



POLICY AND SERVICES COMMITTEE FINAL MINUTES

Special Meeting
December 10, 2019

The Policy and Services Committee of the City of Palo Alto met on this date in the Community Meeting Room at 6:03 P.M.

Present: Kniss, Kou, Tanaka

Absent:

Oral Communications

Max Goetz commented that he was a legislative aide to Council Member Tanaka and he was working on a project regarding protected bike lanes within Palo Alto (City). He briefly summarized two surveys that had been conducted and concluded that there was strong support in the community for protected bike lanes.

Chair Kniss wanted confirmation that Cambridge had passed new laws pertaining to protected bike lanes.

Mr. Goetz announced that was correct and they had been successful.

Agenda Items

1. Staff Recommends the Policy and Services Committee Recommend the City Council Accept the Status Updates of the Audits of: 1) City-wide Cash Handling and Travel Expense; 2) Cable Franchise and PEG Fees; 3) Continuous Monitoring: Overtime; and 4) Continuous Monitoring: Payments.

David Ramberg, Assistant Director of Administrative Services reported that the Administrative Services Department (ASD) had completed the rollout of the new Meal Policy and closed the final recommendation from that audit. The Cable and Public, Educational and Governmental Access Channel (PEG) Fee Audit had a timeline for returning to City Council (Council) in early 2020. ASD was working with the City Auditor's Office to come up with alternative approaches pertaining to Continuous Monitoring of Payments and Continuous Monitoring of Overtime.

Chair Kniss wanted an update regarding the Media Center.

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Mr. Ramberg stated that there was a draft agreement between the City and the Media Center. In terms of the PEG Fees, stakeholder agencies were in agreement with how the PEG Fees were to be spent. When the agreement came forward in early 2020 to the Council, everybody was going to be on board with the new plan.

Council Member Tanaka wanted clarity on Finding #1 and why it said in progress.

Mr. Ramberg explained that the finding pertained to the Media Center using PEG Fees not in accordance with Federal requirements. It was in progress because the PEG Fees were being held in a restricted account. When the new agreement came online then the finding was going to be deemed completed.

Chair Kniss questioned where the money would go if there were no capital expenditures.

Mr. Ramberg answered that it was going to help the City to fund the updates to the Council Chambers Project. In the long term, Staff was going to have to come back to the Council in order to determine how the PEG Fees were going to be used.

Chair Kniss commented that the next audit had to do with meal purchases and asked if there was more information the Policy and Services Committee (Committee) needed to know.

Mr. Ramberg reported that when employees did have a meal, it was going to show up as a taxable benefit and would be rolled into their paycheck.

MOTION: Council Member Kou moved, seconded by Council Member Tanaka to recommend to the City Council to accept the Status Updates of the Audits of:

- 1) Citywide Cash Handling and Travel Expense;
- 2) Cable Franchise and PEG Fees;
- 3) Continuous Monitoring; Overtime; and
- 4) Continuous Monitoring: Payments.

MOTION PASSED: 3-0

2. Discussion and Recommendations Regarding City Council Protocols and Procedures Handbook.

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Monique LeConge Zieshenne, Assistant City Manager announced that the Policy and Services Committee (Committee) was going to review the full City Council (Council) Procedures and Protocols Handbook. All recommended changes were in place to make the handbook meet legal requirements and be up to current practice. Staff was recommending that the suggested changes be forwarded to the full Council. One note was that the Travel Policy had been updated to reflect the changes that were made regarding meals and travel.

Chair Kniss emphasized that the Committee could not discuss the Travel Budget until the new City Budget was introduced.

Molly Stump, City Attorney suggested that the Travel Budget discussion be included in the Staff Report but not be included in the actual handbook. She suggested that Ms. Zieshenne send a message to the Administrative Services Department (ASD) Director stating that the Travel Budget be flagged in the budget for the Council to discuss.

Chair Kniss concurred with that suggestion.

Council Member Kou wanted to see in the introduction and contents, after business, the words "and is a directional guide" to be included. In terms of the line that said the Handbook, City Council Procedures, she suggested it be changed to the City Council Procedures Handbook.

Council Member Tanaka advised that on Page 2 he wanted to see language included that allowed City Council Members to ask questions of the public.

Ms. Stump recommended that a sentence be included that said that Council Members may ask brief questions and may direct City Staff.

Council Member Kou interjected that it should read Council Members may ask clarifying questions and ask City Staff to follow up.

Ms. Stump confirmed that was consistent with the law and that would be ok.

Council Member Kou articulated on Page 3 under Section D, Specific Requirements and Time Limits, under Oral Communication it should say Oral Communications should be allowed up to 3 minutes and no less than 2 minutes. All speakers combined were limited to a total of 30 minutes.

Chair Kniss did not agree with Council Member Kou's suggestion and she did not want to see any changes made on Page 3 under Specific Requirements and Time Limits.

Council Member Kou clarified that even with her suggested change, the Mayor had the ultimate power to limit times regardless of the change in the language.

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Council Member Tanaka suggested that it read 30 minutes for combined speakers or what the Mayor deemed necessary.

Council Member Kou agreed with that suggestion.

Ms. Ziesenhenne restated what it read and said it will be limited to a total of 30 minutes for all speakers combined at the discretion of the Chair.

Chair Kniss advised Staff to wordsmith it because it was frustrating when public speakers directed their frustrations towards one single Council Member.

Ms. Stump disclosed that public speakers had the right to single out individual Council Members during their comments.

Ms. Ziesenhenne reported that Staff could outline how public speakers should behave and what was proper etiquette.

Chair Kniss commented that Page 4 was very clear and concise and right to the point.

Council Member Kou believe Municipal Code 2.04.120 and 2.04.130 would be appropriate to be included in the decorum language and enforcement on Page 5.

Ms. Stump noted the suggestion and stated Staff would review it.

Council Member Kou continued to Page 5, summary of guidelines, and asked if the 11 day distribution timeline was an Ordinance.

Ms. Stump answered that it was a practice, not an Ordinance. She clarified that it was not the law that required supportive materials to be included in the Agenda posting, just the Agenda.

Council Member Tanaka wanted to see the language be removed regarding fining a Council Member if they did not show up to a meeting.

Ms. Stump explained that language was in the Municipal Code but it had never been done. To have it removed meant that it would still be listed in the Municipal Code unless a Code Amendment was made but she would double-check.

Chair Kniss advised that Staff check the Municipal Code before the language was stricken from the handbook.

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Council Member Kou commented on Page 9 under Approved Teleconference Guidelines for Council Members, she did not know when the 5 day notice timeline started.

Ms. Stump assumed that the Clerk's Office would want that notice 5 days before the publication of the Agenda.

Council Member Tanaka declared that the 5 day in advance timeline was almost impossible to meet for Council Members who traveled for work.

Chair Kniss wanted to have a discussion regarding the 5 day written notice timeline with the full Council. She stated that the guideline that discouraged Council Members from attending a meeting by phone did not reflect today's world and believed it needed to be removed.

Council Member Tanaka agreed with Chair Kniss' suggestion that it be removed.

Council Member Kou was concerned that without the requirement, there would be no Council Members physically present at Council meetings.

Ms. Stump clarified that the Brown Act required that the majority of the body had to be physically present at a meeting.

Chair Kniss had never attended a meeting where more than one person was attending the meeting by teleconference.

Ms. Stump advised that the topic of telephonic attendance be discussed at Council but call out the two points of concern: whether there was a statement actively discouraging attendance by phone and what should be the period of notice required.

Council Member Tanaka wanted to include the topic about calling into a meeting more than three times a year and have a discussion about the posting of the Agenda at a remote location.

MOTION: Chair Kniss moved, seconded by Council Member Tanaka to recommend to the City Council to make the following change to the Draft City Council Procedures and Protocols Handbook:

1. Page 9, bullet one, remove "at least 5 days prior to the meeting" and change to "72 hours prior to the meeting."

MOTION WITHDRAWN BY THE MAKER

Council Member Kou was not comfortable with removing the 5 day noticing.

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Ms. Ziesenhenne confirmed that the \$250 fine to a Council Member for not attending a Council meeting was in the Municipal Code.

Council Member Tanaka wanted to see that changed.

Chair Kniss did not want to see it changed but wanted the Municipal Code referenced in the handbook. She suggested that clarification was needed for Page 9, 10 and 11.

Council Member Kou wanted to see that any changes made be consistent throughout the whole handbook.

Council Member Tanaka did not know what posting meant in terms of calling in from a remote location.

Ms. Stump summarized that it was up to the Council Member to provide notice at their location to the public in a way that the public would be able to find the location.

Council Member Kou noticed that in terms of the Agenda order, the City Manager's comment was taking place later than what was written in the handbook.

Ms. Stump confirmed that the City Manager had expressed interest in continuing that order and it was to be updated in the handbook.

Council Member Tanaka stated that the Consent Calendar voting, public speakers and then pulling an Agenda Item was a weird order.

Ms. Stump specified that new language had been included in the handbook that public speakers should be heard first.

Council Member Tanaka believed the public should speak first, Council Members then needed to voice their no vote, Council Members then spoke to why they were voting no and then a vote needed to be taken.

Ms. Stump remarked that order of things was not possible because a discussion needed to take place and then it became an Action Item when it was not agendized as an Action Item.

Chair Kniss agreed with Ms. Stump's explanation but agreed that the public needed to speak first.

Council Member Tanaka wanted the Consent Calendar topic to be brought up to the full Council.

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Ms. Stump suggested that Staff do some survey work on how Consent Calendars were handled in other jurisdictions.

Council Member Tanaka concurred. A time limit needed to be included in the handbook when it came to Consent Calendar items and Council Members voicing their opinions.

Council Member Kou proposed changing two Council Members to pull an item from the Consent Calendar, not three.

Council Member Tanaka agreed.

Chair Kniss did not agree with that suggestion.

Council Member Tanaka was concerned about items being on the Consent Calendar that cost millions of dollars.

Ms. Stump reported that the Committee and Council could set a dollar threshold for the Consent Calendar, but by doing that it would increase the number of items on the Council's Action Agenda.

Chair Kniss restated that the Consent Calendar should be brought to the full Council for a Study Session.

Ms. Ziesenhenné wanted to know if there was a dollar amount threshold for the Consent Calendar, were the Council Members able to pull items off the Action Agenda and move them to the Consent Calendar.

Ms. Stump explained that the City's practice was to normally have a robust discussion about items. She disclosed that other jurisdictions normally moved quickly on items that seemed like routine items, like contracts.

Chair Kniss recommended that there be three Council Members on a Colleagues Memo instead of two.

Council Member Tanaka disagreed with the change from two to three because it could become a Brown Act issue.

Ms. Stump agreed with Council Member Tanaka. Staff was able to make the language clearer that at a minimum of two or up to three.

Chair Kniss was confused about why there were several places that discussed Closed Sessions.

Ms. Stump commented that Staff bundled Closed Session information and moved it all to one place.

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Ms. Ziesenhenne interjected that the formatting of the whole document needed to be reworked.

THE COMMITTEE TOOK A BREAK AT 7:54 P.M. AND RETURNED AT 7:55 P.M.

Chair Kniss asked Ms. Stump if it was alright for the Planning Commission to not have Substitute Motions.

Ms. Stump reported that any Board or Commissions could make decisions on their own parliamentary procedures. The Council was able to be more directive in how their Commissions and Boards were operated.

Chair Kniss found it concerning when Council Member's made Motions and gave them to the City Clerk before any discussion had happened.

Ms. Stump noted that it was common practice on legislative items for Council Members. Any Council Member who had strong opinions on a topic needed to present them to Staff so that Staff could help flush them out before they came to Council.

Chair Kniss asked for clarification on Substitute Motions and main Motions.

Ms. Stump explained that the Council's practice was to have a main Motion, then there could be an Amendment or Substitution at the same time, which was not considered a second main Motion.

Chair Kniss restated that she did not know what "no new main Motion could be entertained" meant.

Ms. Stump clarified that it meant something other than an Amendment or Substitution. She declared that Staff would investigate the wording.

Council Member Kou agreed that it was confusing the way it read.

Chair Kniss wanted to include the number it took to have a supermajority when there were seven Council Members.

Ms. Stump emphasized that a supermajority meant that is was a 2/3rds vote of members that were present, not 2/3rds of the seats. Staff planned to include a table that listed out all the numbers that were needed for votes.

Chair Kniss did not understand what Motion to reconsider meant.

Ms. Stump explained a Motion to reconsider was only made by a person that was in the majority because that made it so the Council's business would continue to move forward.

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Council Member Kou wanted Planned Community to be crossed out and that be consistent throughout the document.

Ms. Stump noted that Standing Committees only pertained to the Council's Committees, not Boards and Commissions.

Chair Kniss asked if Council Committees could give public speakers up to 5 minutes to speak.

Ms. Stump answered that was general practice and the Chair had the discretion to shorten the time limit.

Council Member Tanaka inquired why the Committee of a Whole was needed in the document.

Ms. Stump stated that it was not needed.

Council Member Tanaka suggested removing the language regarding the Committee of a Whole.

Chair Kniss pointed out that the Mayor only appointed three members for an Ad Hoc Committee instead of four.

Ms. Stump confirmed that was correct and Staff was going to correct the document.

Council Member Tanaka wanted to see redundant references to State law be removed from the handbook.

Ms. Stump agreed but countered that the handbook was intended to be a useful guide to the public.

Council Member Tanaka restated the problem was that some things were included, and some things were not. He believed to have everything included was a burden to Staff because they had to maintain the document.

Ms. Stump disclosed that the document needed a major overhaul, but Staff was not prepared to take on such a project at the time.

Council Member Kou asked if the Brown Act applied to the nomination of Mayor.

Ms. Stump confirmed that the Brown Act did apply.

Council Member Kou suggested to put in a reference to the Brown Act for the nomination of Mayor.

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Council Member Tanaka did not like having a reference to the Brown Act because it was redundant.

Chair Kniss advised putting a question mark by that suggestion.

Council Member Tanaka suggested changing the date for the travel policy.

Council Member Kou recommended using hyperlinks throughout the document when it referenced the code.

Council Member Tanaka thought the limit of 1 hour to discuss a topic was too short.

Ms. Stump noted that the limit could be extended if Council Members needed more time.

Chair Kniss declared the 1 hour limit should be sent to the full Council for discussion.

Council Member Tanaka emphasized that Elected Officials often gave more power to appointed Staff than there needed to be.

Council Member Kou responded that she reviewed the language as a reminder to Elected Officials to be mindful of Staff's time.

Council Member Tanaka commented that Boards and Commissions should be used to vet out topics that the Council did not have time for.

Mr. Shikada did not like having the conduct with City Council in the handbook and suggested that it be moved to the City Policy Manual.

Council Member Tanaka concurred that the language should be taken out and be put into the City Policy Manual.

Council Member Kou asked if a Council Committee had a timeframe in which to review an item that was referred to them by Council.

Ms. Stump answered that the Council could set one, but it was usually up to the key Staff member to work with the Chair of the Committee to manage the Agenda.

Council Member Kou questioned what would happen if the Chair of the Council Committee could not attend a Committee meeting.

Ms. Stump declared there could be a Committee meeting with two Council Members.

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Council Member Tanaka expressed that the deadline to have questions in by Wednesday at 5:00 P.M. was a hard deadline to meet.

Chair Kniss suggested that the item be brought before Council for discussion.

Council Member Kou requested that the phrasing be looked on for 7.1(d) on Page 41.

Council Member Tanaka wanted to know if Staff followed the same travel policy that was laid out in the handbook.

Ms. Ziesenhenne answered yes.

Council Member Tanaka wanted to include scooters and skateboards for D on Page 44; as well as Uber and Lyft.

Ms. Ziesenhenne commented that she would double-check to make sure the City did reimburse for Uber and Lyft rides.

Council Member Tanaka suggested that the Travel Budget be divided by seven and that would determine what each Council Member had to spend on travel for the year.

Ms. Ziesenhenne emphasized that the Committee and Council would have another review of the handbook later.

MOTION: Council Member Tanaka moved, seconded by Council Member Kou to recommend to the City Council to forward the discussed changes to the full Council for discussion in a redlined document, to show suggested changes.

MOTION PASSED: 3-0

COUNCIL TOOK A BREAK AT 9:16 P.M. AND RETURNED AT 9:18 P.M.

3. Discussion and Recommendations for 2020 City Council Priority Setting Process.

Monique LeConge Ziesenhenne, Assistant City Manager announced that the 2012 City Council (Council) had requested that the Policy and Services Committee (Committee) develop a process for the selection of priorities as well to gather input from Council Members and the community regarding priorities.

Chair Kniss questioned if the Committee was responsible for putting together a list of possible priorities.

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Ms. Ziesenhenne stated that the Committee was to make recommendations about the process.

Chair Kniss requested Staff hand out the current priorities and a list of past priorities.

Council Member Tanaka expressed that he did not know if the priorities were ever really addressed through the work of the Council.

Ed Shikada, City Manager interjected that Staff had brought forward Work Plans for each of the current priorities and the Council had approved them.

Chair Kniss added that the priorities gave Staff a goal to work toward.

Council Member Tanaka commented that the priorities were too broad and aspirational. He wanted to see more specific and concrete goals versus broad priorities.

Mr. Shikada expressed that the specificity of a priority was up to the Council when they discussed the topic at their yearly Retreat.

MOTION: Chair Kniss moved, seconded by Council Member Tanaka to recommend to the Council to include the previous priorities and to have the Council be more specific in their priority setting in the 2020 City Council Priority Setting process.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER to have the format and facilitation of the 2020 City Council Priority Setting process be worked out with the new Mayor and the City Clerk.

MOTION AS AMENDED RESTATED: Chair Kniss moved, seconded by Council Member Tanaka to recommend the Council use the 2019 City Council Priority Setting for the 2020 City Council Priority Setting Process, have the priorities be focused in such a way that items can be accomplished and, have the format and facilitation be determined by the new administration.

Council Member Kou requested an update on what the City did to accomplish its priorities for 2018.

Chair Kniss thought that was a great idea.

MOTION AS AMENDED PASSED: 3-0

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Future Meetings and Agendas

None.

Adjournment: The meeting was adjourned at 9:37 P.M.