

Expanded Community Advisory Panel (XCAP) October 10, 2019

Special Meeting Summary

Subject

Connecting Palo Alto
Palo Alto Grade Separation Study

Meeting date and time

October 10, 2019
4:00pm-6:00pm

Location

Palo Alto City Hall
Community Meeting Room
250 Hamilton Ave, Palo Alto

Prepared by

Chantal C. Gaines, City of Palo

Meeting Called to Order at 4.05pm

XCAP Member Attendees

Gregory Brail (late)
Barbara Best
Phil Burton
Tony Carrasco
Inyoung Cho (late)
Megan Kanne
Larry Klein
Patricia Lau
Adina Levin (late)
Nadia Naik
Keith Reckdahl (late)
David Shen (late)
Cari Templeton

Excused

Judy Kleinberg

Follow ups: These are the high level follow up items that came from today's meeting. Further detail is available in the items summarized below or in the meeting video (link below).

- Staff can coordinate offline to get the regular meeting date and time options
- Bring back the election of the Vice Chairperson that was continued today
- Workplan: let's bring it at a future meeting. We can also bring a process for new ideas at that time
- Discussion of November 7 Citywide meeting
- Debate the alternatives
- Ongoing pending item to discuss the Rail Criteria
- Bring back a discussion about meeting start time and the meeting days
- Can we have an email address for the group so we don't have to have so much paper?

Meeting Agenda Recap: The Meeting Agenda included:

1. Welcome and Introductions
2. Roll Call
3. Presentation and Discussion of Brown Act Rules and Regulations
4. Approval of Proposed XCAP Organization and Guiding Principles
5. Consideration of Approval of Election of Chair and Vice/Co-Chair
6. Future Meeting Schedule and Recommendations to Council
7. Adjourn

Resources:

- Meeting Agenda link: <https://connectingpaloalto.com/wp-content/uploads/2019/10/XCAP-Agenda-for-10.10.19-FINAL.pdf>
- There is video of the meeting presentations and the PowerPoint is archived on the Connecting Palo Alto website. They are not re-summarized below. Link to Meeting Materials: <https://connectingpaloalto.com/presentations-and-reports/> (Scroll down to the October 10, 2019 Meeting). Link to Meeting Video available online here: <https://midpenmedia.org/palo-alto-expanded-community-advisory-panel8-10102019/>

Next XCAP Meeting

Next Scheduled is October 16, 2019, 4:00 p.m. to 6:00 p.m.

Palo Alto City Hall, Community Meeting Room, 250 Hamilton Ave, Palo Alto, CA

Discussion and Actions

Welcome and Introductions:

- 1 member of the public spoke to the XCAP.

Agenda Item #3: Presentation and Discussion of Brown Act Rules and Regulations

City Attorney Molly Stump went through a presentation about the Brown Act. The XCAP now falls under the California Open Meeting law now that it has been transitioned by formal action of the City Council.

Discussion:

- Are notes considered public? Informal notes are not considered to be public documents. If you are the notetaker for the group, then yes.
- Social Media: can we post our meeting dates online on open forums? Yes.
- Can we talk to people in the community about our work? Yes. You just have to make sure you do not talk to a quorum of your group. Even if you all are at another meeting, you should use the forums to hear from people who are not from the XCAP.
- Can we talk to the media? Comment on articles? Etc.
 - In general if you speak publicly at another meeting, you are generally fine there.
 - Responding to media articles: that can be problematic if a quorum of you communicate there.
 - Expressing your own opinions: the Brown Act does not specify your ability to have public opinions. If you are the first person to speak on an issue and none of your fellow members respond, that is not a Brown Act violation. But if discussion occurs among a quorum of the XCAP, that would be a Brown Act violation.
- Financial disclosures: the State Legislature has set up the Open Meetings Law and the Conflict of Interest Law. The Open Meetings Law applies to this group and not the Conflict of Interest Law because the Council said this group is advisory and is only one point of information/data that they will receive related to the rail decision they will make. They will take the XCAP decision/recommendation into account but the Council has the final decision-making authority related to rail. In the eyes of the Conflict of Interest Law, members of the XCAP do not have sufficient decision-making authority and thus are not considered as government officials on this subject. This is why the group has not been asked to fill out a Form 700, etc.

- If we are unable to attend, can we end someone in our place? No. But a person can come in and listen, take notes for you, etc. But they will not vote on your behalf or speak for you within the XCAP discussion.
- 3 Members of the public spoke to the XCAP.

Follow ups:

- If further questions arise, please share them with staff and we will get back to you.

Agenda Item #4: Approval of Proposed XCAP Organization and Guiding Principles

City staff, Chantal Cotton Gaines, provided an overview of the Guiding Principles document draft. It is intended to be a starting point for the XCAP to decide how they want to do their work and provides an explanation of quorum (8 people).

Discussion:

- How would the meetings work without a chairperson?
 - A facilitator or staff would lead the meetings.
- Vice chair versus co-chair?
 - The group can decide. There are pros and cons of each.

Motion: Tony Carrasco moved that the XCAP adopt the draft guiding principles. No second received. Motion fails.

Naik explained that she had other suggestions for the document that the group can consider. She shared the following documents:

- Draft Intended for Discussion by the XCAP. It has some ideas for additional or replacement guiding principles for the XCAP.
- Basics of Consensus Decision Making (provides Context Sensitive Solutions suggestions for the XCAP to consider).
- Article: “Why Roberts Rules Aren’t Helpful for Consensus” - Wanted to share it since it helps explain why consensus is helpful and productive.

Phone Participation: The XCAP can consider the following related to phone participation:

- Decide whether or not the XCAP wants to allow people to call in.
- If allowed, then think of parameters around that (how many times, etc.)
- Then information can be provided about the specific logistics of noticing, etc.

Motion: Larry Klein moved that the XCAP adopt the staff-drafted guiding principles. Seconded by Tony Carrasco.

Proposed Amendments:

- Brail: Proposed to start the meetings later than 4pm - Klein did not accept this amendment.
- Klein: to make the following proposed changes: - Klein and Carrasco agreed to these amendments:
 - We should add a statement that the committee consists of 14 members and if any vacancies occur they should be filled by the City Manager.

- Also in connection with XCAP membership, we should add a provision that if a member has three consecutive unexcused absences from XCAP meetings he/she shall no longer be a member of the committee.
- Another add: The City Manager shall cause materials to be considered at an XCAP meeting to be delivered to XCAP members and available to the public at least 72 hours in advance of the meeting.
- Section 1 typo. Date in line 2 s/b 2020.
- In section 2.3, second paragraph, delete "or facilitator"
- In section 2.3.2, first line, delete "Co"
- Section 4, better to have quorum defined as one half of membership plus one rounded down to nearest whole number.
- Section 6 first line after "staff" add "in conjunction with the Chairperson."
- Section 6 add new sentence at end, " the XCAP by majority vote may add items to future agendas."
- Add new Section 6A, "Workplan. The staff in conjunction with the Chairperson shall develop a work plan for XCAP covering items to be considered by XCAP and the time expected for such consideration. XCAP shall consider such workplan and may make such additions or deletions as it deems appropriate."
- Section 7. Delete "the designated facilitator".
- In the **Procedural Rules** part of the document:
 - **Section 1 B 3 a** second line after "end" add "or beginning, in the Chair's discretion"
 - **Section 1 B 3 b** second line "three" instead of "two"
- Naik: Amendment: 6A: A written list of questions for City Staff and Consultants shall be maintained and available at each meeting with formal responses if available; this can be done electronically as well. - Klein and Carrasco accepted this amendment.
- Naik: Any correspondence of documents from the XCAP should be included in some form so XCAP can see them in a timely fashion. - Klein and Carrasco accepted this amendment.
- Naik: Do we want to add membership process info? Klein and Carrasco agreed to incorporate the status quo process as an amendment.
- Reckdahl and Klein: Page 4, Section 2, Policy: Add: Where appropriate, free willing discussions will be encouraged subject to the discretion of the Chair." - Klein and Carrasco accepted this amendment.
- Templeton: Add the following to Page 1, Adoption and Purpose Section: Klein and Carrasco accepted this amendment.
 - Strive towards a shared stakeholder vision to provide a basis for decisions.
 - Demonstrate a comprehensive understanding of contexts.
 - Foster continuing communication and collaboration to achieve consensus.
 - Exercise flexibility and creativity to shape effective transportation solutions, while preserving and enhancing community and natural environments.
- Klein: On page 1, Section 4. Quorum change the first sentence to: Quorum for the XCAP shall be constituted as one half of the membership plus one rounded down to the nearest whole number for doing business. ~~Eight members of the XCAP shall constitute a quorum for doing business.~~ Klein and Carrasco accepted this amendment.
- Naik: On page 2 in the Conduct of Meetings Section, add a new subsection with the following info (Klein and Carrasco agreed to this amendment): Refer to Appendix A to

the Guiding Principles for further information about the meeting norms and expected culture and conduct.

- Brail, Klein, and Levin: In the Procedural Rules part of the document, Section A. Policy. Update the language to the following (Klein and Carrasco agreed to this amendment): It is the spirit of the XCAP to reach consensus. It is recognized that it will be necessary to follow simplified rules of parliamentary procedure for motions, debate, and voting. That procedure will be followed for this body's formal recommendations to Council, including but not limited to the final recommendations to Council. ~~It is the policy of the XCAP to follow simplified rules of parliamentary procedure for motions, debate and voting. These rules focus on the types of motions the XCAP can debate and when those motions are properly used.~~
- Naik: Add a new Appendix A to the Procedural Rules document. The new Appendix A should state (Klein and Carrasco accepted this amendment) the following:

Appendix A: Meeting Norms, and Expected Culture and Conduct

Members agree to act in a reasonable, respectful and courteous manner. They will assist the Chair, Vice-Chair in discouraging disruptive behavior and enforcing the following XCAP rules:

- Prepare in advance for and attend all meetings
- Treat each member with courtesy and respect
- Agree or disagree with ideas, not with people
- Identify issues prior to taking "positions"
- Listen and consider the opinions of others
- Be brief and clear in your comments
- Concentrate on problem-solving, not fault finding
- Try not to repeat what has already been said
- Seek common ground
- Strive for an enjoyable and rewarding experience
- Focus on discussion related to the meeting objectives.
- Focus on providing thoughtful, well-meaning input that results in appropriate solutions representing the community's interests and needs.
- Work to reach consensus on solutions to the issues discussed
- Be positive, respectful and constructive.

XCAP Members should:

- Work in good faith
- Represent one or more stakeholder groups affected by the project (not personal interest)
- Maintain flexibility and perspective; be willing to learn and compromise.
- Accept the fact that the final route of the project has been confirmed
- Identify potential conflicts ASAP and to let other participants know your concerns

- Keep constituents informed of the outcome of all meetings in a timely manner.
- Commit to regular attendance
- Focus comments, inputs and deliberations in XCAP meetings, not in the media (based on the understanding that consensus-building is an iterative, negotiated process).
- Commit to reading materials provided prior to meetings.
- Be willing to bring new members up to speed.
- Be courteous and considerate of the interests and ideas of XCAP members, City Staff and Consultants.
- Be willing to contribute relevant technical background

Public Speakers:

- 2 members of the public spoke on this item.

Vote: Motion Passes

Yes: Brail, Best, Burton, Carrasco, Cho, Kanne, Klein, Lau, Levin, Naik, Reckdahl, Shen, Templeton

No: N/A

Absent: Judy Kleinberg

Follow ups:

- Bring back a discussion about meeting start time and the meeting days.
- Can we have an email address for the group so we don't have to have so much paper?

Agenda Item #5: Chair and Vice Chair Elections

Nominations for Chairperson:

- Nadia Naik – accepted
- Larry Klein – accepted

Paper Votes:

- Naik: 7
- Klein: 5
- One abstention
- One absence

Naik thanked the group for their confidence in her.

Does the XCAP want a Chair and Vice Chair or a Co-Chair?

The majority of XCAP (8 members in informal poll) chose that they would prefer Vice Chair.

Nominations for Vice Chairperson:

Nominees:

- Larry Klein (seconded by Tony Carrasco) - Nomination declined
- Dave Shen (seconded by Keith Reckdahl) - Nomination declined

Postpone/continue this item to the next meeting on October 16.

Agenda Item #6: Future Meeting Schedule and Recommendations to Council

- Staff can coordinate offline to get the regular meeting date and time options.
- Bring back the election of the Vice Chairperson that was continued today.
- Workplan: let's bring it at a future meeting. We can also bring a process for new ideas at that time.
- Discussion of November 7 Citywide meeting
- Debate the alternatives.
- Ongoing pending item to discuss the Rail Criteria
- Will be nice to have an open discussion time on each agenda for XCAP updates, etc.

Adjourned at 6.20pm.