning over those rooms and turning them into a room that no longer has residues. It'd be a high expense, and a landlord is not going to go through that on a frequent basis. My question would be if you put those two restrictions in one, would they have any legal problems? I don't think that they would. Wouldn't they address both of these issues from a practical standpoint and have the indirect impact of greatly curtailing the number of units that are smoke units and do so because landlords would be making economic decisions that it's not worth it.

Ms. Williams: I would think the City would—due to the fact that the ventilation community has looked at this in terms of casinos that are using multimillion dollar ventilation systems that aren't able to control for this ...

Chair Burt: That's a shared system. This is different. This is saying if you're going to have smoking in a room, it must be separately ventilated or you can have five rooms that are smoking rooms and they're all on one ventilation system, and you can't have that ventilation intermix with the ventilation system for those rooms that are not for smoking.

Ms. Williams: In a multiunit shared space, the ventilation experts from all the science that we have been reading and been told through the ventilation experts, that's not actually possible to do. I would think that this ...

Chair Burt: Not possible in what way?

Ms. Williams: Not possible to contain in that space the secondhand smoke. As Dr. Shick said, you would need something akin to a wind tunnel to even be able to contain that. I've heard it referenced as an indoor ...

Chair Burt: You're saying that aside from sharing ventilation, that there would be some kind of spillover that couldn't be contained by the exhaust then?

Ms. Williams: Yes. The research has shown from a variety of sources that it can go through the electrical sockets, through gaps around plumbing, through all sorts of minute crevasses. Even sealing up all those cracks and crevasses still has (crosstalk).

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Chair Burt: What we have before us is no ban on it. If the choice was between a ban that worked 90 percent well and one that didn't exist, wouldn't it be better to have something that works 90 percent?

Ms. Struve: May I add something? I believe that this would probably be more difficult to enforce, because we would have to review every building's ventilation system rather than—if we are okay with the type of enforcement that other cities are doing, which is including in leases and having signage up and have a complaint-based basically check-in program, no one ever goes into units in these other cities as far as I know. That would be not a very high level of enforcement, but it would be probably easier than checking whether they have turned it over ...

Chair Burt: Kirsten, let me just say though that I think you have it reversed. They would only be able to allow smoking in designated units. Those would be the only ones we'd have to look at. All others, it would be a clear prohibition. I'm still open to considering the full prohibition, but I don't think we'd have a very high percentage of the units that the landlords would elect to make smoking units. Those would be the only ones. I'm not sure that we have to go in and enforce it. They submit engineering drawings that show that they have got the segregated ventilation. Maybe it's not an effective enough tool from a health standpoint; although, I want to be careful that we aren't making a choice because we can't get something that's perfect, we'll end up with nothing. We might have something that solves 90 percent of the problem. I'm open to both of those, all three of the considerations; although, I'm inclined to do more than what we're proposing here. I don't want to take something off the table because it's not perfect, and we end up with no restriction. That doesn't make sense to me.

Council Member DuBois: What do you think about putting it in the lease agreement, where the City's not enforcing it, the landlord is?

Chair Burt: To the extent possible, I'd want to see as many of these be landlord enforced and figure out how we can do it that way. Cory.

Council Member Wolbach: If you had more comments, I didn't want to interrupt you, of course. I can speak more later.

Chair Burt: On the final one, I don't understand if we had a rationale here where the example is made to alcohol, but we don't sell alcohol to 18 year olds.

Council Member DuBois: (inaudible) doesn't agree with that either.

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Chair Burt: Huh?

Council Member DuBois: I won't speak for you, Cory, about that. You're saying you didn't agree with that.

Council Member Wolbach: Actually, I didn't bring up alcohol.

Chair Burt: No.

Council Member Wolbach: I'd be happy to rebuttal that point, but I

Council Member Berman: (crosstalk)

Chair Burt: I think that it's completely reasonable for us to consider restrictions on sale of harmful materials to those who are not full adults yet.

Council Member DuBois: (inaudible) just supporting our legislative program like we are for all kinds of other areas. Right?

Chair Burt: I don't know. Is it not permissible for us to put a more restrictive sale on age of tobacco?

Ms. Stump: The County looked at this. They did pass a regulation in June that goes into effect in January raising the age for sales from 18 to 21 in the unincorporated areas. That is something that is in place in the unincorporated portions of Santa Clara County. I don't know whether Staff is aware are other cities looking to adopt those as city requirements. Initially when it was raised at the County, there was some thought that cities might (crosstalk).

Chair Burt: My question is simply is there anything that would limit us from being able to enact it?

Ms. Stump: There is some question about whether that might be preempted by State law. The County looked at that, and their County Council took the position that it was a permissible matter for local regulation. We have not looked at it in-depth, so I know that there is at least a question about that. The County at least on their review concluded that it was permissible. I do not believe they've been subject to any legal challenge. The regulation is not in effect yet however.

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Chair Burt: I would be interested in a local regulation restricting it to not being sold to individuals under 21 in addition to supporting whatever State legislative efforts. Cory, you had something else.

Council Member Wolbach: Yeah. Let me actually, since we've just addressed, bring up a couple of things about the age issue. As I mentioned before, again, I despise tobacco and all of its harms and being around it generally. I would actually say alcohol is not a good analogy. Alcohol intoxication leads to a potential for harm to others, for instance, through drunk driving or other activities. Limiting who can access alcohol is more than just about the harm opposed to that person. I think it's apples to oranges. I don't think that there's anything legally preventing us from having a local ordinance. I don't think there's anything legally preventing us from making a recommendation to our lobbyist in Sacramento or in Washington, DC. If the Committee and the Council decides to move in that direction, that will be that decision. I just don't support it for the reasons that I stated earlier. I think we should be focused here on activities that have potential for causing harm to minors, under the age of 18, or to persons beyond the person making what I think is an admittedly really bad decision. I don't know if we're ready to start making motions.

Chair Burt: I'll move to that in just a second. I just want to respond to yours. I think that we restrict alcohol to minors for two reasons. The harm they might do to others and probably more so the harm that they did to themselves. The fact that there's an additional reason doesn't take away from why we ...

Council Member Wolbach: When it comes to ...

Chair Burt: We don't need to go back and forth. You made a statement, and I wanted to ...

Council Member Wolbach: You're right, we don't.

Chair Burt: ... put on the table my rationale.

Council Member Wolbach: I understand.

Chair Burt: Let's go ahead and take these individually. Under the first one, that sounded the most, strongest consensus on that. Is there any ...

Council Member DuBois: I'd like to say if it's unanimous, I think it could go on consent.

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Council Member Wolbach: Actually, I had a couple of questions about this one. I just realized I had some notes about things that were not raised earlier. I'll try to make them quick. First, this is probably the right one to bring this up, either here or under "3." Do we want to add hotels? I raise it as a question.

Chair Burt: Wait a minute.

Council Member Berman: That would be under "3."

Chair Burt: If you were talking about questions on other things, not on "1."

Council Member Wolbach: That could be in Item 5 or it could be—we can bookmark that one until later. Also, because "1" really deals with kind of tweaks to the existing ordinance and changing the language and changing enforcement, I would actually suggest we remove misdemeanor as one of the punishments. I think it's a little strong.

Council Member Burt: Let's ask the City Attorney for the thinking on that.

Ms. Stump: Council Members. I would recommend that you keep the flexibility of the potential penalty there. It is enforceable by my office. We have a prosecutorial discretion. We dismiss the vast majority of them, and then the rest of them are resolved in court. We do have the ability to take facts and circumstances into account, but it is available there in the event that it's paired with other conduct that's a problem or it's a repeated kind of a problem, then we have that ability.

Council Member DuBois: It's written as the third occurrence. I assume you need it if people just aren't paying their fines. We need to be able to at that point make it a misdemeanor to force them to pay the fine or not.

Ms. Stump: A misdemeanor has the potential for judicial action, where an infraction and administrative cite do not. With certain populations, that would potentially be the only way where you really would have an enforcement tool (crosstalk).

Council Member Wolbach: On this one, I've spoken to unhoused persons in Palo Alto who get bugged a lot about their smoking. I don't know that having it be a misdemeanor where they have to go to the judge and get it dismissed, I don't know that it's helping, to be honest. I guess what we're really dealing with is an addiction issue. I don't know that the misdemeanor is really that much more useful than the infraction to helping people with an

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addiction issue. If it's happening over and over and over again, then you're talking about an addiction issue. I guess the question is ...

Council Member Burt: Not necessarily. It can be a defiance issue.

Ms. Stump: Your points are well taken. This is a complicated topic, and it's a part of a much broader conversation about enforcement of municipal violations in the north county courthouse. It's a longer conversation. It really is another whole area. I don't think that you have the sufficient background and material before you, a briefing or even correct Staff, to really delve into this conversation. My recommendation would be not to try to take it on in the context of this evening, but to keep the status quo of having that available. I think Council is probably at a point, perhaps after the first of the year, where we can come back with a broader conversation about this complicated set of issues around enforcement.

Council Member Wolbach: I appreciate that. I will defer to the City Attorney on this one. Thank you.

Chair Burt: Do we have a motion on "1"?

Council Member Berman: I'll move that the Policy and Services Committee recommend that Council adopt the changes in Attachment A to the City's Smoking Ordinance that include addition of electronic cigarettes, changing signage language and providing an additional option for enforcement of the City's Smoking Ordinance.

Council Member Wolbach: Second.

MOTION: Council Member Berman moved, seconded by Council Member Wolbach to recommend the City Council adopt changes to the City's Smoking Ordinance to include the addition of Electronic Cigarettes, changing signage language and to provide an additional option for enforcement of the City's Smoking Ordinance.

Chair Burt: Any other discussion?

Council Member Berman: No.

Chair Burt: All in favor. That passes unanimously.

MOTION PASSED: 4-0

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Chair Burt: The second one has to do with regulatory mechanisms and whether we want to recommend the Staff recommendation which is to continue discussions with the County or to do otherwise.

Council Member Berman: Did you want to kind of add on a second option which is to have Staff re-evaluate what staffing needs might be necessary for an internal policy?

Chair Burt: Yeah.

Council Member Berman: I'll let you ...

Chair Burt: I would move that we request Staff to return to Policy and Services Committee with a better analysis of costs of enforcing retail sale regulations and potential fee structure to recover those costs.

Council Member DuBois: As well as continuing the discussion with the County?

Council Member Burt: As well as continuing the discussion with the County.

Council Member Berman: I'll second.

MOTION: Chair Burt moved, seconded by Council Member Berman to direct Staff to continue discussions with Santa Clara County on regulatory mechanisms related to retail sale of tobacco, including preventing new tobacco retailers from locating near schools.

Chair Burt Any further discussion?

Council Member Berman: Nope.

Chair Burt: All in favor. That passes unanimously.

MOTION PASSED: 4-0

Chair Burt: On the next one, which is the multifamily issue ...

Council Member Wolbach: I'll take a shot at a motion on this one. I'd move direct Staff to draft changes to the Municipal Code to expand the Smoking Ordinance to multifamily housing common areas, indoor areas and balconies with allowance of designated outdoor smoking areas at property owner or condominium owner discretion.

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Mr. Bobel: The indoor areas you mentioned were part of the common areas.

Council Member Wolbach: Including units. Sorry (inaudible). Including units, if City Clerk could catch that change.

Chair Burt: I'm sorry, can you repeat that?

Council Member Berman: Can you repeat what you just captured of Cory's motion?

Female: Sure, because it doesn't show up there. This may not be exact, so go with me here. Direct Staff to change the Municipal Code to expand the ordinance to multifamily housing units, indoors, balconies with the allowances of designated outdoor areas with property owners' discretion. Phil asked the question about indoor being part of the common areas. Cory said, "No, including the units themselves."

Council Member Wolbach: Yes, it would be "the units and other indoor areas including common areas." It's all of the above.

Council Member DuBois: On the amendment, could we clarify that we're talking about exploring something for (inaudible) lease agreement with tenants?

Council Member Wolbach: Yeah. I don't have a second yet, but I will be happy to add that right now. To explore enforcement mechanisms based on lease agreements and property owner requirements and opportunity for civil litigation by private parties.

Council Member DuBois: I'm trying to clarify the lease agreement versus the condo owner. I'm suggesting we delay. I haven't heard a good enforcement mechanism for a condo owner.

Mr. Bobel: The analogous situation is the rules or regulations of the condominium HOA. That's the analogy.

Council Member Wolbach: Do we need special language or can Staff do that?

Mr. Bobel: No, because we're not—you're giving us general direction to craft an ordinance, not like Number 1 where it was very specific.

Council Member Wolbach: I think that'll cover it. Do I have a second for that?

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Council Member DuBois: Yeah (inaudible).

Council Member Berman: I'll second it. I don't know if Tom seconded it.

Council Member DuBois: Go ahead.

MOTION: Council Member Wolbach moved, seconded by Council Member Berman to recommend the City Council direct Staff to expand the Ordinance to multifamily housing indoor balconies and include allowances of designated area outdoors with property owner discretion.

Council Member Wolbach: Actually, one question. I saw it mentioned in the Staff Report. We didn't talk about it a lot tonight. Is medically licensed marijuana use exempted? Would it be exempted? Do we want to exempt it?

Mr. Bobel: Kirsten kind of covered that. The State law says ...

Ms. Struve: It's your decision whether—the State law says that it would not be exempted. There are other ways to take in medicinal marijuana that are oral and don't involve smoking it. We don't have to allow it. Is that clear?

Council Member DuBois: Smoke (inaudible).

Council Member Wolbach: Would be able to allow it if we wanted to?

Ms. Stump: Yes, you can.

Council Member Wolbach: Do we want to? I have mixed feelings about it, to put it mildly.

Council Member Berman: Along a blanket medical marijuana exemption?

Ms. Struve: You could leave it up to landlords.

Council Member DuBois: I think smoke is smoke, personally.

Mr. Bobel: That's what the State Legislature thought.

Council Member Wolbach: Let's not take that up tonight. I'm going to stay with my motion I have. Let's just move on from there. If somebody else wants to bring that up, go for it.

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Council Member DuBois: Pat, you want to vote?

Chair Burt: I'm just thinking. I'm still trying to envision whether there are circumstances where if units are standalone. This kind of goes to this principle that I wouldn't apply to 18, 19 years old, but I would to adults. If there are circumstances where the only harm is to themselves, how restrictive do we want to be? I'm not sure whether there are those circumstances in this multi-units. That's ...

Council Member DuBois: Do you want to make it multi-units with shared walls?

Chair Burt: Yeah, but are there multi-units that aren't shared walls?

Council Member DuBois: I don't know. Could there be a bungalow situation (inaudible) separate.

Ms. Williams: I think the ones that are above—most cities will define it as two or more units whether it's two on top or two side-by-side. Not getting into the minutiae of it, but for multiunit dwelling as a definition, two or ...

Chair Burt: If somebody's got a two-unit apartment and he wants to rent each unit to smokers, do we have a big objection with that? I think we have an objection if one of them is a nonsmoker. We want to address that issue. I don't know whether we want to go so far as to say that if you're a renter, no landlord can say that I'll have a smoking multiunit dwelling. That's what I'm struggling with.

Ms. Schick: Can I say one more thing?

Chair Burt: Yeah.

Ms. Schick: Suzaynn Shick, UCSF. HVAC is difficult to run properly. Even if you have excellent plans, when you are running your HVAC and you have a strong wind on one side of your building, if that wind goes into your intakes, it will force your HVAC to run backwards. That runs the risk of ...

Chair Burt: Of what?

Ms. Shick: ... avoiding, basically making your smoke go through into another unit.

Chair Burt: If we're talking about a circumstance where all of those units would be smoking ...

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Council Member DuBois: It's a smoking quadplex.

Ms. Struve: They could form a club and be exempt.

Council Member Wolbach: They could set up an outdoor designated smoking area.

Chair Burt: I guess I would like to add to ask Staff to explore whether there are reasonable allowances for multi-units that do not interact with nonsmokers basically.

Council Member Wolbach: Is that a substitute motion or do you want to make it ...

Chair Burt: No.

Council Member Wolbach: ... as a separate one or is it an amendment?

Chair Burt: It's an amendment.

Council Member Berman: An amendment.

Council Member Wolbach: I'm sorry, I misheard that.

Chair Burt: It's just asking Staff to return ...

Council Member Berman: To P&S?

Council Member Burt: To P&S with that evaluation.

Council Member Wolbach: Would we still be moving forward with the rest of (crosstalk)?

Ms. Stump: The rest of it has to come back to you anyway. It's not drafted, and there are some complications in what you've laid out. We're going to have to come back with a couple of options and language for you to decide.

Mr. Bobel: We were assuming we'd come back here just like Molly said.

Council Member Wolbach: I'm not going to accept it as a friendly amendment, but I'm not necessarily opposed. I want to hear from my other colleagues.

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Council Member Berman: I'll second it, and let's move this forward. I'm not saying that I'm open to the idea. I'm saying I'm fine with Staff looking into it and coming back to us with their thoughts on it.

AMENDMENT: Chair Burt moved, seconded by Council Member Berman to add to the Motion, "with an evaluation of circumstances where stand-alone units could be smoking only exemptions."

Chair Burt: I don't need to discuss it anymore. I've already stated what ... Let's vote on the amendment which is to ask Staff to return along with the language of the primary motion with evaluation of whether there are circumstances where standalone units can be peeled off there.

Council Member Berman: Are exemptions (inaudible).

Chair Burt: Are exemptions for them. All in favor. Opposed. That's 3-1.

AMENDMENT PASSED: 3-1 Wolbach no

Chair Burt: Then our last ...

Council Member Wolbach: We need to vote on the full motion.

Chair Burt: I'm sorry. Returning to the motion to ...

Mr. Bobel: Could I just ask a clarification question?

Chair Burt: Yes.

Mr. Bobel: When you use the word "standalone," do you mean that they don't have common walls or common ceiling?

Council Member Berman: No shared surface.

Chair Burt: They couldn't have shared HVAC, and I would think not common walls or ceiling, yeah.

Ms. Struve: With other, with non ...

Council Member DuBois: It's getting ...

Ms. Struve: You're talking about the duplex with two smokers?

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Council Member DuBois: Exactly. You're getting (inaudible), but I thought you were also saying if the landlord wanted to have a 100 percent smoking facility, they could do that.

Chair Burt: That's with nonsmoking units. If it's 100 percent, he's not sharing anything within his ...

Council Member Berman: Okay, yeah.

Ms. Struve: Right.

Council Member Berman: We're on the same page.

Council Member DuBois: Do you guys understand?

Ms. Struve: Yeah.

Council Member Berman: Now vote on the full motion?

Female: The main motion.

Chair Burt: Yes.

Council Member Wolbach: As amended.

Chair Burt: All in favor. That passes unanimously.

MOTION AS AMENDED PASSED: 4-0

Chair Burt: Finally, on the final one we have two options. One is as Staff proposed, and the other is to add language that would ask them to return with ordinance language for restricting tobacco sale to those under 21. It's clear from our discussions we're split on this. Molly, does this mean that nothing on that subject can be forwarded to the Council for consideration, to the full council, whereas a split issue can be forwarded without a recommendation of majority of the Committee?

Ms. Stump: The Committee has several options. Just to clarify, Chair Burt. You're not talking about the Staff recommendation about State-level legislative lobbying. You're talking about a local ...

Chair Burt: Yeah, I don't think we're having contention about that.

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Ms. Stump: About that issue, the legislative lobbying at the State level or a local regulation that would directly ban?

Chair Burt: The legislative lobbying at the State level, I don't think is contentious, from what I heard earlier.

Council Member Wolbach: That's ...

Chair Burt: Whatever. (crosstalk)

Council Member Berman: I think two of us opposed it.

Chair Burt: I'm talking mostly—I want to understand what happens on the one that is clearly contentious.

Ms. Stump: A local ordinance banning sales under 21?

Chair Burt: Correct.

Ms. Stump: You haven't seen the language, but it's not necessary that you do that. You could decide to direct us to go directly to Council.

Chair Burt: But we're not going to have a majority of the Committee that will do that. That's my question.

Ms. Stump: Yes, I understand.

Chair Burt: What happens when we don't have a majority of the Committee?

Ms. Stump: It goes on the Action Agenda. The vote of the Committee is reflected. Whether you ...

Chair Burt: It can be forwarded to the Council without a majority of the Committee?

Ms. Stump: Absolutely.

Chair Burt: That was my question. Let's break it up into two parts then. Let's take up support for State legislative efforts. I will move that we support that.

Council Member DuBois: I second.

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MOTION: Chair Burt moved, seconded by Council Member DuBois to recommend the City Council direct Staff to support legislative efforts to raise the legal age to purchase tobacco from 18 to 21 years of age.

Chair Burt: I think we've had discussion, unless anybody else wants to speak any more on it.

Council Member Wolbach: Still opposed.

Chair Burt: You'll get to vote.

Council Member Wolbach: I just want to make sure that was clear, because it was ...

Chair Burt: You'll get to vote.

Council Member Wolbach: ... dismissed as—there was a comment earlier (crosstalk).

Chair Burt: Just don't worry. Don't worry. Cory? Cory?

Council Member Wolbach: There was a comment earlier that this was not contentious. I want to make clear ...

Chair Burt: I heard you.

Council Member Wolbach: ... this one is. You misrepresented it ...

Chair Burt: Can we move on?

Council Member Wolbach: ... earlier, so now I'm happy to move on.

Council Member Berman: We're good.

Chair Burt: There's only one Chair at a meeting. All those in favor. Opposed. That's a split vote.

MOTION FAILED: 2-2 Burt, DuBois yes

Chair Burt: The second is that I will move that we request Staff to return—would it still be reviewed by the Committee or if we don't have a majority recommendation, it would just go to Council?

Ms. Stump: Chair Burt, it's your option either way. I frankly don't think it's a complicated ordinance. Maybe you can give Staff the discretion to pull it

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together, take a look at it. If there are some policy questions that would benefit from Committee vetting, could we come back to the Committee? If it's relatively straightforward, we could go directly to Council. There probably will be a legal advice piece that happens in another forum as you know. I just want to let you know that would happen.

Chair Burt: I would move that we request Staff to draft ordinance language to restrict local tobacco sales to 21 years of age or older with Staff determining whether there are sub-issues to be reviewed by Policy and Services or, if not, for the ordinance to go directly to Council.

Council Member DuBois: I'll second that.

MOTION: Chair Burt moved, seconded by Council Member DuBois to request Staff draft Ordinance language to restrict local sales of tobacco to 21 years old or older with Staff determining whether there are sub-issues to be received by the Committee or if not, for the Ordinance to go directly to the City Council.

Chair Burt: Any other discussion on it?

Council Member Berman: I'll offer a substitute motion that we direct Staff to draft an ordinance prohibiting the sale of tobacco at all in Palo Alto for anybody of any age.

SUBSTITUTE MOTION: Council Member Berman moved, seconded by Council Member XX to recommend the City Council direct Staff to draft an Ordinance prohibiting the sale of tobacco in its entirety within Palo Alto City limits.

Chair Burt: That fails for lack of a second.

MOTION FAILED DUE TO LACK OF A SECOND

Council Member Berman: I'm going to oppose the motion. I realize that we've had our conversation here but this, I'm sure, will be reported. I should do a better job of clarifying my comments. There's been talk of adult and minor and the age of adulthood is 18. If we're deciding that tobacco products aren't healthy for people, which is why I made the motion a second ago, I don't understand if you're 20 or 25, if we think it's something bad for you that we don't want to support in our community, then we shouldn't allow for it to be sold in our community. I haven't heard any arguments or rationale tonight for why somebody who's 20 should be treated differently than somebody who is 21. Until I hear that, I don't support this. My recollection of alcohol and why that age got increased from 18 to 21—I could

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have this wrong—it was that the Federal government tied it to transportation funds. That kind of browbeat a lot of states to go along with that. Save a longer conversation about why somebody who's 20 should be treated differently than somebody who is 21, I don't support the motion.

Chair Burt: All in favor. Opposed. That is a split vote at 2-2. I think that concludes this item. Thank you all for joining us.

MOTION FAILED: 2-2 Burt, DuBois yes

1. Auditor's Office Quarterly Report as of September 30, 2015

Chair Burt: We're going to move onto first the Auditor's Quarterly Report. Welcome, Harriet.

Harriet Richardson, City Auditor: Good evening, Mr. Chair and Members of the Committee. Harriet Richardson, City Auditor, presenting the Office of the City Auditor's Quarterly Report for the first quarter of Fiscal Year 2016 which ended on September 30th. We have two audits that are nearing completion, the franchise fee audit and the parking funds audit. The parking funds audit is out for City Manager's official written response. We're expecting—it's scheduled on the December 8th Policy and Services Committee agenda, and we're expecting to meet that date. The franchise fee audit, we are still finalizing findings, and we'll give that to the City Attorney for review prior to reviewing it with the departments. We've been working very closely with the City Attorney on this audit due to the nature of the findings. We're tentatively scheduled to present the report to Policy and Services in February, but we may need to delay to March because of the number of parties involved including some outside of the City who will need to review and respond to the report. We have five other audits in progress. The report shows that two of these are expected to be presented in January and three of them in February. As of now, there's not a Policy and Services Committee meeting scheduled for January. I'm now anticipating that we will present these in February and March, and they may stretch out into April depending on the number of items on the agendas. Three of those audits, the first ones, the fee schedule audit, we're evaluating processes used within the City to establish fees that are expected to cover the cost of services to ensure that they do cover the cost of services when they're expected to do so or that Council has full information to make policy decisions on how much they want to subsidize. We're also doing the disability rates and workers' compensation audit which is focusing on assessing whether the City's safety practices are effective to minimize on-the-job injuries and illnesses and whether the City is effective at minimizing workers' compensation payments

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after an injury or illness has occurred. We also have the utilities rate and billing accuracy audit which will evaluate whether the Utilities Department properly implements established rates and accurately bills customers. Because of the large number of rates—there's a variety of rates for each utility depending on the customer, residential, commercial, different types of rates—we'll be using sampling techniques in this audit rather than evaluating every single rate. We also have two continuous monitoring projects in progress. With these projects, we'll be using our data analysis software to identify whether the City has made duplicate payments or is paying overtime when it should not be. In both instances, the scripts we develop will be available to do similar analysis on an ongoing basis. Regular intervals may be quarterly, twice a year, something like that. If those projects are successful at finding opportunities for improvement, then we'll likely expand these techniques to future areas in the City that can provide a quick return on our invested time in a shorter time period than a full audit. That's the benefit of continuous monitoring audits. Looking to page 4 of our report, we've begun the work on the National Citizens Survey. The National Research Center mailed surveys to 3,000 residents in late September, and a second copy to those same residents in mid-October. The data collection period ends this week, and we'll have the draft results in early to mid-December. We'll expect to have the report completed in early January. We also do sales and use tax allocation reviews. We do some, and we also contract with the Muni Services who does some of them on our behalf. Total recoveries for the first quarter were \$1,508. This amount was lower than usual on an ongoing basis, but it is typical for the amount recovered to vary significantly from quarter to quarter. I went back and looked at a couple of examples. In one quarter in Fiscal Year '14, we collected 5,900 in one quarter, but then in another quarter that same year we collected 93,000. There's a really wide range, so I'm not alarmed at this point since it's only the first quarter. If it stays low, I would start questioning the need to continue doing this type of work within our office, the cost-benefit of doing it. We continue to do our City advisory roles, Utilities Risk Oversight Committee, Library Bond Oversight Committee, Information Technology Governance Review Board and the Information Security Steering Committee. The Library Bond Oversight Committee is wrapping up their work. There's a meeting scheduled in December that we'll be attending. I believe that that might be the last one. There may possibly be one more, but we'll be wrapping up our obligation on that one shortly. The last item we have is the hotline, the number of complaints that we receive each year. We didn't receive—we only received two at the beginning of Fiscal Year '15 and then none later in the last three quarters of Fiscal Year '15. To date, we've already received seven in Fiscal Year '16. Four of those are the same issue. All seven of those are still under investigation, so we don't have an update on closing those out yet. As I said, four are the same. The other three are

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completely different issues. This concludes my report. I can address any questions that you may have.

Chair Burt: Tom.

Council Member DuBois: I've got three quick questions. On the hotline, are you kind of directly managing that at this point? Has that changed?

Ms. Richardson: We do not—there's actually a committee that involves the City Manager's Office, the City Attorney and my office. When a complaint comes in, we triage the complaints and decide who's going to investigate it. Once it's gone out for investigation, I typically don't have a role in the process.

Council Member DuBois: We had talked about, I think, about you tracking resolution though. Has that changed or not?

Ms. Richardson: We receive comments back from the City Manager's Office. I generally don't get a lot of detail in those comments. When I'm told an investigation is complete and I can close it out, I typically close it out and rely on that information.

Council Member DuBois: On the Utilities one, I'm wondering if there are any—if it's going to be similar to the waste audit in terms of looking at billing, classification. Is there any leverage or are those entirely different systems?

Ms. Richardson: They're different systems. Utilities is billed through the SAP system. The rates are in the SAP system. We're looking at—there's generally like one person is responsible for putting the rates into the system—making sure those rates got entered accurately and that when they come back out onto the bills, that they are accurately going onto the bills and the calculation. There's various levels of calculation that have to be done, and we'll be looking at that.

Council Member DuBois: Remind me, because I know we talked about it before. At one point, we talked about possibly a audit on TDR sender sites.

Ms. Richardson: Correct. Our audit plan for this year doesn't have that on it, but I have spoken with Planning and I did talk to you again after that. We do plan to put it on our audit plan for next year.

Council Member DuBois: Thank you.

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Chair Burt: Others? Can you review again on when you have the hotline questions, your process for closing cases?

Ms. Richardson: I typically just rely on what I'm—the information I'm given is that we've investigated it and you can close it. I don't get a lot of detail. I get very little detail, so I don't have the ability, for example, to say it's reasonable to close it or not. I rely on what I'm given generally from the City Manager's Office.

Suzanne Mason, Assistant City Manager: Let me comment. Harriet and I work closely with Molly on this, since I've been here which has been primarily this year's complaints. Most of those complaints—we've multiple on similar issues. They're mostly personnel items, and personnel items are of a confidential matter. I think sometimes it's difficult to provide results on exactly what has transpired or transpired when it has to do with a confidential matter on a personnel item. That's difficult to provide a lot of detail.

Chair Burt: Do either of you know how similar situations of predominantly personnel hotline issues are handled in other cities that have hotlines?

Ms. Mason: That's one issue that we've been discussing. Harriet, Molly and I are discussing how we handle those. I'm not sure, and that's one of the questions I have. When the original procedure was developed, whether it anticipated the level of items we're getting versus more serious conduct-type items of fraud, really serious. Not that personnel items aren't serious, that people perceive there to be a problem. An argument between coworkers, things of that nature. Some of this is a little bit challenging, so we're exploring that. We just had a dialog about that.

Ms. Richardson: I also think that—I will say I think that we don't always agree on what's a personnel issue and what's not. I think sometimes it's not completely black and white that it's strictly a personnel issue. Those are the ones that I think are more difficult. I might view it as there's an aspect of it that could be, for example, an abuse of a position or where someone maybe has been reported as—I believe one of the very original complaints was something about someone not recording time on their timecard when they were leaving. It was treated like a personnel issue, but from an auditor's perspective we look at that as theft of time. That's something that other jurisdictions view as theft of time. That's why I say a lot of times it's not strictly black and white.

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Chair Burt: Let's take that hypothetically, just that kind of circumstance. Is that still how the City Manager's Office would view that kind of complaint, as a personnel issue?

Ms. Mason: Yeah. I think if someone's falsifying a timecard, I think that is serious and potential theft. Yes, we view that very seriously. I mean, I view everything reported to the City Manager's Office seriously. The outcome of what happened with an individual or how a situation was handled, that's the matter I'm asking the City Attorney and Harriet for us to look at, if we're recording something back in the system. Those are some of the concerns I have. People are named in complaints. I just want to make sure we're handling it appropriately based on that.

Chair Burt: There's a ...

Ms. Mason: I definitely—that is—falsification of a time record, I mean we are having—every complaint is a (crosstalk).

Chair Burt: There could be serious issues that are still viewed as strictly personnel even though they're also viewed as serious. Seriousness is one filter. Another one would be what is a boundary of a personnel issue versus something else.

Ms. Mason: Right. I may have ventured off topic. Where Harriet was saying we're not providing a lot of detail, that's what I'm trying to address with the City Attorney, how much detail is appropriate.

Council Member DuBois: I think there's two dimensions on that too. There's the level that the City Auditor is involved to determine the categorization versus what's reported back to us. I don't think we're necessarily interested in personnel matters being reported back out. I think we are interested in the City Auditor maybe having more control over the hotline.

Ms. Richardson: When I ...

Ms. Mason: The hotline's under the City Auditor.

Ms. Richardson: The hotline is under us to receive the calls, but we don't really have any authority beyond that is what it comes down to. When I talk to auditors in other jurisdictions that have a hotline, they maintain a lead role even when they put the complaint out to a department for investigation. They get a enough detail where they can actually overturn the outcome. If someone says it's unsubstantiated, the auditor might look at the detail of the write-up, but they have enough information to be able to do that. They say,

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"We disagree. This is clearly an issue." I talked to an auditor recently in California where that was the case, where the city manager in that city said it's not an issue. The issue came back through the hotline a second time, and the auditor maintained full control over it and said, "Yes, it is an issue," after he did his investigation.

Chair Burt: Those cities, how does the auditor contend with issues that are personnel issues and have that confidentiality requirement?

Ms. Richardson: Generally, the auditor still sees that information. In our case, there's a very limited number of people who can see the outcomes. We have a system, and the person who complains can see what their complaint is. We write a very general response to the complainant back, but they don't see all of the detail about what has been done to investigate it. Even if I got that information, I mean as an Auditor, I have an obligation to have integrity and maintain confidentiality. I don't see it quite the same way as it being a personnel issue that I shouldn't be able to see the information to make a determination if that was the right outcome. I don't think I need to be actively involved in saying, "You implemented the wrong disciplinary action." I think that's strictly management's decision. If there's enough information to say yes, there is or there isn't a problem, I do see it as ...

Chair Burt: More of a systemic problem you mean or ...

Ms. Richardson: It might be systemic, but it might be pertaining to a specific individual also.

Chair Burt: Cory.

Council Member Wolbach: Actually, I find that kind of concerning. Actually a couple of things. One, I hope that we're using thought and discretion if somebody forgets to punch a timecard, that we don't jump to the conclusion that they're intentionally trying to steal from the City. Sometimes something slips their mind, forget to turn off the light switch, forget to lock the door, forget to punch your timecard, not necessarily trying to drain the electricity bill, leave the City unsecured or steal. I just hope we're using good discretion about that. I would like to see us move towards the City Auditor having a little bit more control. The reason for that is I want to make sure that City Staff top to bottom feel comfortable calling the hotline as a way to go outside of their usual chain of command. If it just goes back to the chain of command, then they would just report it up the line. If it just goes up the line anyway, then there's no reason to have a hotline which is designed to provide an outside mechanism. Having heard those concerns

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from City Staff, just that if that if they were hypothetically in a situation where they wanted to report something, but they don't feel that the current hotline structure provides that anonymity and protection, it says to me that we should have a little bit more independence for the hotline from the usual chain of command. We can explore that more in the future perhaps.

Ed Shikada, Assistant City Manager: I would want to clarify—excuse me—that this is outside the typical chain of command, because it is shared with the City Attorney, the City Auditor as well as the City Manager. Quite frankly, the checks and balances inherent in that three-party review takes it out of the potential of any one of the Council Appointed Officers having the sole direct responsibility for any personnel issue that exists. I would disagree with Harriet. On my experience, it has not been of greater control by the Auditor. Having that shared responsibility among Council appointees is one of the more pressing (inaudible) as well, including with the police auditor in which the police auditor may have the opportunity to review but not to have any more control over the disposition of the investigation any (inaudible).

Council Member Wolbach: I was just going to say I don't want to belabor the point. I wonder if maybe this is something that we'd want to take up in greater depth at some point in the future.

Ms. Mason: One thing I just want to share, we independently investigate the complaints. I make sure Harriet's onboard and Molly with the approach we're going to take. I just want to make sure we jointly approach that and it is an independent investigation. We don't turn it over to the department and the chain of command. We're actively involved in that.

Chair Burt: I heard earlier that there are some issues that are being discussed with the City Attorney on certainly these areas of personnel matters were the ones that you're having additional ...

Ms. Mason: The appropriate level of detail to provide in a personnel matter is ...

Chair Burt: That aspect, I guess we have to hear back from the group of you after Molly has looked into that more. Is that correct? For us to understand.

Ms. Mason: We're talking about it together. We've really been approaching this as a joint responsibility.

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Chair Burt: From the Council's standpoint, who set up the hotline and had it reporting through to the City Auditor, I think a legitimate question that we have is how well is that functioning and to what degree is the hotline independent. We're hearing from the City Auditor concerns that the Auditor's Office or the Auditor herself, if we want to in the case of the hotline even in some of these ones that might include personnel aspects, we might even want to restrict to the City Auditor rather than the City Auditor's Staff involvement in those issues. To what extent should the City Auditor be more informed about the basis for outcomes and engaged in that? It sounds that at the current time those things are being treated as personnel matters outside of any review by the Auditor.

Ms. Mason: I think it would help to have the City Attorney in the dialog. Maybe at the next update Molly can be part of the discussion. I think part of it is if there was a complaint of embezzlement, I think that the Auditor would be the lead investigating that. When it's a personnel matter—again, we're having this independently looked at—the question is where does the personnel function fall. That's when some of our dialog about is the City Manager responsible for appropriate personnel action. That's the dialog we've been having with Molly. I just wanted to share that.

Ms. Richardson: One of the things that when the hotline was established, it was intended originally—when the audit was done, it was intended to be a fraud, waste, abuse, ethics hotline. I think where it has evolved is a fraud hotline. I think we need guidance as to what Council really wants the hotline to be. If you want it to be fraud, waste, abuse and ethics or do you really only want it to be fraud. I think that might be some of the discussion that we really need to focus on to know what direction we should be going with them.

Council Member Wolbach: Do you need that tonight or ...

Ms. Richardson: I guess that would depend on whether you want to give me some direction tonight to do something.

Council Member DuBois: The seven, I guess, this year, did you think that was tied to the recent ethics training? Did that trigger more calls to the hotline?

Ms. Richardson: These were before the training started.

Chair Burt: How is the hotline being framed in the training?

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Ms. Richardson: It's very limited. Everyone reads the ethics policy, and it does address in there that if someone wants to report anonymously, they can report through the ethics hotline. It was mentioned briefly aside from just reading it, but most of the training has focused on—the ethics policy is much longer than that one little sentence. It's focused on other parts of that and then a lot of case studies of ethical challenges, kind of working through what would you do in those situations.

Ms. Mason: Harriet, I just want to say something. You and I sat through the Executive Leadership Team training, and we were doing kind of feedback, dissecting as we were going through it so that we could give feedback to improve the training. I kicked off the last two sessions, and I opened it welcoming people, explaining why we felt it was important. I pointed out in my comments, "You will notice as part of the training that the ethics hotline is highlighted. There is a phone number. There is a diagram in the training that shows all the ways you can report. You can go to your supervisor. You can go to Human Resources, City Manager, ethics hotline. It's right on that diagram." I just want you to know I've been opening every training. We're just getting started. I am going to be trying to stay through every training, or Ed, one of the two of us, so that we are there to make sure it's clear and clarified. I just want you to know—I know you and I were in a different training, but I was very clear in the beginning. I pointed out the hotline and where the phone number is. I just want you to know that.

Chair Burt: Thanks. Cory.

Council Member Wolbach: I guess—thank you by the way for that. I really appreciate the efforts to increase awareness about it. Speaking for myself, I certainly think that the full scope of the intention of the hotline as originally created should be maintained and should not be narrowed. To clarify on the point of chain of command—I have a great deal of respect and strong confidence in all of our ELT including the City Manager and our two wonderful Assistant City Managers. The chain of command, as I see it, does include those positions. The City Auditor being outside of that chain of command, even to the very top, I think is important, at least when the calls first come in, in case there's potentially some point in the future or say some different City Manager and there's a need for the City Auditor to respond to a hotline call independently of the City Manager or City Manager's chain of command. I want to make sure that's still an option that can be utilized if necessary, heaven forbid.

Chair Burt: We'll need to have this come back to the Committee after you've had further huddling and maybe update on what is the current hotline training versus what maybe was the former.

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Ms. Mason: It wasn't former. It was just that the first training was with the whole Executive Leadership Team. We wanted to make sure we started at the top, but it was also an opportunity to dialog about maybe this would be better or that. It was kind of a joint training and feedback. I just wanted to show Harriet since we've ruled it out beyond the Executive Leadership Team, I am making sure that's introduced at the beginning.

Chair Burt: There's no action.

Ms. Richardson: Yes, there is.

Chair Burt: There is. I'm sorry. We're still on the quarterly report. We're not going to make that mistake two games in a row on that. We need a motion to recommend to the Council acceptance of the Auditor's Quarterly Report as of September 30th.

Council Member Wolbach: So moved.

Chair Burt: Second.

MOTION: Council Member Wolbach moved, seconded by Chair Burt to recommend the City Council accept of the Auditor's Office Quarterly Report as of September 30, 2015.

Chair Burt: Any discussion? All in favor. That passes unanimously.

MOTION PASSED: 4-0

4. Staff Recommendation That the Policy and Services Committee Recommend That the City Council Accept the Description of the Status of the Solid Waste Management Program and Cash Handling and Travel Audits.

Chair Burt: We have one more item. I should have reviewed this earlier as other items were going over. How long do we think we have on the solid waste and cash handling, travel audit?

Suzanne Mason, Assistant City Manager: Like last month, we've attached for your review the update. Solid waste management audit has been completed. Phil's here to share any and answer any questions you may have. The cash handling and travel expense audit is almost completed. We are still working on some policies, and that's outlined in the report as well as in the attachment. Just finalizing some procedures and reviewing to make sure with the Auditor, the City Attorney and ASD Staff that we are really

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appropriately categorizing various meals and travel from a tax report perspective. That's a high level overview. David Ramberg's here. Phil Bobel's here. They're both leads on those and can answer any questions you might have.

Chair Burt: Harriet, did you have anything you want to ...

Harriet Richardson, City Auditor: No. I can just say Yuki from my office did the solid waste audit. She went through the recommendations and got some information from the Department of Public Works and confirmed that those recommendations have been implemented. We did do some verification on that. I am aware of what progress is being made. I've been involved in some of the meetings regarding what ASD is doing, particularly on the travel expense side. I am aware of the Coal Fire report and what's going on with the Coal Fire work. I'm in concurrence with both of those updates.

Chair Burt: Questions or comments? Tom.

Council Member DuBois: I guess one comment. It'd be really useful, Harriet, in the next year to maybe indicate like the size of the dollar impact of the individual rows. Sometimes it's hard to tell, when you're looking at views and which are complete like how important are they. I don't know if that's something you'd be willing to do. Even if it was like order of magnitude of dollar impact.

Ms. Richardson: Right. We don't always quantify our recommendations. To the extent we can, we do. I can tell you, although it's not in our recommendation and it's not in the update, when Yuki and I met this afternoon to talk about the Public Works ones, as an example, on Recommendation 1.1 she found that the City collected \$51,000 in back charges and refunded 146,000. They did not back bill the residential accounts on those discrepancies.

Council Member DuBois: Some of it's (crosstalk).

Ms. Richardson: We should probably encourage—I mean, when we can quantify it in our reports, we do. Sometimes, for example in this one, there was work to be done by the department as part of implementing the recommendations, so maybe what we do is we start working with departments to say ...

Council Member DuBois: Maybe you can rank order them by what you feel is most important or something. Just kind of an importance thing. On the

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per diems, there's a comment that you're not able to verify cash handling sites updated. Why was that?

David Ramberg, Administrative Services Department Assistant Director: David Ramberg, Assistant Director of Administrative Services Department. We're still in the process of finalizing a few more sites. We're rolling the PCI requirements. That's the biggest additional piece that needs to be completed. We're about halfway through that. There's quite a number of sites throughout the City. We expect to have that all completed and wrapped up by April of next year.

Council Member DuBois: By the way, thanks for staying so late.

Mr. Ramberg: No problem.

Council Member DuBois: The other one was the whole thing about business meals being treated as income. Is that different than the private sector? Again, most of the time it's considered an expense, and it doesn't show up as income.

Ms. Richardson: We've been working together to go through IRS regulations and talk about what's taxable income and what's not. The IRS is actually quite clear about what's taxable and what's not. When you're traveling, it's an expense, and it doesn't have to be reported as income when you get reimbursed if you followed the IRS guidelines. For example, per diem is what they've switched to on travel because it's simple to administer and that's allowable as a way to reimburse employees without having to quantify every single dollar you've spent on a meal. There's other types of meals, for example, or expenses that are taxable. It depends on the circumstances, and that's part of what they're reviewing right now.

Council Member DuBois: Are you saying like Google should show all their lunches as income? They probably don't.

Ms. Richardson: They probably should be showing those as income, yes.

Council Member DuBois: The switch to per diem to—last question. My understanding of that, you don't have to submit receipts anymore, you just get the per diem. What happens if somebody signs up for something and ends up not going? Is there any verification that they actually go to an event before they can get a per diem?

Mr. Ramberg: Yep, we do verify. We get the complete travel package in the accounts payable division of ASD. There's a pre-travel authorization form.

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If it involves out of state travel, that goes all the way up to the City Manager's Office. There's an estimation of expense put in the pre-travel authorization. That's verified and signed by the department head and then the City Manager's Office if it's out of state. Then what comes back at the tail end of the travel process is all the documentation, the conference that was attended, any receipts that are not food-related. They've taken the per diem for food, but they're still quite a number of receipts that come in for other expenses including lodging and air travel. A manager signs off on that travel expense report as well. We verify that the individual went.

Council Member DuBois: It'd be kind of unusual if you went out of state and no other receipts, just the per diem. It would kind of be like what happened.

Mr. Ramberg: Exactly, yeah. Thank you.

Ms. Richardson: One more thing they do look for, because they do ask for a copy of the conference brochure to make sure people aren't getting double paid. For example, a lot of conferences provide a lunch. They check to make sure, and then they deduct that so someone can't get a per diem and get a free meal.

Council Member DuBois: Thank you.

Chair Burt: I guess that concludes discussion on that item. Sorry, I put that away. Is there ...

Ms. Richardson: Some type of motion is needed.

Chair Burt: We need a motion to recommend approval to Council.

Council Member DuBois: I'll move that we approve this to Council.

Council Member Berman: Second.

MOTION: Council Member DuBois moved, seconded by Council Member Berman to recommend the City Council accept the description of the status of audit recommendations for the Solid Waste Management Program and Cash Handling and Travel Audits.

Chair Burt: Any discussion? All in favor. That passes unanimously. Thank you very much.

MOTION PASSED: 4-0

TRANSCRIPT

Future Meetings and Agendas

Chair Burt: Very briefly we have our agendas in front of us.

Ed Shikada, Assistant City Manager: There are a couple of things I'd like to bring to the Committee's attention. First, the green at the top of the table reflects the additional meeting that was added for December 1st as the last Committee discussion of the Healthy City Healthy Community item as the primary. We did take the opportunity to add two items to that agenda, which would be a follow-up on the, as we refer to it, the charging for charging. The question of electric chargers at City facilities and the potential for charging for the electricity there, as well as—it's listed as a registration survey which apparently just got transferred incorrectly. It's the Business Registry in terms of changes and in particular—let's see—some follow-up that was directed by the Council. Let's see. A couple of other things that are actually not on the list that I wanted to draw to the Committee's attention. On December 8th, while we have quite a list, there is one other outstanding item that the City Attorney asked me to mention which is the revolving door restrictions and follow-up there. It is anticipated that that information could be prepared and back to the Committee on the 8th. We'll work on the management of the list of items on the agenda. If we can, we'll work to make it ...

Chair Burt: The 8th has a lot of items, and it appears that I will have to be out of the country on the 8th. Either way, it looks like a ton of items.

Council Member DuBois: I know Harriet wants to leave, but the 8th looked really busy. I was wondering if the City Auditor's Report could move to the 1st or is that impossible?

Harriet Richardson, City Auditor: Let me look at what you're talking about.

Mr. Shikada: Actually we've got not only the City Auditor's Office Report, this is the parking audit, if that's the one you're referring to, in addition to a couple of follow-up status reports on audits.

Ms. Richardson: Yes.

Council Member Wolbach: Are we expecting those to be substantial or controversial?

TRANSCRIPT

Ms. Richardson: The follow-up reports won't be substantial. The parking funds audit might be. They'll probably be some discussion about the parking funds audit.

Council Member DuBois: I think we're going to get a lot of people for basement dewatering.

Council Member Berman: Basement dewatering.

Council Member DuBois: That's going to be a big meeting, and that Council Priority setting.

Ms. Richardson: If we don't do our audit then, we have to push it out to February, because there's no Policy and Services Committee. Then we're going to really be backing up on audits.

Chair Burt: I never quite understand why there isn't any Policy and Services Committee meeting in January.

Ms. Richardson: I think it has to do with restructuring.

Chair Burt: Yeah. The Mayor typically makes the appointments by the second week, so there certainly could be one in the third or fourth week of the month.

Ms. Richardson: That would probably help the calendar.

Council Member DuBois: Again, I don't know if there are any of the items that you're involved with that you'd be prepared a week earlier.

Ms. Richardson: I can't get the—I don't think I can get the parking funds audit done a week earlier unless the City Manager could commit to getting me a response a week earlier.

Mr. Shikada: Which would be this week or somewhere thereabouts. Unfortunately, I don't know that that's possible.

Ms. Richardson: I don't think that's possible, because it involves multiple departments.

Chair Burt: If not that one, Ed, are there any of the other items currently scheduled for the 8th that might be able to be done on the 1st?

TRANSCRIPT

Mr. Shikada: To move up? We actually already looked at that. The items that had been added to the 1st reflected as much as we thought we could move.

Council Member Wolbach: Are there any that we would be willing to push off to the new year?

Chair Burt: Let me frame two possibilities. One is things that could rollover to the next year; although, that's at best the end of January. There's too many that appears for the meeting on the 8th, unless some of these are perfunctory. I mean the basement certainly isn't. The Priority setting is big. I don't see Core Values down, and I don't know if that was intended to be. That's something that's gotten deferred for two years. We had talked about it earlier in the year in our agenda setting. I don't whether folks are open and whether schedules would allow a meeting on the following week, the 14th. On the Wednesday, we have a CAO Committee meeting and perhaps City Council labor. Thursday, I actually have two City meetings. It looks like the only day would be either after the City Council labor meeting on the 16th, which is a possibility if that's—we have a CAO Committee meeting, I think, at 4:00. I think the Doodle said it was a whole bunch of labor stuff, right?

Mr. Shikada: I think the 16th was already eliminated as a Council meeting.

Chair Burt: The 15th, is anybody—how does the 15th look for everybody?

Council Member Wolbach: There is a Finance Committee meeting simultaneously. Also a CAC for the Comp Plan, I think. That doesn't necessarily preclude us, unless it's (crosstalk) for Staff.

Chair Burt: Is there a conflict for you with Finance Committee?

Mr. Shikada: Not for me.

Ms. Richardson: That Finance Committee meeting is when we'll be presenting the CAFR, that's the November meeting or are you talking about December?

Mr. Shikada: December.

Ms. Richardson: You're talking December, so no, we're good on December.

Council Member Wolbach: Anyone know if there'd be a problem for City Attorney? Does she need to be at either or both of those?

TRANSCRIPT

Ms. Richardson: If you wanted to do a December meeting, I could push the parking funds audit out a week.

Chair Burt: It seems that we either need to have a second December meeting or push out several of these items to the new year.

Council Member DuBois: You mean a third December meeting, right?

Chair Burt: Right. What's the druthers?

Council Member DuBois: You said you're not going to be here on the 8th (crosstalk).

Chair Burt: Almost for certain.

Council Member Wolbach: Again, I'll ask Ed and Harriet as well, are there any of those items which are, in your view, not time sensitive and if they are pushed out to late January, we would lose anything or lose any opportunities, have any policy implications if delayed?

Mr. Shikada: Certainly the status reports on the audits, Numbers 9 and 10, could be pushed out without any time sensitivity.

Council Member Berman: What's Number 5?

Council Member DuBois: I think that could be pushed.

Mr. Shikada: I don't recall (crosstalk).

Council Member Berman: I don't even know what it says.

Council Member DuBois: That was part of that Colleagues Memo.

Council Member Berman: What is the co-sponsorship agreement?

Council Member DuBois: I think it was insurance for rooms.

Council Member Berman: That's not time sensitive.

Council Member DuBois: That's not time sensitive. Personally, I think on the 8th the Priority setting, the basement dewatering and the Code cleanup, that's a pretty hefty meeting.

TRANSCRIPT

Council Member Berman: Are we doing the parking funds audit?

Chair Burt: The Priority setting, I would really want to be involved with that. I don't know whether—had we looked at it whether the 15th is available for folks either as instead of the 8th or in addition to the 8th?

Council Member Wolbach: If we're going to do the 15th, because of potential conflict for Staff and City Attorney, I think actually ...

Mr. Shikada: Finance.

Council Member Wolbach: Yeah. The Priority setting might actually be the best thing to push to the 15th. That's kind of just up to us, as I understand it. I don't think there's any like legal implications or Staff requirements for us to discuss our priorities. I am available on the 15th. I can't speak for anyone else.

Council Member DuBois: I could do the 15th.

Ms. Richardson: The parking funds audit, we've been working with the City Attorney's Office on that, but Cara's been the person involved. If Molly needed to be in Finance, Cara could be here for that probably.

Council Member Berman: Can we not move the—I'm sorry, guys. I'd love to not have three Policy and Services meetings in December. I'll do it if we have to, but can we move the Priority setting to 12/1?

Chair Burt: That has to have solicitation from the Council and get that pulled together, which could be done by then. Is it the Clerk's Office who leads on that?

Mr. Shikada: No, it's actually our office. We've been also working on the residents survey on Open City Hall.

Council Member DuBois: What if on the 8th, we publish an agenda and we start at like 5:00 and planned on a long meeting? It's like tonight.

Chair Burt: I'm gone.

Council Member DuBois: That's right. Sorry.

Chair Burt: We could do something like that on the 1st, conceivably. Have a longer agenda on the 1st.

TRANSCRIPT

Council Member DuBois: I thought we were having trouble moving things to the 1st?

Chair Burt: We were. One was the question of the Priority setting, whether it could be moved. Any thoughts, Ed?

Mr. Shikada: Not specifically. To your point, if this is—it's really a point in a process. If it's simply setting expectations on what can be accomplished within that timeframe, we'll (crosstalk).

Chair Burt: Normally, we've solicited that input from Council Members, and then the Committee tries to organize it and things, I think.

Council Member DuBois: Beth like sends out an email of solicitation or how does that happen?

Chair Burt: Yeah.

Council Member Wolbach: We got it last year.

Council Member DuBois: We could just ask her if she can get it out this week, I guess.

Chair Burt: I think Ed said it's not the Clerk; it's the City Manager's Office.

Mr. Shikada: We've been handling the survey, so I may be mistaken as far as the other piece.

Chair Burt: That would be one possibility.

Phil Bobel, Public Works Assistant Director: We could do the dewatering thing earlier, our Staff Report.

Chair Burt: That could be on the 1st?

Mr. Shikada: Maybe bring that to the 1st? At this point, there's so much community expectation that it'll be on the 8th.

Mr. Bobel: Good point.

Council Member DuBois: We'd have to get the word out. There's probably time to move it. We just have to make sure we get notice out.

Council Member Berman: We know the leaders.

TRANSCRIPT

Chair Burt: There may be expectations, but we've got three weeks to get the word out.

Mr. Bobel: They've got a good network.

Chair Burt: If we did move that to the 1st, one, does that make the meeting on the 1st, does it need to start sooner because it's now got a real full agenda? The second question would be could we instead of meeting on the 8th, meet on the 15th for the balance of the items?

Council Member Wolbach: Move the whole agenda to the 15th?

Chair Burt: The balance of the agenda.

Council Member Berman: Minus the stuff that we can punt to January?

Chair Burt: Right.

Council Member Berman: I think it's too big.

Chair Burt: Nine and ten ...

Council Member Wolbach: And maybe five.

Chair Burt: And maybe five, yeah.

Mr. Shikada: Also again the reminder that the revolving door restrictions are also ...

Council Member Berman: Not on here.

Mr. Shikada: Not on here, but (crosstalk).

Council Member Wolbach: Is that coming to the 1st?

Mr. Shikada: It could be brought on the 8th.

Chair Burt: If we are able to move dewatering to the 1st and maybe we have to start that meeting early, can we move the meeting of the 8th to the 15th including punting on perhaps Items 5, 9 and 10 and moving them to January?

Council Member Berman: I can do that.

TRANSCRIPT

Council Member Wolbach: Yes, yes.

Chair Burt: We're good?

Council Member Berman: Yep.

Female: Let's get a confirmation. On the first, are we starting earlier than ...

Council Member Berman: Yeah.

Council Member Wolbach: Plan to start early.

Female: Do we know when we want to start?

Chair Burt: I think 6:00. Does that sound good?

Council Member Berman: Yeah.

Council Member DuBois: Yeah, we have interviews right before that.

Chair Burt: We do? They run from when to when?

Council Member Wolbach: We do?

Council Member DuBois: 5:00 to 6:00. I have it down here as tentative. I don't know if there's (crosstalk).

Council Member Wolbach: It's not on the calendar.

Council Member Berman: I don't have it down. That doesn't mean it's not happening.

Council Member DuBois: Like I say, it hasn't been confirmed yet.

Chair Burt: Are they ...

Council Member DuBois: There was a Doodle out for 5:00 to 6:00 to do Parks ...

Chair Burt: Just 5:00 to 6:00?

TRANSCRIPT

Council Member DuBois: ... Parks and Rec. If you start right at 6:00, that would make sense. I put in tentative dates. Did it get confirmed for a different time?

Mr. Shikada: Do you know when we're interviewing for Parks and Rec?

Female: I can verify. I went over the calendar today, but at this point I've no idea what happened today.

Council Member Berman: I've got it on the 17th, but that could be wrong on my calendar.

Council Member Wolbach: There's a Parks and Rec meeting on November 17th. Oh, no. We're also interviewing. It's on the 17th.

Chair Burt: Good.

Female: That's irrelevant then (inaudible)?

Council Member Wolbach: Just depending on what we're ...

Council Member DuBois: Was that confirmed? I have that as tentative as well. We should check the two dates.

Chair Burt: The 17th?

Council Member Berman: That's what I've got on mine.

Chair Burt: I had answered that I couldn't do it, because I have two other meetings. We'll find that out. The meeting on the 1st, the starting time will in part be determined by Parks and Rec, but not earlier than 6:00.

Female: The 15th will be the normal time start?

Council Member Berman: No, the 15th is probably—should that be early also, if that's the Auditor's Office report, Council setting, basement dewatering?

Council Member Wolbach: I'd say let's do it tentatively for 5:00 right now.

Council Member Berman: No, dewatering we're moving to the 1st. I apologize. Ed, what was the one that ...

Mr. Shikada: Revolving door.

TRANSCRIPT

Council Member Wolbach: I'd say let's do it at 5:00.

Council Member Berman: 5:00? Got to eat dinner.

Female: On the 15th?

Chair Burt: No. (crosstalk)

Council Member Wolbach: No, no. The meeting on the 1st.

Council Member DuBois: I think we need to wait.

Council Member Berman: Let's do 6:00 for both, and we'll really be efficient.

Female: We're canceling the 8th or we're keeping the 8th as well?

Council Member Berman: No.

Mr. Shikada: (crosstalk) the 8th to the 15th.

Female: I'm just triple checking.

Mr. Shikada: More for information than anything else, there is one other item that's not on this list which is the minimum wage, consideration of exemptions for tipped employees. Staff has already concluded that the work necessary to (inaudible) to Committee with meetings after the first of the year.

Council Member Berman: You're just saying it wasn't on here at all.

Mr. Shikada: It's not on here.

Council Member Wolbach: It's not going to be on here.

Mr. Shikada: It will be.

Chair Burt: On that note, we're adjourned.

ADJOURNMENT: Meeting adjourned at 11:39 P.M.