



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

November 10, 2014

The Honorable City Council
Palo Alto, California

Policy and Service Committee Recommendation to Release Agenda Packets One Week Earlier and Make Other Conforming Changes

Recommendation

Staff and the Policy and Services Committee recommends that Council approve the following changes to City procedures and practices: (1) the Council agenda packet (Packet) to be released one week earlier than under current practice - 12 days prior to Council meetings and more for Committee meetings - except under unusual circumstances warranting shorter timeframes, and (2) questions from Council Members regarding agenda items to be submitted to the City Manager no later than close of business on the Wednesday prior to the meeting.

Discussion

The City Council agenda packet containing the agenda and all associated reports, minutes, data and attachments is currently released the Wednesday prior to the next Monday Council meeting. The Packet contains the agenda and reports for the upcoming Council meeting, along with Committee agendas/packets for the following week and informational Staff reports. The current Wednesday release allows the Council and public five days to review the packet. If approved, releasing the Packet one week earlier would allow Council and the public 12 days to review the Packet.

Under the current schedule, report writing and review typically begins four to six weeks in advance of the meeting. Earlier packet release will mean that process must begin one week earlier. This may have the effect of constraining to some degree the City's ability to react quickly to changes in circumstances or new developments. It will also mean that Council will not be able to request that an item be placed on the following weeks' agenda, as that agenda will already have been published. In addition, the earlier release of packets will mean that there often will be two agenda Packets out at the same time. This may cause confusion with the public. Staff intends to use different paper colors to differentiate between the Packets, highlight the date on the agenda and reports to increase visibility, and maintain two separate public carts in the Council Chambers for agenda materials.

Earlier Packet release will make it possible to adjust the timelines for City Council submission of questions and advance notification of intent to pull an item from Consent. Wednesday before the Council meeting appears to be an appropriate deadline for these items. This will allow Staff sufficient time to prepare responses to Council questions and release them before the evening of the meeting.

Council, Staff and the public will need to resist any tendency to request supplemental Staff reports based on community input or other information that Council and Staff may receive as we get closer to the meeting. Current staffing levels are not sufficient to support an increase in reports over the current practice.

Policy & Services endorses the recommendation of Staff to make the transition to an earlier release of the Packet during the Council's holiday break in December. The Packets for January 5 and 12, 2015 would be released on Wednesday, December 31, 2014.

The Policy and Services Committee also discussed moving from sense minutes to verbatim minutes, but has requested Staff to return with additional information on cost and turnaround time. This is scheduled to return to the Policy and Services Committee on December 16, 2014.

Timeline

Early Packet release would begin with the Council packets for January 5 and January 12, 2015.

Resource Impact

Project implementation will be completed within existing staff resources. Post implementation analysis based on issues mentioned above may increase staff time.

ATTACHMENTS:

- Attachment A: CMR Calendar 2015 (DOC)
- Attachment B: Policy and Services 09-23-14 Report (PDF)

- Attachment C: 09-23-14 Packet Release Minutes (DOCX)

Department Head: Donna Grider, City Clerk

CMR CALENDAR-WEDNESDAY/THURSDAY RELEASE OF PACKET/REPORTS

COUNCIL MEETING DATE	Draft CMR with BAO/Resource Impact Section/ Ordinance/ contract from originating Department to ASD Director- and Other Coordinating Depts. Process begins on Monday 5 weeks prior to the Council meeting **	Draft routed to City Attorney by Monday 4 weeks prior to packet	Final Review of all edits by Originating Department Head FRIDAY 2 weeks prior to packet	Final CMR Due to JK for Review by WEDNESDAY week prior to packet If NO edits, JK approves (dept. process complete)	If EDITS from JK: CMR due back to originating Department to make all edits	If EDITS from JK: Final edited version of CMR due back to JK WEDNESDAY for final approval to send to Clerk by NOON (dept. process complete)	Final CMR to City Clerk by NOON day of packet PACKET DAY
JAN 5 MONDAY	CEREMONIAL					CEREMONIAL	DEC 31 WEDNESDAY
JAN 12 MONDAY	DEC 8 MONDAY	DEC 15 MONDAY	DEC 19 FRIDAY	DEC 23 TUESDAY	DEC 29 MONDAY	DEC 30 TUESDAY	DEC 31 WEDNESDAY
JAN 20 TUESDAY	DEC 15 MONDAY	DEC 22 MONDAY	DEC 26 FRIDAY	DEC 31 WEDNESDAY	JAN 6 TUESDAY	JAN 7 WEDNESDAY	JAN 8 THURSDAY
FEB 2 MONDAY	DEC 29 MONDAY	JAN 5 MONDAY	JAN 9 FRIDAY	JAN 14 WEDNESDAY	JAN 20 TUESDAY	JAN 21 WEDNESDAY	JAN 22 THURSDAY
FEB 9 MONDAY	JAN 5 MONDAY	JAN 12 MONDAY	JAN 16 FRIDAY	JAN 21 WEDNESDAY	JAN 27 TUESDAY	JAN 28 WEDNESDAY	JAN 29 THURSDAY
FEB 17 TUESDAY	JAN 12 MONDAY	JAN 19 MONDAY	JAN 23 FRIDAY	JAN 28 WEDNESDAY	FEB 3 TUESDAY	FEB 4 WEDNESDAY	FEB 5 THURSDAY

** Report process in MinuteTraq can begin any time before these dates. When you are aware that you are going to have to bring a report to Council, Finance Committee, or Policy and Services Committee, you can enter it in MinuteTraq.

CMR CALENDAR-WEDNESDAY/THURSDAY RELEASE OF PACKET/REPORTS

DRAFT



City of Palo Alto

(ID # 5114)

Policy and Services Committee Staff Report

Report Type: Agenda Items

Meeting Date: 9/23/2014

Summary Title: Early Release of Agenda Packet

Title: Review and Recommend to City Council Changes to the Scheduled Release of Council Agenda Packets and Other Matters Related to Agendas, Reports and Minutes

From: City Manager

Lead Department: City Clerk

Recommendation

Staff recommends that Policy and Services Committee review and discuss the proposal for early Council agenda packet (Packet) release and other agenda/report/minutes related process changes.

Executive Summary

The City Council agenda packet containing the agenda and all associated reports is currently released the Wednesday prior to the next Monday meeting. The Packet contains the agenda and reports for the upcoming Council meeting, along with Standing Committee agendas/packets for the following week, and informational Staff reports. The Wednesday release allows the Council and public five days to review. The early release would allow Council and public additional time to review the items coming before Council and the Council Standing Committees.

Discussion

Over the past several months, Staff has been working on how to effectively transition to a packet release a week earlier than is now done. The new schedule could be in effect beginning in January 2015, with packets going out on the Wednesday or Thursday two weeks before the Monday meeting. This would be approximately 12 days in advance of the meeting. We need to make the transition during a holiday break period, to manage the shift and logistics from one schedule to the next. We had hoped to do this during the Council's recent summer break but weren't able to meet the deadline. There is slight appreciation and understanding for all of the work and coordination to produce our voluminous agenda packets and reports each week. Under the current Wednesday packet schedule, the agenda development and report writing and review typically begins four to six weeks in advance of the meeting. Earlier packet release will mean that process must begin even earlier.

There are several issues related to the earlier release. First, we will have a situation where there are often two packets out at the same time and the potential for confusion will be real. That probably isn't an issue for regular attendees of City Council meetings. But for those less familiar with City Council meetings, there could at times be confusion and we could have some folks attend the wrong meeting. As infrequent attendees, this could be a disappointing experience, and we should be prepared for this. We doubt this will be the norm, but it should be acknowledged.

Second, we will need to resist the tendency to request supplemental staff reports as we get closer to a meeting, based on community feedback or other information that Council and staff may receive with an earlier release of reports. City staff cannot effectively support an increase in reports over the status quo.

As we are making changes related to public notice and participation, intended to make for more effective Council meetings and to support increased engagement by the public, in discussions with the Executive Leadership Team there are some concurrent improvements in process and discipline related to effective Council meetings and preparations that staff suggests the Committee discuss. We need to review rules around changes to the agenda and scheduling of those changes as well as potential revisions to policies and procedures related to a Colleagues' Memo submission and review time. Staff also suggest we reset deadlines on City Council submission of questions to staff and receive advance notice on intent to pull an item from Consent. With an earlier packet release, Friday before the Council meeting would be an appropriate deadline for both these items. This will allow staff to more effectively prepare and respond to Council questions and notice to move an item to the Action agenda.

Lastly, the Committee should take a hard look at current practice of using sense minutes at Council and Committee meetings and considering moving to Action minutes, in conjunction with full video recording by the Media Center. Preparation of sense minutes is an intensive, high cost approach that with video recording of meetings raises important questions about why we continue this. Sense minutes are not verbatim minutes, but rather summaries prepared by the Clerk's staff or off-site contractors who are called on to interpret and make discretionary decisions about how best to summarize complex public debate. The Media Center video is accurate, complete and available promptly after a meeting is concluded. As we are looking at the earlier packet release as a best practice, we should apply the same criteria to other aspects of our report and agenda production.

Finally, staff notes that current Council procedures reflect anomalous treatment of how Council Members place items on the Action agenda. Colleagues' memos require two votes, while items progressing to full Council from a standing Committee are placed on the Action agenda with only one Council Member vote. The two-vote requirement is intended to allow a low threshold to access the agenda, but require at least the support of two Members before

the full bodies' time is reserved for full discussion. The Committee may wish to consider aligning these two vote requirements.

Timeline

If the Committee recommends that the Council move forward with the early packet release, Staff would bring this to Council in early November 2014 for approval, and implementation would begin with the Council packets for January 5 and January 12, 2015.

Resource Impact

Project implementation will be completed within existing staff resources. Post implementation analysis based on issues mentioned above may increase staff time.



POLICY AND SERVICES COMMITTEE WORKING MINUTES

Special Meeting
September 23, 2014

Chairperson Price called the meeting to order at 6:00 P.M. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Klein, Price (Chair), Scharff, Schmid

Absent:

2. Review and Recommend to City Council Changes to the Scheduled Release of Council Agenda Packets and Other Matters Related to Agendas, Reports and Minutes.

Donna Grider, City Clerk, advised that for the past year the Executive Leadership Team had discussed an early release of Council packets. Currently packets were released on Wednesday for the following Monday's meeting. Staff proposed transitioning early release over the Winter Break and implementing it in January 2015 with packets issued two weeks prior to the Council meeting. Under the current schedule, Agenda development and report writing typically began four to six weeks in advance of the Council meeting. Notice of a Public Hearing was submitted to the newspaper four to five weeks prior to the Council meeting. The public could be confused by having two packets available concurrently. Council Members should resist changing or adding to the packet because of the perception of having time to do so. Council Member questions should be submitted the Friday prior to the Council meeting rather than the Monday of the meeting to allow Staff more time to respond. A survey of surrounding cities revealed that the majority utilized action minutes. Currently three to four weeks were needed to prepare sense minutes. The Attorney's Office had concerns that sense minutes did not accurately reflect Council discussion.

Molly Stump, City Attorney, explained that an administrative person not familiar with complex subject matters was asked to listen to a recording, decide important points, and summarize comments. She preferred action minutes along with the video.

James Keene, City Manager, did not believe his comments were characterized accurately in minutes. At times the Council felt it was

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premature to act because it did not have minutes. In order to prepare accurate minutes, a court reporter could capture all statements as spoken.

Ms. Grider advised a Colleagues' Memo to place an item on the Council's Action Agenda required two votes. One Standing Committee Member could place an item from the Standing Committee on the Council's Action Agenda.

Ms. Stump clarified that one Council Member in a Standing Committee meeting could dissent from the majority vote and cause the item to be placed on the Council's Action Agenda. Other processes for moving an item to the Action Agenda required higher thresholds.

Council Member Klein remarked that a Colleagues' Memo started a process; it did not advance an item to the Action Agenda.

Mr. Keene indicated three Council Members had to support removal of an item from the Consent Calendar. Sometimes one member of a Standing Committee would intentionally dissent to ensure the item was placed on the Action Agenda. Different methods for placing items on the Action Agenda had different thresholds.

Council Member Schmid suggested the Policy and Services Committee (Committee) discuss each of the five proposals separately.

Chair Price concurred.

Council Member Scharff inquired about the five proposals.

Mr. Keene responded early release of the packet and supplemental reports.

Council Member Schmid added Council Member questions to Staff and action minutes.

Council Member Scharff wanted to discuss the proposals concurrently.

Council Member Schmid noted the final proposal was requiring two votes rather than one from a Standing Committee to place an item on the Action Agenda.

Council Member Klein recommended the Committee discuss proposals together but propose separate Motions.

Council Member Scharff agreed with the process.

Chair Price also agreed.

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Council Member Schmid believed early release of the packet would allow the public to absorb and discuss information and prepare comments for the Council. He inquired whether materials such as minutes of Boards and Commissions and letters from the public would be issued as a supplemental packet.

Mr. Keene assumed the current practice of at-places information would not change.

Council Member Schmid explained that such supplemental material could be provided in the packet released the Wednesday before the meeting. The City Manager and Staff Report would not be supplemented.

Mr. Keene indicated that could create a multistage distribution for the City Clerk.

Ms. Grider agreed. She wanted to differentiate packets so that Council Members and the public could easily determine which meeting the packet applied to. Perhaps packets could be a different color or be bound separately and state the meeting date. Staff should not retain correspondence until the night of the meeting. Supplemental, revised, amended, or corrected reports would only confuse everyone.

Council Member Schmid suggested printing the date of the meeting across the top of the packet in bold or a different color. Council Members submitting questions on Friday would provide sufficient time for Staff to respond and to carefully consider their responses. Council Members had no time to read and absorb answers provided at-places. Council Members could submit questions on Thursday or Friday with the agreement that Staff would respond on Monday.

Mr. Keene commented that answers often were provided to the Council or the public at the meeting. If questions were submitted on Friday, then he could review the status of responses on Monday.

Council Member Schmid opposed the use of action minutes. Action minutes from meetings of the Utilities Advisory Commission (UAC) were virtually useless in providing a sense of action from the meeting. Verbatim minutes from meetings of the Planning and Transportation Commission (PTC) were a valuable resource. Verbatim minutes were necessary for an open, transparent, democratic process. A Colleagues' Memo required two votes or 22 percent of Council Members. One dissenting vote from a Standing Committee Member was 25 percent of Standing Committee Members. Removing a Standing Committee item from the Consent Calendar required a higher percentage of Council Members than a Colleagues' Memo. In

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addition, the Standing Committee could not report an item to the Council on a 2-2 vote. He would not support Item 3 or Item 4.

Council Member Scharff supported early release of packets. He was not concerned about having two pending packets. He inquired whether color printing of the packet was possible without adding a great deal of cost.

Ms. Grider reported color would add some cost but was possible.

Council Member Scharff recommended the date be printed in big, bold, red letters. He did not like sense minutes because Motions as amended and with incorporated language were not stated in one location. Sense minutes could hurt the City in litigation.

Ms. Stump related her experience with having to testify in court that minutes were an official City document when she did not believe comments attributed to her in the minutes were accurate.

Council Member Scharff recommended the Committee support either verbatim or action minutes. He asked if verbatim minutes were more expensive.

Ms. Grider answered yes.

Council Member Scharff inquired about the additional expense.

Ms. Grider could not provide an amount at the current time.

Council Member Scharff inquired about the amount of money saved by changing to action minutes.

Ms. Grider explained that the City would not have to contract for transcription of minutes if the action minutes were utilized. That would save approximately \$50,000.

Council Member Scharff assumed verbatim minutes would not cost much more.

Ms. Grider did not research the cost of verbatim minutes.

Council Member Scharff agreed with Council Member Schmid that transparency concerns outweighed a \$50,000 cost. He would support the use of verbatim minutes as well as outsourcing transcription of minutes. He supported the process of one Standing Committee Member being able to remove an item from the Council's Consent Calendar. That prevented three Standing Committee Members from forcing an issue and provided weight for

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a unanimous vote not to be removed from the Consent Calendar. Council Members would need to submit questions by Thursday or Wednesday because of 9/80 Fridays.

Chair Price clarified that Council Members would meet on Monday, submit questions by Wednesday, and receive the first round of packets Wednesday afternoon.

Ms. Stump added that packets would arrive a week earlier.

Council Member Scharff indicated Council Members could still ask questions at the meeting. The purpose of submitting questions was to reduce the length of Council meetings; however, shorter meetings did not occur. The Council should have a policy for Council Members to submit questions that would be difficult to ask during a meeting. A Council Member should be able to remove an item at the Council meeting. That created some difficulties for Staff, but items could be rescheduled.

Council Member Klein agreed with comments regarding Standing Committee votes. The present procedure was acceptable. He questioned whether the proposal should be presented to the Council as it was a Staff initiative.

Council Member Scharff answered no.

Ms. Stump reported that the Council did not need to hear the proposal. Staff provided it as a potential idea.

Council Member Klein recommended the process of Council Member questions be reexamined. Questions during Council meetings were educational for the public. Written questions and responses did not save time or inform the public.

Council Member Scharff asked if Council Member Klein was advocating for eliminating questions.

Council Member Klein responded no. Staff's preference for written questions was misguided.

Mr. Keene stated intuitively answering questions in advance created work. The original intent of submitting questions in advance was to preclude those questions being asked at the meeting. Meetings were not shorter because of submitting questions, and Staff would be happy to eliminate them.

Council Member Klein would not change the process for removing items from the Consent Calendar. Quite frequently members of the public did not read the packet until the weekend before the meeting. He supported early

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release of packets. In addition to different colors, he proposed Agenda Items be numbered 1-1,000. There would be less confusion if the current week's Agenda began with Item Number 1 and the following week's Agenda began with Item Number 20.

Mr. Keene expressed concern that early release of packets would lead to Council Members requesting Staff provide supplemental reports or respond to public comment. Staff would not provide interim updates to the upcoming packet in response to Council Member questions.

Council Member Klein suggested Staff adhere to the Council rule that a Council Member question could not require more than one hour of Staff time. The Council could not act on the question, because it was not an Agenda Item.

Council Member Scharff recalled the City Attorney indicated that was not an agenda issue.

Ms. Stump explained that the Brown Act exception applied to new topics the body wanted to place on a future Agenda.

Council Member Klein seemed to recall the Council had verbatim minutes at one time.

Herb Borock reported City Clerk Gloria Young recommended the Council save money by changing to sense minutes. The quality of minutes varied depending on the cost.

Council Member Klein disagreed with Council Member Scharff's estimate of only \$50,000. A court stenographer was not cheap.

Council Member Scharff added that the Council did not need a certified court reporter.

Ms. Stump inquired whether a court reporter attended Planning & Transportation Commission (PTC) meetings or the recording was sent out for transcription.

Ms. Grider indicated the PTC sent the recording out to be transcribed.

Council Member Klein inquired about the qualifications of the transcriptionist.

Ms. Grider advised that the same firm transcribed both PTC and Council minutes. They were not court reporters.

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Council Member Klein added that verbatim minutes would require more time to transcribe. He questioned whether verbatim minutes could be transcribed in time for an item to return to the Council in one or two weeks. He would support either action or verbatim minutes but wanted to review cost and transcription time. Court reporters could provide a transcript the same day.

Ms. Grider noted the cost was substantially higher.

Council Member Klein requested Staff provide an array of costs and timeframes for transcription.

Council Member Scharff suggested transcription of a particular item could be expedited if the Council directed Staff to return with that item the following week. The cost could be less expensive. As an alternative, the City could use action minutes on the one item.

Council Member Klein believed using more than one style would open the City to criticism.

Fred Balin commented that the Council should continue with sense minutes or change to verbatim minutes. Council questions and Staff responses were the result of a lawsuit with the San Jose *Mercury News*, as noted in Council policies and procedures. Staff had not posted any responses to the City's website since the end of June 2014. The purpose of submitting questions was to have a more informed and efficient discussion at the meeting.

Herb Borock indicated Council Members did not submit questions 15 years ago. Prior City Managers had initiated many changes in procedures. Arthur Keller's communication summarized the need for sense minutes rather than verbatim minutes. Fifteen years ago any item on the Consent Calendar could be removed by one Council Member. All Planning items had Public Hearings. The Council made all referrals to Standing Committees. The Lease among Stanford, the City, and Santa Clara Valley Transportation Authority (VTA) appeared on the Committee's Agenda at the end of March 2014. A quorum was not present at that meeting; therefore, the item was continued to the next meeting. The subsequent meeting was canceled.

Chair Price talked with the City Manager regarding rescheduling the lease among Stanford, the City, and VTA. The Council would hear the item at some point. She favored an early release of the packet. She requested Staff ensure digital packets were clear as to the date of the meeting. Questions to Staff should be submitted on Thursday. She was not convinced that submitting questions would reduce the number of questions asked at the meeting; however, she was uncomfortable eliminating that option. She needed additional information regarding minutes, but she was inclined to

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favor sense-plus minutes as they would provide more detail and utilize less paper.

Council Member Scharff requested a definition of sense-plus.

Chair Price explained those minutes were more detailed than the current minutes.

Ms. Grider reported the choices were action, sense, or verbatim. The City Manager and Attorney would have the same concerns with sense-plus minutes. For complete accuracy, the City should have verbatim minutes.

Chair Price requested additional information. She concurred with the current practice of a Colleagues' Memo, removing items from the Consent Calendar, and going through Standing Committees.

Mr. Keene advised that the Council had more Standing Committees than before and the effectiveness of Standing Committees had improved greatly. Staff and the Council were interested in responding to public requests to issue information earlier. Council Member questions to Staff were required to be distributed and shared publicly. That would not change. Council Member questions related to the Agenda had to be published as well. Staff proposed the topics in the spirit of identifying ways to increase meeting efficiency.

MOTION: Council Member Schmid moved, seconded by Council Member Scharff to recommend the City Council: 1) approve the early release of packet; 2) Council Member questions to be submitted to the City Manager by the Thursday prior to the meeting; and 3) Staff to return to Policy and Services Committee with additional data on the cost of sense, verbatim, and action minutes.

Council Member Scharff suggested close of business on Thursday was the wrong deadline for submission of Council Member questions because of 9/80 Fridays. The deadline should be close of business Wednesday.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that Council questions are to be submitted by close of business on Wednesday rather than Thursday.

Mr. Keene acknowledged that some circumstances could prevent Staff from providing answers to Council Member questions on Thursday. Staff would provide those answers over the weekend or by Monday morning. Staff would not issue supplemental Staff Reports in response to community chatter.

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Council Member Schmid inquired whether the early packet release would add a week to Staff returning to the Council with supplemental information.

Ms. Stump reported once procedures and timeframes were set, they would apply to everyone including Council Members preparing Colleagues' Memos.

Council Member Schmid clarified that the Council could direct Staff to return with new information the following week.

Mr. Keene would resolve that issue when it arose.

Chair Price noted Council Members would have to act sooner because of the early release packets.

Ms. Stump explained that adding an item to the following week's Agenda would not be possible as the Agenda for the following week had already been released.

Council Member Scharff suggested Staff return with minute information while the Committee recommended Council approval of the remaining proposals.

Council Member Schmid stated the Motion directed Staff to return to the Committee.

Council Member Scharff wanted to bifurcate minutes information from other items to prevent a delay of the other items.

MOTION AS AMENDED PASSED: 4-0

ADJOURNMENT: Meeting adjourned at 8:51 P.M.