

Regular Meeting
April 26, 2006

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ADJOURNMENT: The meeting adjourned at 7:45 p.m. 8

Chairperson Cordell called the meeting to order at 7:00 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Barton, Cordell, Drekmeier, Morton

Absent:

1. Oral Communications

None.

2. Procedure for Appointment and Duties of Emergency Standby Council Members.

Chairperson Cordell referred to page 2 of the Ordinance attached to the staff report (CMR:177:06) and questioned whether "unavailable" was restricted to "killed, missing, seriously injured."

City Attorney Baum said a better way to state the sentence was to say, "unavailable such as killed, missing, or seriously injured."

Council Member Morton questioned whether "unavailable" might mean "out of the area."

Mr. Baum said the policy stated when the Council Member returned they reassumed office.

Chairperson Cordell clarified a Council Member could be away but could be reached by phone.

Mr. Baum said that was correct.

Council Member Barton said since he had not been a Council Member in July when this issue was discussed, he requested the changes.

Mr. Baum said a Council Member pointed out problems with the original ordinance, and the ordinance was referred to the Policy and Services (P&S) Committee. Staff redrafted the ordinance. The members of the P&S Committee reasonably noticed that certain issues were not addressed. The attempt of the draft ordinance was to answer the questions raised and to make the ordinance as workable as possible. A concern was raised by a former P&S Committee member that staff not draw names.

Council Member Barton asked whether Palo Alto was unique in having the policy.

Mr. Baum said he had not seen such a policy in another jurisdiction.

Council Member Morton said the policy for Emergency Standby Council indicated the Council would appoint members at the second regular City Council meeting in January, and the ordinance specified appointment would be at the first regular Council meeting. The first Council meeting was when the Mayor was elected.

Mr. Baum said he would make the correction.

Council Member Drekmeier clarified the City Attorney recently sent out a memo as to when newly elected officials became responsible for their duties.

Mr. Baum said that was correct. The question arose at the beginning of the year and at a P&S Committee meeting in another context. The issue was not addressed in the ordinance.

Council Member Morton clarified the City Attorney's memo included the criterion for Council Members to be "operating" or sworn in and asked whether that was similar in the case of the Emergency Standby Council.

Mr. Baum said the ordinance referred to being sworn in.

Council Member Morton clarified Emergency Standby Council members were sworn in prior to the emergency rather than at the emergency.

Mr. Baum said the members should be sworn in at a meeting. The ordinance required that the swearing in take place at the appointment.

Chairperson Cordell clarified all seven members were sworn in at the same time as the Emergency Standby Council.

Mr. Baum said that was correct.

Chairperson Cordell clarified if an emergency arose and one person had to be pulled out as a Council Member, the person had to be sworn in at the meeting.

Mr. Baum said the member should be sworn in when attending the meeting. The wording will be added to the policy.

Council Member Drekmeier said he recalled in the past when a City Council Member stepped down because of moving away or obtaining higher office, the Council had to decide whether to leave the seat open until the next election or fill the position. The idea of Emergency Standby Council never came up.

Mr. Baum said there was a statutory process for cases when a Council Member left the Council. There had to be an emergency and a need for the Council to use the Emergency Standby Council.

Council Member Drekmeier asked whether the need was for a quorum.

Mr. Baum said the P&S Committee determined the Emergency Standby Council would be seven members. One problem with the original ordinance was that seven members were selected but the ordinance specified nine.

Council Member Drekmeier asked whether there was a certain number of Council Members who had to be unavailable in order to trigger bringing more people on the Council.

Mr. Baum said the Standby Emergency Council would be used when there was no quorum of the Council.

Chairperson Cordell clarified if there were only four Council Members available, one person would be appointed to get to the quorum.

Mr. Baum said appointments were made to total seven, which is the Emergency Standby Council.

Chairperson Cordell said the Emergency Standby Council consisted of seven rather than nine.

Council Member Barton clarified in the case of a massive earthquake and Standby Council Members were added to make the Council seven members, five or six votes were needed to pass a budget.

Mr. Baum said six votes were needed. The way the Council functioned under an emergency was to have ratification afterwards. Budgets required voting according to what the Charter specified.

Chairperson Cordell said in an emergency situation, the Council operated with seven members.

Assistant to the City Manager Chris Mogensen said the ordinance specified, "Emergency Standby Council members shall be appointed during the state of emergency, as required to maintain a total of seven members on the City Council."

Chairperson Cordell said if there were a seven-member Emergency Council, only four members were needed to do business.

Council Member Baum said that was correct. A charter amendment was necessary for a Council to function permanently at seven members. The Standby Emergency Council was designed for a short-term emergency.

MOTION: Council Member Barton moved, seconded by Morton, that the Policy and Services Committee recommend to the City Council a new Emergency Standby Council Policy and an amendment of Palo Alto Municipal Code Chapter 2.12.090 regarding the Emergency Standby Council with the clarification to the ordinance that Emergency Standby Council members shall be appointed at the second regular City Council meeting in January and clarification pertaining to when the members were sworn in.

MOTION PASSED 4-0.

3. Direction to Update Public/Private Partnership Policy

Director of Community Services Richard James said the City had a number of very successful public/private partnerships including The Friends of the Children's Theatre, TheatreWorks, and Friends of the Junior Museum and Zoo. There had been a recent increase in the number of proposals coming forward to City staff. The existing policy was generic and did not provide staff with guidelines with regards to filtering proposals. Staff asked the P&S Committee to look at a number of concerns raised by departments relating to the policy. The P&S Committee was not asked to formulate language but to consider the concerns and advise staff which ones to pursue.

Chairperson Cordell said page 2 of the staff report (CMR:198:06) listed three areas of concern. The P&S Committee would look at recommendations from staff and the public.

Mr. James said staff wanted to know if there were items that staff should not put time into. The items listed in the staff report helped staff by being in a policy.

Council Member Morton asked about the benefit of quantifying the projects. The Children's Theatre started off with large concerns about upgrades and funding. A two to one matching grant was requested and Council agreed, but the final result was more like a five to one project. Specifying percentages by policy might preclude a better result. From the City's point of view, it might make sense that the nonprofit committed funding prior to the City, but that was a disaster from a fundraising point of view. Most donors were not going to put up money for a City project until they knew where the City stood.

Council Member Drekmeier said he did not think there should be a fixed ratio because projects were different. The viability of a project was important because that forced an organization to think through what it wanted to do.

Once a partnership was formalized, the City needed to make the commitment of dollars. Cost overruns were on a project by project basis depending on the issue. The Palo Alto Unified School District (PAUSD) developed a useful policy where funds for projects were required to be in place prior to the bidding of a project except for the contingency. In many cases, the gifts were not liquid.

Council Member Morton said cost overruns were a fact of construction. The fundraising arm of the Children's Library said it made a commitment to raise a certain amount of funds even though it was not managing the project.

Council Member Barton said there was a case with the Sea Scouts' building and the Environmental Volunteers who were paying the entire cost of retrofitting the building.

Council Member Drekmeier said the City needed to ensure the organization had stability. Staff was asked whether there was a plan in the event the private organization or nonprofit no longer had the ability to continue.

Mr. James said that might have to be introduced into a partnership agreement. The desire was that processes could be created to make it easy.

Chairperson Cordell said there needed to be a policy specific enough to give those who wanted to go into a partnership with the City the understanding of the requirements.

Council Member Morton said there were differences between projects such as whether the City owned the building or property.

Mr. James referred to the question under item 1, page 2, in the staff report (CMR: 198:06): At what funding percentage of the proposed project should the organization be prepared to commit before the proposal would be given consideration? A number of more recent proposals came forward with a group willing to provide a certain amount of money for a project. A hypothetical example was where a BMX group wanted to build a BMX track and were willing to come forward with \$25,000 but the cost was \$125,000 to build. Staff had to deny the project saying the money was not enough or the project went to the City Council.

Chairperson Cordell said criteria would be helpful for predictability in the process. She suggested staff draft a process.

Council Member Morton said there would be a difference between new projects, or projects not already in the budget, and projects in the budget.

Chairperson Cordell said projects could be broken out into categories.

Council Member Barton said his concern was with long-term maintenance.

Council Member Morton said the Council had the responsibility to meet the expectation of the community.

Chairperson Cordell said the public deserved to have criteria in order to understand the expectations. The City Council would not want to look at every group that came along to do a partnership.

Council Member Morton said requests for matching grants would not be presented to the Council if a group did not meet criteria.

Mr. James said the different types of partnerships could be identified. Some were community initiated which should be filtered.

Chairperson Cordell said the P&S Committee did not want to unduly restrict people, but there should be criteria.

Council Member Barton referred to item 2 on page 2 of the staff report (CMR:198:06) and said the answer to the two questions was "yes."

Mr. James said staff needed to address the use of impact fees.

Council Member Morton said budgeting decisions were an annual balancing act. Filtering the funding decisions seemed to be slightly misguided. The Council had to decide each year what project was more important.

Carolyn Tucher, 4264 Manuela Way, asked how she could have received materials prior to the meeting.

Mr. Mogensen responded that reports went into the Council packet on Thursdays and typically were put up on the Internet under the P&S website.

Ms. Tucher said she could not find the item on the website.

Mr. Mogensen said he would find out and get back to Ms. Tucher.

The P&S Committee directed staff to return with a Public Private Policy.

4. Discussion for Future Meeting Schedules and Agendas

Assistant to the City Manager Mogensen said the meeting scheduled for May 9 , 2006, had to be changed, and he would coordinate with the P&S Committee members to get a new date.

Chairperson Cordell said she would be unavailable May 13-20, 2006.

Mr. Mogensen said he would try to schedule a meeting for the week prior to Memorial Day. Items for future meetings included Park and Recreation Commission (PARC) restroom policy, follow up on the Council retreat, and travel and meeting expense policy.

Chairperson Cordell asked about the gift policy.

Mr. Mogensen responded that the gift policy was currently in the City Attorney's Office for review and was scheduled to go back to Council in May.

Chairperson Cordell said she wanted to be at the meeting when the gift policy was discussed.

ADJOURNMENT: The meeting adjourned at 7:45 p.m.

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.