

Regular Meeting
May 14, 2002

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Chairperson Kleinberg called the meeting to order at 7:03 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Beecham, Freeman, Kleinberg, Mossar
Absent: None

1. Oral Communications

Rocky Trujillo, 848 Via Poudre, San Lorenzo, a volunteer at the Lucie Stern Maritime Center, spoke about a group of about 160 members formed to raise funds and refurbish the Sea Scout Base at Palo Alto Harbor. The Sea Scout Base item was forwarded to the Policy & Services (P&S) Committee by the Council to consider the possibility of issuing a Request For Proposals (RFP) for work on the Sea Scout Building.

2. Cubberley/Ventura Discussion

MOTION: Council Member Beecham moved, seconded by Mossar, that the Policy & Services Committee postpone any discussion on the Cubberley/Ventura sites to a date uncertain.

Council Member Beecham said he was not prepared to discuss the item this evening because of the extensive amount of material on the subject.

Council Member Mossar said there were a number of important items on the Council's plate. This item, although important, was not critically important. She suggested the item be put over until fall.

Council Member Freeman referred to City/School Liaison Committee meeting minutes wherein Mr. Barton, President, Palo Alto United School District (PAUSD), made a comment, "that this is not the year to do a Ventura deal or to talk about Cubberley." If the item was not a high priority item, she questioned whether 2002 was the right year to tackle the issue.

Council Member Mossar said a number of issues had surfaced for which the Council had not done its homework. When the Ventura/Lubberly item was referred to the P&S Committee, it was with the intention that the Council proactively examine the direction the City was taking regarding the properties. Then, as opportunities and ideas came forward, the Council would be better prepared to deal with them. Although she was not opposed to putting the item over to a date uncertain, it would be a mistake for the Council not to be given the opportunity for discussion because of its major interest in school sites.

Chairperson Kleinberg said a change was made in the motion; however, the seconder did not respond to the change.

Council Member Mossar said, although willing to change the motion to bring the item back at a date uncertain, she would not want to lose the item entirely; it needed to remain on the referral items list.

Council Member Freeman understood the tenuous relationship between the City and the School Board and would be pleased to see the item return at a date uncertain. However, she proposed that, if possible, either a staff member or Chairperson Kleinberg discuss the item with Mr. Barton to let the School Board know what the City was doing.

Chairperson Kleinberg would explain the P&S Committee's intentions with Mr. Barton. She opened the floor to the public for discussion, but reminded members of the public that the item before the P&S Committee dealt with general issues of policy affecting matters having to do with land which both the Palo Alto Unified School District (PAUSD) and the City have an interest.

Herb Borock, P.O. Box 632, spoke about delaying the agenda item and the possibility of trading the site at Ventura for Cubberley, by which both the City and the PAUSD would obtain sites that were of use to each.

Betsy Allyn, 4186 Willmar Drive, hoped pressure would not be put on the PAUSD to take their option for the Ventura school site, which would eventually be needed as a school in that area.

Council Member Freeman thanked Chris Mogensen for asking her what information would be helpful as a new Council Member and for providing so much information. Although a lot of information was provided, additional information might be helpful, e.g., School Board minutes where properties were discussed and two reports on demographics that were site-specific to Ventura that were obtained by the School Board.

Chairperson Kleinberg thought that when the item was reagendaized, the School Board minutes and the two reports could be provided to the P&S Committee.

Council Member Freeman said according to the School Board, the documents would help round out PAUSD's perspective on the two properties.

Chairperson Kleinberg said the P&S Committee would not be addressing the land/property negotiations; only policy issues would be addressed. The P&S Committee would be looking into what would best maximize the relationship

with the PAUSD over which properties both entities had interest for the future. The information provided to the P&S Committee was an attempt at gathering a complete archival of the history of the sites.

Council Member Mossar said the purpose of the conversation was in no way intended to make land use decisions or recommendations. The purpose of the conversation was to address several issues that had come before the Council for which sufficient history and information was not available. It made more sense to bring some direction to the issue and to obtain clarity about the relationships, lease agreements, contractual obligations, what the City owned, what the City rented, etc.

Council Member Freeman suggested making a motion that all the items germane to the issue be included in the committee's packet prior to discussion.

Chairperson Kleinberg thought a motion was not necessary; Mr. Mogensen knew what information the P&S Committee was interested in obtaining. The P&S Committee would be given a sense of where the issue would fit as time went on. Her personal motivation was to be sure that when a Comprehensive Plan policy was being followed or a community interest was being followed in terms of services, that the Council was clear about where it was going and why. In that way, the City would be able to better collaborate with the PAUSD and leverage community resources.

Chris Mogensen said a number of people contributed to compiling the information, including Jennifer Burns and a variety of staff members.

Chairperson Kleinberg said the work was very much appreciated and having the information all in one place was valuable.

MOTION PASSED 4-0.

3. Continued Discussion on Council Protocols and Appropriate Council Interface with City Staff

Chairperson Kleinberg said the issue of Council protocols and appropriate interface with City staff was the continuation of a previous P&S Committee discussion. At that time, the P&S Committee decided the best way to proceed was to have the committee examine exemplars from other communities who had adopted protocols, values, and operating principals. She was interested to hear the comments from her colleagues after having reviewed examples from other communities.

Council Member Beecham had expressed concern about the lack of protocols in Palo Alto since other communities had gotten into trouble. Whether a council member ended up in jail or just out of office, investigations continued in that neighboring community. Palo Alto needed to be sure protocols were in place to provide the Council and community assurance that the same type of situation would not occur. He appreciated the samples from other communities, which provided a more comprehensive list than he would have thought of. He suggested the P&S Committee choose one sample as a prototype or model from which to work.

Council Member Freeman was interested to see other cities had protocols ranging from brief to extraordinarily comprehensive. She was unsure where Palo Alto would fit. Most interesting was the overview of roles and responsibilities in Sunnyvale's protocols, which addressed the responsibilities of the mayor, vice-mayor, council members, meeting chair, former council members, etc., to which she would add the Council-Appointed Officers (CAO) responsibilities as well. Such a guide would be very helpful to new council members. The behavior lists were very repetitive, which meant every city was similar with regard to behavior issues. The glossary of terms included a definition of "civility," along with "attitude," "conduct," etc., which was one of the questions she had raised during the last P&S Committee meeting. She suggested determining a framework from which to work.

Council Member Mossar thought seeing the body of work that other cities had put together was very helpful. She agreed with Council Member Beecham's comment; her greatest interest was public trust, and rules and responsibilities between council members, CAOs, and staff. Interest was expressed in the ground rules governing Council relationships with staff and the CAOs as well as *ex parte* communications, which was a very important piece that should be formalized. A great deal of public trust could be built upon the fact that there were processes in place.

Chairperson Kleinberg was glad to sense a greater spirit of optimism from the P&S Committee that the issue was one that could and should be tackled. The issue was being taken up, not because of an existing internal problem in Palo Alto, but to put together something missing from the City's fabric or structure that was already in place in other communities. The right time to adopt such protocols and practices, clarifying all the issues, was when there was no crisis. Delineating the values and protocols for the City would provide the Council Members and CAOs with a framework within which to feel much freer to be the leaders they wanted to be for the public. The process needed to be outcome-driven; i.e., the P&S Committee should have a final product in mind and decide how to go about achieving that goal. She ultimately wanted to produce a

comprehensive set of guidelines, which could be compiled incrementally. If the subject was going to be tackled, she wanted the whole issue to be tackled. If a comprehensive product was not going to be the result, she challenged the P&S Committee to find a reason why it was not needed. She preferred talking about the issues not in terms of what each Council Member was looking to accomplish personally, i.e., pet issues, but what the community and the Council as a whole would benefit from having in place. All personal references should be removed from the discussion. The committee should be careful and vigilant not to make the exercise a personal one. The committee should ask itself what legacy it wanted to leave for the community. As a result, more sensitive issues could be handled. She wanted the P&S Committee to agree to be as inclusive as possible and accept as many ideas of what should be included as possible, rather than being extremely narrow. A great deal of wisdom and ideas would also come from the remaining Council Members, the public, and the CAOs.

Council Member Freeman expressed a concern about legal guidelines that crossed over into the protocols and values list. Personally, she would prefer to go with the legal guidelines but was unsure where or what the guidelines were.

Chairperson Kleinberg said the ideas from the P&S Committee would be reviewed by the CAOs who would work together with the P&S Committee on its relationship with staff. The City Attorney would make sure the Council was not agreeing to violate laws or overstepping legal boundaries.

Council Member Freeman preferred not to prolong the exercise if there were already laws covering an issue.

Council Member Beecham presumed Brown Act issues would not have to be redefined.

Council Member Freeman questioned the relationship between Council Members and staff and whether the Council had to go through the CAOs or if there was a law. She wanted clarification prior to a protracted discussion.

Council Member Mossar said, in terms of staff contact, the Council had no formal written policies, but had a general protocol. The issue should be explored. There was no State law governing such relationships. She agreed the P&S Committee would not want to reinvent the wheel. The P&S Committee was at the beginning stages of creating a set of guidelines, which would be forwarded to the Council for review and consideration. It would be a mistake not to discuss something just because it might be written in a law somewhere.

Council Member Freeman suggested overcoming the problem by having a member from the City Attorney's Office attend the meetings when discussions were held. Then, if the P&S Committee was discussing something that was already a law, that fact could be communicated and the P&S Committee could move on.

Chairperson Kleinberg said the suggestion raised the fact that some colleagues might not be aware of what was in the law.

Council Member Freeman admitted to being one of those Council Members.

Chairperson Kleinberg suggested the P&S Committee be provided with something to clarify what was actually in the law.

Council Member Mossar was certain City Attorney Ariel Calonne would be delighted to speak with the P&S Committee during future meetings. The current meeting was primarily focused on setting some direction.

Chairperson Kleinberg wanted the P&S Committee to agree to cover a multitude of subject areas and plan to have, ultimately, a final, comprehensive list reflecting what neighboring communities had done. She liked Council Member Beecham's idea to use what other cities had done rather than spending hours trying to create something that already existed. One city's protocols could form the basis from which the P&S Committee could work, adding other ideas. The most effective way might be to break the issue into incremental pieces. Perhaps the relationship and conduct toward staff and *ex parte* contacts could be taken up first, since the issue was clearly spelled out. Another idea was to have each committee member take a subject matter, study it, and return to the P&S Committee after having put together some of the best practices from other cities.

Council Member Mossar supported the idea of using as a base what other cities had done to flush out items of interest. She also supported the idea of having each committee member take a different subject to study and bring back to the committee as a whole.

Council Member Beecham said Sunnyvale's protocols included many issues he had not previously considered but that made sense. He suggested using Sunnyvale's protocols as the sample from which to work. As each committee member went through each issue, different items would come forward or be eliminated.

Council Member Mossar and Chairperson Kleinberg agreed with Council Member Beecham's suggestion to use Sunnyvale's protocols as the format.

Council Member Freeman agreed and stated Sunnyvale's list was the most readable and comprehensive. It also included the same categories raised by Council Members Beecham and Mossar.

Council Member Mossar suggested that each committee member review Sunnyvale's list and make annotations etc. for the following meeting.

Chairperson Kleinberg had thought Council Member Mossar was interested in focusing on a few areas first.

Council Member Mossar thought Sunnyvale's protocols were focused and since the entire committee liked this list it would be a good starting point.

Council Member Mossar provided a draft regulation for *ex parte* communications to her colleagues, which was from her position as a member of a subcommittee for the Bay Conservation & Development Commission (BCDC), currently in the process of writing a regulation for *ex parte* communications. She had become a real believer in *ex parte* communications and was interested in setting, not just a policy, but some very serious standards for what was and was not okay, when and how the public was informed of communications, and what the consequences were of violating that rule. The BCDC draft regulation was largely modeled on the California Coastal Commission. Parenthetical comments were made on the document and question marks indicated an issue that various organizations handled differently. If the Council wanted to include one of those issues, it would need to determine how Palo Alto should handle it.

Council Member Freeman wanted to see whether the P&S Committee could obtain a copy of the "Leadership Guide for Mayors & Council Members," which was published by the League of California Cities (LCC). Sunnyvale used the guide along with the Sunnyvale City Charter. She asked whether Palo Alto's Charter was on line. If not, the P&S Committee would need a copy. She suggested each committee member review the two documents along with Sunnyvale's protocols to add to comments.

Chairperson Kleinberg queried the next steps for the P&S Committee.

Council Member Mossar said the *ex parte* information was provided merely to spark conversation. The next meeting could include a conversation of Sunnyvale's materials and the *ex parte* materials.

Chairperson Kleinberg clarified the P&S Committee agreed to take the Sunnyvale material and *ex parte* material, review, annotate and raise questions and ideas for how the material could or should be recommended to the Council as a body of protocols and practices. The City Attorney would be asked to be present at the next meeting.

Council Member Freeman added the review of the Palo Alto City Charter and Leadership Guide for Mayors and Council Members. The idea of selecting sections for protocols might also be considered.

Chairperson Kleinberg said there were other, well thought out efforts from other communities. Sunnyvale's model should be compared with the other communities to make sure nothing was left out that Palo Alto might want included. She suggested the P&S Committee address the entire issue.

Mr. Mogensen asked whether the P&S Committee wanted Mr. Calonne specifically, or a designated staff person at the next meeting?

Council Members Mossar and Beecham agreed that Mr. Calonne was the CAO and would be the best one to ask.

Council Member Freeman agreed with examining Sunnyvale's protocols but dealing with smaller chunks rather than the whole thing. The task of going through all of the materials was huge. Each committee member could choose a couple of categories, either from Sunnyvale's list or the colleague memo, and focus on a couple of categories each time.

Chairperson Kleinberg said the Sunnyvale model could be used as the base document from which the committee would work. Among the first matters the P&S Committee discussed were Council's conduct with City staff, overviews of roles and responsibilities, and the *ex parte* material passed out by Council Member Mossar. The P&S Committee could then focus on these the issues. It might become obvious when the committee was reviewing the materials that one item could not be discussed without another.

Council Member Mossar said the *ex parte* information was quite self-explanatory, including a statement of why it was important, what it was, definition of terms, and clear rules about how to deal with the issues.

Chairperson Kleinberg asked whether Council Member Mossar thought the P&S Committee needed to review any other *ex parte* information.

Council Member Mossar said no. Mr. Calonne had a copy of the BCDC *ex parte* document and was supportive of moving forward with the issue. He made no specific recommendations but thought it was a valuable exercise the P&S Committee should pursue.

NO ACTION TAKEN.

4. Zoning Ordinance Update

Assistant to the City Manager Chris Mogensen said the Zoning Ordinance Update was an informational report. Staff was bringing back general information on the scopes of services relevant to the Update. The majority of the contracts were under the \$65,000 trigger for committee review; however, the sum of the contracts exceeded \$65,000.

Chief Planning Official Lisa Grote said in the summer of 2000, staff initiated the comprehensive update of the Zoning Ordinance. In September 2000, the Council reviewed staff's overall work program and agreed to having staff lead the effort while gathering input from various consultants. The types of consultants ranged from environmental consultants, planning consultants, urban design professionals, economic consultants, and some editing at the very end. Staff estimated the cost of consulting contracts at \$380,000, which would be broken up into the various categories and used on an as-needed basis.

Chairperson Kleinberg clarified the decision was approved by the Council in September 2000.

Ms. Grote said yes. The bulk of the funds were anticipated to be spent on urban design consultants who would examine form codes. One contract was already awarded to Rick Williams, Van Meter Williams Pollack, for more graphic analysis to examine the constraints of the existing mixed use and commercial zoning requirements that constrained mixed-use development, particularly along El Camino Real and other commercial districts in town. Work had already been started. Currently, staff was considering the development of prototypes for revised mixed-use guidelines and development standards. Mr. Williams was one of two finalists that staff selected to work together on that effort. The other firm was Herbs Work, a firm with a strong public outreach and community facilitation role. Herbs Work would be doing some of the City's facilitation and Mr. Williams would handle the graphic analysis. Staff was also sending out a Request for Qualifications (RFQ) for the parking and traffic issue. Various sectors in the community, both residential and commercial, indicated parking requirements were no longer in synch with what people really needed. Other contracts had already been awarded and work completed. One was a workshop

with Paul Crawford on how to do zoning ordinance updates and various ways of approach. The California Environmental Quality Act (CEQA) class was presented by Rod Jeung. Discussion papers were available on line regarding land use classifications, types of zoning ordinances, etc.

Chairperson Kleinberg asked whether staff wanted anything from the P&S Committee.

Ms. Grote said the P&S Committee could provide feedback or suggestions for what could be included in the scope of services.

Chairperson Kleinberg expressed concern about the tension in the community regarding adequate parking. Urbanized areas were not as concerned about having sufficient amounts of parking as having alternative modes of transportation. At some point, additional parking had to be set aside as alternative transportation became more available. There was a growing concern when examining plans for the libraries, art center, etc., that the effort to park everything was counter-productive to the City's goal of encouraging alternative forms of transportation. She hoped the consultant would provide the most modern thinking to reflect the evolution of a community striving for fewer automobiles.

Council Member Freeman agreed with Chairperson Kleinberg's concern about trying to find a delicate balance in the City. Palo Alto was at the edge of making decisions about the right amount of growth, parking, density, etc. The notion of the capacity of the physical boundaries might be something important in zoning. She asked whether a firm could incorporate the variables like jobs/housing, population in and out, the number of cars, transportation alternatives, etc., to determine with what Palo Alto could handle.

Ms. Grote thought a combination of input from various consultants considering the issues of higher densities around transit stations and transportation corridors, combined with parking and other types of transportation input, was the goal. As staff gathered and compiled the information from the various consultants, a decision could be made by the Council regarding the desired growth rate. The examination of zoning considered those exact issues within the context of the overall Comprehensive Plan policies.

Council Member Freeman asked whether it was possible for one consultant to examine the results of all of the consulting firms and explain to the Council the effects of a particular density. In that way, the Council would better understand quantitatively where the break-even points were. Perhaps input could be

provided to the Council at a later date. The Council struggled with this when it dealt with almost every issue.

Chairperson Kleinberg queried whether the Comprehensive Plan was up-to-date and if the Zoning Ordinance Update reflected a Comprehensive Plan of community values and vision. The Zoning Ordinance Update was using a document that might already be out-of-date. She wanted to make sure the Comprehensive Plan was still the up-to-date vision for the City.

Council Member Mossar said there was no magic answer or set of data that would make decisions easy. The issues were complicated and interrelated. Palo Alto was not isolated from the rest of the region and consultants would not be able to help the Council deal with issues over which it had no control.

Council Member Freeman stated she expected some indication of reactions to actions. If the Council decided to increase the density in a particular area, it meant larger storm drains, more shuttles, etc. The consultant would not be telling the Council what it had to do, but would give a framework of implications.

Ms. Grote clarified the Council would want to know the consequences and tradeoffs and Council Member Freeman agreed.

Ms. Grote said some of the issues would be covered in the environmental analysis such as, how increased density in one part of town would affect the storm drains and other infrastructure facilities.

Council Member Beecham said concern was being expressed about the cart being in front of the horse; however, the horse had drawn the City to where it was. The Comprehensive Plan, for which years of work was invested, provided a long list of programs. Roughly one-third of the programs were items the Council stated would be included in a Zoning Ordinance Update. Although sentiments might have changed in the community since the Comprehensive Plan was completed, the whole community had been involved in developing the Comprehensive Plan. The Plan was thoroughly assessed at the Planning Commission and the Council, and implementation of the Plan wasn't half way complete. The Zoning Ordinance Update would incorporate about one-third of the programs in the Comprehensive Plan. Issues had arisen over the past five years not anticipated during the creation of the Comprehensive Plan; however, the core strategy was defined by the community and should be implemented.

Sally Probst, 735 Coastland Drive, agreed with Council Member Beecham. The process that started with the Comprehensive Plan required the Zoning Ordinance Update.

NO ACTION TAKEN

5. Discussion for Future Meeting Schedules and Agendas

Assistant to the City Manager Chris Mogensen said the next Policy & Services (P&S) Committee meeting was scheduled for June 11, 2002. The agenda would include Timely Staff Reports, Electronic Packets, and the Anti-Discrimination Ordinance. On July 9, 2002, the P&S Committee would review the Sea Scout Building. The Council Protocol item needed to be scheduled.

Chairperson Kleinberg thought reference to the Sea Scout Building was what should be included in the Request for Proposals (RFP).

Council Member Mossar thought the Sea Scout building issue was to find a process for issuing the RFP and consideration of inclusion in the RFP a history of its use to date.

Chairperson Kleinberg observed criteria was not included in the discussion of the Sea Scout Building.

Council Member Beecham stated he would be absent for the next Policy and Services Committee meeting on June 11, 2002, as he would be attending the American Public Power Agency meeting.

Chairperson Kleinberg asked whether the meeting could be changed to June 18, 2002 to enable Council Member Beecham to attend.

Mr. Mogensen said the meeting would be rescheduled for June 18, 2002. The only other issue was to determine when the Policy and Services Committee wanted to discuss the Council protocol item.

Chairperson Kleinberg suggested discussing the protocol item on July 9, 2002.

Council Member Mossar acknowledged progress would be made with the protocols by moving forward on a systematic basis; the Policy and Services Committee would not have to finish its discussion on July 9, 2002.

Council Member Beecham suggested a one-hour limit on the discussion.

Chairperson Kleinberg said the discussion would probably spark questions about other issues, etc.

Council Member Freeman thought the Committee was going to prioritize what it was going to discuss, i.e., all of the items that had been forwarded to the P&S Committee.

Chairperson Kleinberg said the first five items on the list referred to the Committee were already agendized. The items left were Process regarding City Positions on Ballot Propositions and Fiscal Year 2001-02 Consultant Agreement Review.

Mr. Mogensen said the Zoning Ordinance Update could be removed. Review of traffic calming and downtown north trial should return within the next two meetings. The work on the process regarding City Positions on Ballot Propositions was completed and was just a matter of when it would be agendized by the Committee.

Chairperson Kleinberg thought the ballot item should be addressed prior to November and suggested the June meeting, as there might be propositions of interest to the City She asked her colleagues whether anything else was important for the June meeting in terms of timing.

Council Member Mossar asked whether it was necessary to handle the Timely Staff Reports and the Electronic Packet at the same time.

Mr. Mogensen said the items were related and might even be on the same staff report.

Council Member Mossar said the Anti-Discrimination Ordinance had been around for a long time.

Chairperson Kleinberg asked whether the Sea Scout Building had to be addressed quickly and Council Member Mossar said yes

Mr. Mogensen said July 9, 2002 was a good date.

Council Member Mossar thought the Anti-Discrimination Ordinance was an item that could be moved around. The Electronic Packet benefited the whole community and the ballot proposition was about an upcoming election, which was important.

Council Member Freeman thought the Anti-Discrimination Ordinance was very important.

Chairperson Kleinberg agreed but said the question was which items had to be taken care of in terms of order, not in terms of importance.

Council Member Freeman agreed timely staff reports and electronic packets would expedite the wheels of government and the ballot propositions had to be addressed on June 18, 2002. The question was which of the items should be removed. Much work had gone into the Anti-discrimination Ordinance both internally and externally.

Chairperson Kleinberg said if the Anti-Discrimination Ordinance needed to be heard in June, the electronic packet and timely staff reports should be dealt with in September.

Council Member Freeman asked whether the electronic packet and timely staff reports could be heard in July.

Chairperson Kleinberg asked how long the Sea Scout building discussion would take.

Mr. Mogensen said the Sea Scout discussion would probably take 45 minutes or less.

Council Member Freeman thought the staff report on the Sea Scout Building would contain a recommendation on the process.

Chairperson Kleinberg suggested the Committee limit its discussion to 30 minutes for the Sea Scout Building, one hour on the protocol issue.

ADJOURNMENT: Meeting adjourned at 8:35 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.