

August 13, 2013
ADJOURNED REGULAR MEETING
“Meeting Management Excerpt”

A. AUDIENCE PARTICIPATION

Bill Victor commented about open government and expressed concerns that the meeting is being held at a time when people are not likely to attend and expressed disappointment.

Ed Caprielian commented on the changing nature of government including delivery of services. He referenced a book entitled, "Reinventing Government" and summarized ten principles for doing so. He made reference to another book entitled, "Governing by Network" dealing with delivering services through external sources. He stressed the need to consider the changing nature of government as City Council makes the decisions it needs to make.

B. GENERAL BUSINESS

1. General Meeting Management Procedures
DISCUSS AND PROVIDE DIRECTION

Mayor Lesser commented that he would like to approach this subject in a positive vein to determine if City Council can develop a proposal where it agrees as a body, to present at an evening City Council meeting so that those who were unable to attend at this time may have an opportunity to comment. He commended Mayor Pro Tem Howorth for suggesting this meeting. He stated that the staff report is the same as was distributed on July 16, 2013, and does not include some of the direction given at that time. He proposed the process for proceeding with the meeting. He added that the goal is to come up with a set of reforms to consider at an evening meeting.

In response to Councilmember Burton's inquiry regarding taking votes, Mayor Lesser proposed to take votes and provide specific direction to staff and to present the matter at an evening City Council session.

Mayor Burton requested a brief background from senior Councilmembers in order to better understand the process.

Councilmember Powell felt that the "Audience Participation" portion of the meeting should be for items "not on the agenda" and suggested rearranging the order of items including pulling items from the "Consent Calendar" after to avoid Brown Act issues. He felt that the "10:30 p.m. Rule" and the "11:00 p.m. Rule" are confusing and suggested that items should be continued to the next meeting if there is insufficient time to address them.

Councilmember D'Errico reminded City Council to focus on the issues at hand.

Mayor Pro Tem Howorth felt that the problems are that meetings are lengthy because City Council may be too "wordy" and tends to grandstand, that summaries are not clear and therefore, are not understood by staff and that there are issues with the way agendas are set up.

Mayor Lesser commented on the need to be positive, focused and swift and take advantage of the present opportunity. He concurred with previous comments and spoke regarding large "Audience Participation", and expressed concerns regarding lengthy meetings. He noted the need to ask follow-up questions, that time is critical and the need to address important issues early in the meeting and to go beyond 11:00 p.m. when necessary.

Councilmember Powell felt that City Council should consider adopting rules of decorum.

City Manager Dave Carmany felt that the challenge relates to how City Council chooses to lead and suggested that it lead with positive grace because the tone set at meetings resonates and has a direct affect on staff. He suggested a positive tone that reflects the City and felt that at times, there is a "disconnect" between City Council and residents.

City Attorney Quinn Barrow noted that, consistent with City Council's opening remarks, the intent is to return to City Council during an evening meeting with an appropriate resolution and a handbook so that the public has an opportunity to review the documents before they are formally adopted.

Councilmember Burton concurred with the City Manager's comments and that the issue has to do with the type of governance to implement.

Mayor Pro Tem Howorth stated that meetings provide City Council the opportunity to do its business but that all Councilmembers must be cognizant in order use the time and to get the work done. She stated that she avoids asking questions to which she knows the answers but recognized the need to inform the public. She added that pulling an item from the "Consent Calendar" to make an inquiry for which an answer is known, is not a good use of time.

Councilmember D'Errico commented on the need to "steer" rather than "row" and addressed fundamentals including defining City Council's job which defines what items go on the agenda. Without proper definition, City Council will become confused and debate is meaningless. He noted the need to clearly direct staff in order to receive reports that will allow City Council to do its job.

Mayor Lesser commented on the need to choose a platform and move ahead. He addressed the evolution of the agenda and expressed the need to ensure that City Council's work is done without continual distractions. He reported that the public will have an opportunity to comment at some point in the present meeting. He directed staff to revise the staff report to incorporate City Council's direction from the meeting of July 16, 2013.

Council Meeting Start Time

Mayor Lesser noted that there was prior consensus to continue City Council meeting start time at 6:00 p.m. with "Ceremonial Matters" first.

Parking Restrictions at City Hall During City Council Meetings

Regarding Parking Restrictions, Mayor Lesser reported that direction was given on July 16, 2013; that there be a "Ninety-Day Pilot Program" allowing free parking after 5:00 p.m. on weekdays and return to City Council subsequently with report updating City Council on the progress of the program. He added that staff will need to develop a metric as a measurement of success.

Mayor Pro Tem Howorth thought that the "Ninety-Day Pilot Program" would start at the end of summer.

City Manager Carmany observed that it is difficult to perform project management at the City Council level. He added that the City has a very detailed parking program in place balancing enforcement with engineering. He added that there is an active Traffic Committee and felt that City Council should set a goal, but allow staff to fulfill it and provide updates to City Council.

Mayor Lesser noted that the direction given on July 16, 2013, was to direct staff to implement the "Ninety-Day Pilot Program" and return to City Council with a status update.

Councilmember Powell noted that the existing lot is being used as staging for the Library and that to implement a "Ninety-Day Pilot Program" now would be an exercise in futility.

Councilmember Burton requested clarification of the present proceedings.

Mayor Lesser responded that he would like to consider each item and reaffirm the direction given to staff at the meeting of July 16, 2013.

Councilmember Burton reported that he originally suggested free parking during City Council meetings. He noted that direction was given, but that staff returned with something different; providing free parking every weeknight. He expressed disappointment that City Council direction was not followed.

Mayor Lesser reiterated the direction given on July 16, 2013, relative to the pilot program offering free parking after 5:00 p.m. each weeknight to facilitate public attendance at City Council meetings as well as Commission meetings. He added that staff indicated challenges in implementing a program that would allow free parking only on City Council meeting nights.

Councilmember D'Errico stated that City Council should provide direction and leave the implementation up to staff. He commented on the direction given toward this item and felt that the direction may not have been clear and the means, not limited.

Councilmember D'Errico offered direction to staff to provide free parking during City Council meetings for a period of ninety days and return to City Council with a status update and recommendations after the ninety-day period.

Mayor Lesser responded that staff expressed challenges with implementing a program for only two days out of the month. He felt that there was a problem in that staff did not return to City Council to report the challenges with implementing City Council's direction.

City Manager Carmany commented on the revenues lost noting they would be minimal given the amount of parking available during week nights. Staff also considered parking at other City meetings and City Manager. Carmany felt that the decision to offer free parking on every weeknight was rational and in step with City Council's intent. He asked that City Council allow him to report back after the "Ninety-Day Pilot Program".

Councilmember D'Errico withdrew his direction and concurred with Mayor Lesser's direction (to staff) to allow free parking after 5:00 p.m. every weeknight and return to City Council after ninety days with a status update.

Councilmember Powell noted that staff did return to City Council to explain the challenges with signage and only allowing free parking during City Council meetings. He added that Police Chief Irvine indicated challenges with enforcement regarding allowing free parking only two days out of the month. Finance Director Moe then indicated that the revenue loss would be minimal if free parking was allowed every weekday. He stated that City Council should not micro-manage and should allow staff to proceed with a ninety-day trial period.

Placement of Community Announcements on City Council Agenda

Mayor Lesser addressed the placement of "Community Announcements" on City Council agendas noting that the portion of the meeting is to provide information on upcoming community events. He wondered if this portion of the meeting should also allow for AB1234 reporting by City Council.

Scope of Permissible Audience Participation Matters

Regarding matters under "Audience Participation", Mayor Lesser reported that direction was given at the City Council meeting of July 16, 2013, that the City Attorney was to explore producing language regarding limiting the subject matter of what could be discussed during "Audience Participation".

In response to Mayor Lesser's inquiry regarding items for discussion under "Audience Participation", City Attorney Barrow reported that the policy was changed in November and noted that under the Brown Act, an opportunity must be provided to the public to speak on items that were not pulled from the "Consent Calendar". He added that one approach is to maintain what currently exists or changing the order of the agenda under "Audience Participation" to allow public input on matters not on the agenda and schedule the "Consent Calendar" later in the meeting and provide an opportunity for public comment at that time.

In response to Mayor Lesser's inquiry regarding the practices of other cities, City Attorney Barrow reported that the majority of the cities represented by his law firm, allow people to speak on everything during the "Audience Participation" portion of the agenda which include both items *on* and *off* the agenda.

Regarding limiting time for "Audience Participation", other cities place limits on the time allowed for commenting but also allow an opportunity for public input at the end of City Council meetings for items *not on the agenda*.

Mayor Lesser commented on the need to limit total "Audience Participation" at the beginning of a meeting and continue, if necessary at the end of the meeting.

Councilmember Burton reported that other cities limit "Audience Participation" to items *not on the agenda* but within the subject matter and jurisdiction of City Council. He added that there are some jurisdictions that provide opportunities for public comments after their agenda and others that provide opportunities up front and also toward the end of the agenda.

City Attorney Barrow presented another option to allow, at the time of the "Consent Calendar", pulling items and providing the public an opportunity to speak on items *that were not pulled* prior to making a motion adopting the "Consent Calendar".

Mayor Pro Tem Howorth did not feel there is a problem with allowing "Audience Participation" at the beginning of the meeting and felt that putting policy language about comments *not on the agenda* is absolutely appropriate because the public can speak on any item as it is pulled. She noted that "Public Hearings" are being excluded from this discussion because the requirements for public comment are different. She wondered if there is a way to limit the total time that participants can speak.

Councilmember Powell commented on allowing the public to speak on "Consent Calendar" items there were not pulled noting that if they would like to speak on a "Consent Calendar" item, they could pull it for separate discussion and consideration. He reported that "Audience Participation" is to allow people to speak before City Council and address specific issues. He did not agree with limiting the total time allowed for people to speak. Although there should be a time limit, it should be a reasonable one. He suggested that "Audience Participation" be for items *not on the agenda* and follow the City Attorney's advice in order to comply with the Brown Act.

City Attorney Barrow noted the need to open this discussion for public comment before a consensus is reached.

Councilmember D'Errico indicated that according to his research, limiting the time for public input would allow City Council to proceed with its business without taking the meeting hostage. His intent is not to prevent people from speaking, but rather to allow certain individuals to manage their time resulting in allowing more participation.

Councilmember Powell explained that "Audience Participation" was previously at the end of the meeting and he lobbied to get it at the beginning to make it easier on older adults, younger adults with children and working people who have to get up early. To limit "Audience Participation" and have it at the end of the meeting defeats the purpose. He has had requests from older adults and others who cannot get to the meetings for physical reasons to be able to comment via skype or send an email in real time and it would be the same as getting up and speaking. He believes it is something the City Council should consider.

Estimated Time of Agenda Items

Discussion followed regarding including the estimated time of agenda items.

Councilmember Burton indicated he is comfortable with that item but suggested that it be a more proactive process.

Mayor Lesser commented on challenges related to the matter but felt that it is within best practices to develop a time estimate for agenda items.

Councilmember Powell concurred with including a time estimate for agenda items.

Agenda Development Meetings

Relative to agenda development meetings, Councilmember Burton suggested that the Mayor set the agenda development meetings. He felt it would act as a prophylactic to avoid any potential for future Brown Act violations.

Discussion followed regarding the benefits of such meetings and that there is no Brown Act concern if Councilmembers do not address substantive issues during the meetings.

City Attorney Barrow affirmed that there are no Brown Act issues as long as the two Councilmembers focus on scheduling of items on an agenda.

Councilmember D'Errico stated he does not believe that the Mayor and Mayor Pro Tem have violated the Brown Act through their efforts. He expressed concerns with the process regarding placement of individual priorities on items and the possibility of being perceived as taking a position on an item and perhaps is not the best way of approach.

Councilmember Burton noted that City Council follows Robert's Rules of Order in conducting meetings and wondered regarding practices by other cities.

City Attorney Barrow reported that agendas for most cities are set by the City Clerk and City Manager with input from the Mayor and that in Manhattan Beach it began as such but evolved into the Mayor having input on the entire agenda. There are cities that have the Mayor more directly involved and others the Mayor Pro Tem. He added that even where two Councilmembers may discuss the merits of an item, there is no Brown Act violation. It is when a third Councilmember becomes involved that a violation would occur.

Mayor Lesser observed how City Council adopts its meeting management practices and rules to a problem at the time. He addressed the need for flexibility and noted that the practice provides a collaborative effort for the City and has been an opportunity to have a sounding board present.

Mayor Pro Tem Howorth commented on the rationale for having input from the Mayor and Mayor Pro Tem in scheduling items on agendas. She spoke in support of the Mayor setting the agenda and at his/her

discretion having another Councilmember in attendance to help. She concurred with setting the policy to have the Mayor and Mayor Pro Tem set the agenda.

Councilmember Powell commented on the benefits of the practice in terms of learning opportunity for the Mayor Pro Tem. He addressed the issue regarding possible Brown Act violations and commented on the appointment of past Ad Hoc Committees with two Councilmembers included. He noted that the issue is normally not what *should* or *shouldn't be* on the agenda but rather the order of hearing those items.

Councilmember Burton felt that the fact that forecasting agendas are published weekly allows all of City Council to take ownership of the agenda. He suggested that going forward; it may be better practice to have the Mayor set the agenda while providing the opportunity for all Councilmembers to comment on the forecasting agenda.

Mayor Pro Tem Howorth commented on practices when she was on the School Board. She concurred with Councilmember Burton's comments and felt that the Mayor should be in charge of setting the agenda.

Mayor Lesser noted that the reality is that the City Manager sets the agenda and that agenda setting meetings provide an opportunity to consider revisions of what the City Manager proposes.

Draft Agenda Forecast

Discussion followed regarding the draft agenda forecast and Mayor Lesser welcomed discussion regarding the limitations of the current forecasting agenda as well as Granicus, noting that the latter should be the vehicle for developing an agenda forecast but that it is very difficult to read. He recollected that the City Clerk requested a month to work with the software so that it better reflects what City Council desires from a forecasting agenda.

City Clerk Liza Tamura stated that she could continue the current forecast and that Granicus has the capability of doing what is needed, unless it is not sufficient for City Council.

City Manager Carmany reviewed the evolution of the process and stated that the goal was to avoid an agenda "peak and valley". The main issues are whether staff is addressing City Council's major initiatives and sequencing them is appropriate. He warned against getting in discussions about the software and felt that the forecast agenda will continue to be imperfect. He stressed the importance of properly defining items so that the public will be informed as forthcoming items to be addressed. As long as people are aware of changes that may occur, staff can continue to make public the forecasting agenda, weekly. He added that as long as focus continues on big issues, the process will be fine.

Mayor Lesser believed there is a better tool to be able to generate a forecast agenda.

Mayor Pro Tem Howorth indicated that it is not a software issue but about scheduling and sequencing major topics. She commented about the need to understand priorities and addressing them appropriately. She felt that using Granicus to perform the task is not the right answer.

Councilmember Burton indicated that something could be developed as part of the Information Systems Master Plan. He noted that this is about transparency and open government as well as managing the City Manager. He requested inclusion of the forecasting agenda as part of the agenda packet and, in addition, add the Community Development Director's department calendar to be able to see what issues will be forthcoming.

Councilmember Powell noted that it is more of a management tool to manage City Council's work. He also concurred with the City Manager in terms of managing the workload and commented on sequencing of items.

Placement of City Manager Report on City Council Agenda

Regarding placement of the "City Manager's Report" on City Council agenda, Mayor Lesser commented positively on the practice.

Councilmember Burton commented positively of adding the "City Attorney's Report" toward the beginning of the meeting.

Public Comments

The Mayor opened the floor for public comments.

Esther Besbris commented on the times designated for items on the agenda and wondered why so many items are included to be heard which time would not permit. People would attend, expecting an item to be heard, but it could not happen. She also commented on items placed under the "Consent Calendar" and the benefit of allowing the public to pull items from it prior to City Council pulling items.

Ms. Besbris was allowed additional time to complete her comments.

Ms. Besbris felt that residents should be allowed to pull items from the "Consent Calendar" first and address those items before City Council pulls items in order for City Council to learn of the residents' specific concerns. With respect to placing items on agendas, she felt that the request should be considered by City Council so that if residents request placing items on the agenda, City Council will know what the resident wants.

Ed Caprielian stated that the discourse of the present City Council has far exceeded that of previous City Council and commended the present City Council for same. He added that overall, he has a higher degree of trust in the present City Council than previous City Council. He urged that as City Council considers restrictions on speech it should also consider future City Councils and potential for the future. He commented on grouping items together and allowing public input on a group of items rather than individually. He felt that City Council needs to manage its own "house" better before placing further restrictions on speech and commented on the importance of considering the issue of governance relative to the relationship between City Council and staff and delegating responsibilities. He wondered, regarding present limitations on "Audience Participation", agreed with allowing second "Audience Participation" at the end of the meeting and suggested posting City Manager's comments along with the agenda.

Bill Victor expressed disappointment regarding grouping of items and distributed a proposal based on the City of Alameda.

Mayor Lesser closed the public comment period.

Mayor Lesser stated that Mr. Victor referenced open government, which will be addressed this afternoon and noted his intent to provide the public with an opportunity to speak. Mr. Victor's submission addresses the issue of open government as well as the format of agendas.

City Attorney Barrow noted that there is no limitation to audience participation on present agendas.

In response to Mayor Lesser's inquiry regarding the status of tracking the topics of "Audience Participation", City Manager Carmany reported he has maintained careful notes on speakers and reports through the "City Manager's Report" when those items are acted on.

Councilmember D'Errico referenced a proposal he submitted and noted that the time limits he proposed would not have an effect on "Audience Participation" and is in favor of increased participation. He concurred with the need to do more "house-cleaning".

Mayor Pro Tem Howorth felt that additional discussion is not needed and that each item should be considered separately.

Councilmember Powell concurred with Ms. Besbris's comments regarding time limits.

City Attorney Barrow indicated that some of the issues don't need to be memorialized in a resolution.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Burton and carried (5 – 0) to continue the start of Regular City Council Meetings at 6:00 p.m. with Ceremonial Matters heard first.

A motion was made by Councilmember Powell, seconded by Mayor Lesser and carried (5 – 0) to direct staff to implement a "Ninety-Day Pilot Program" providing free parking at the Civic Center structure after 5:00 p.m. on weeknights.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Burton and carried (5 – 0) that "Community Announcements" remain early on the agenda with clarification that announcements should be for upcoming events.

Councilmember D'Errico asked regarding enforcement of the thirty-minute rule.

Mayor Lesser reported that the public could arrive early and submit their comment cards to the City Clerk prior to the meeting.

City Attorney Barrow confirmed that would be one way to address enforcement concerns.

A motion was made by Councilmember Burton, seconded by Councilmember Powell that "Audience Participation" be limited to items not on the agenda, but within the subject matter and jurisdiction of City Council, that the total time be limited to thirty (30) minutes with a carryover for another "Audience Participation" to be held later on in the agenda.

Councilmember Powell suggested requiring people to come down to the on-deck circle in preparation for speaking. He commented on the possibility of giving preference to those who hadn't spoken at previous meetings.

Mayor Lesser wondered if the motion includes a proposal to have another "Audience Participation" time towards the end of the meeting so those who were unable to speak would have an opportunity to do so at the end of the meeting.

Councilmember Burton confirmed and felt that people could speak twice, if time allowed. He felt that dealing with the problem at the front end and allowing time at the back end would solve a number of problems.

City Attorney Barrow stated that the added agenda item could be labeled "Audience Participation" as well.

Councilmember Powell felt that the second "Audience Participation" portion of the meeting should be for people who did not have an opportunity to speak during the first "Audience Participation" portion of the meeting.

Mayor Pro Tem Howorth stated that she wouldn't mind allowing people to speak more than once during "Audience Participation" and felt that most people would not stay to speak again.

Mayor Lesser asked Councilmember Burton to restate the motion.

A motion was made by Councilmember Burton, seconded by Councilmember Powell and carried (4 – 1), with Councilmember D'Errico, opposed, that "Audience Participation" be limited to items not on the agenda, but within the subject matter and jurisdiction of City Council, that the total time be limited to thirty (30) minutes and there be a carryover, second opportunity for "Audience Participation" near the end of the agenda.

Regarding the estimated time of agenda items, Mayor Lesser noted previous comments from a speaker that the total time might not add up because of prolonged discussions and members of the public may miss opportunities to attend at appropriate times. He stated that the estimated times are used as a guideline but may need to be stated as such on the agenda.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell and carried (5 – 0), to maintain the practice of placing estimated times for agenda items on the agenda but adding language under the "welcome" statement that the times are merely an estimation.

Councilmember Burton indicated he would like to see the Mayor involved in that discussion.

Relative to agenda development meetings, Mayor Lesser indicated they provide an opportunity for the Mayor and Mayor Pro Tem to participate in agenda review meetings.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth to have the agenda developed by the Mayor, only.

Mayor Lesser expressed the desire to have consensus as much as possible and felt it has been helpful to the Mayor (and helpful to future Mayors) to democratize the role of the Mayor and have another Councilmember present at those meetings.

The motion carried (3 – 2), with Councilmember Powell and Mayor Lesser, opposed.

For the record, Mayor Lesser stated that going forward, the Mayor and the City Manager will set the agenda.

Regarding the draft agenda forecast, Mayor Lesser reported that it will be distributed weekly.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth to include the draft agenda forecast in the regular agenda packet as well as the draft agenda forecast of the Community Development Director.

City Manager Carmany stated that what will be included will reflect the truth as of that moment and that the truth will change, causing some consternation. He felt that if City Council is comfortable with that ambiguity, there should be no problem.

Mayor Pro Tem Howorth clarified that the documents will indicate they are draft documents and will not be in the format of the regular agenda.

Councilmember Powell stated it should be emphasized that the documents are drafts and subject to change.

In response to an inquiry from Mayor Lesser regarding the tools needed to keep the forecasts up to date, City Clerk Tamura stated it depends on the working document version. She added that she could use Granicus or work with IS to develop an appropriate document, such as Excel. She added that the forecast is updated every Wednesday at the Department Head meeting.

Councilmember Burton indicated he is fine deferring the platform up to staff through the City Manager. He felt that what is currently being provided is adequate and acknowledged that it will change.

Mayor Lesser commented that there is a "disconnect" between the forecast agenda and the formal agenda and wants to prevent that going forward.

Mayor Pro Tem Howorth stated that what City Council is asking to be included in the agenda packet is what is developed during Department Head meetings. She felt that a new format is not needed.

City Manager Carmany stated he envisions a simple document showing major items and the dates.

Councilmember Powell reported that items that will show up are in no particular order and suggested adding a descriptive notation that the order shown in the forecast are not the order in which they will appear on the agenda.

City Clerk Tamura stated that the "disconnect" referenced by Mayor Lesser relates to staff inputting their own agenda titles (into Granicus) and does not necessarily transfer onto the Excel spreadsheet.

Mayor Lesser encouraged staff to continue looking into opportunities for developing a more accurate forecast that reflects upcoming items.

Councilmember Burton restated the motion as follows.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth to include the draft agenda forecast in the regular agenda packet and as an item on the agenda, as a "receive and file" for the public too, as well as the draft agenda forecast of the Community Development Department.

City Manager Carmany added that he has noticed that when items are listed on the agenda as "receive and file" it is sometimes, not received in the spirit under which it is placed.

Councilmember D'Errico wondered whether it is required to place the item on the agenda or whether staff can be directed to place it in the agenda packet.

City Attorney Barrow stated it does not need to be included as an item on the agenda and has seen similar items listed after the agenda as "upcoming" items/events and including language that it is subject to change.

Councilmember Powell stated that the public should be advised that those documents are not part of the agenda and will not be added as part of regular agenda items.

At Mayor Lesser's request and for clarification, Councilmember Burton restated the motion.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth and carried (5 – 0), that the forecast agendas be included as information only and provided to Council and residents for regularly scheduled meetings and should also include the forecasting agenda of the Community Development Department.

City Clerk Tamura verified that those will be attachments to the agenda and not included in the agenda.

City Council considered placement of the "City Manager's Report" on the agenda.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, to approve the placement of the "City Manager's Report" and the "City Attorney's Report", as needed, on the City Council agenda.

Mayor Lesser asked how the "City Attorney's Report" has been used on agendas for other cities.

City Attorney Barrow reported that some cities include a "Closed Session Announcements" in the "City Attorney's Report". He stated that he will give the "Closed Session Announcements" during the "City Attorney's Report" in addition to other pending matters, as needed. He added that it would be acceptable to rename the matter as the "City Attorney's Report".

Councilmember Burton commented there has been positive input from residents regarding the "City Manager's Report" and that they have been excellent.

City Manager Carmany expressed interest in receiving feedback regarding the items included in his report such as promotions, appointments, schedules or community events.

Mayor Lesser stated that City Manager Carmany's sense of those items that may be important to the public as well as items requested by City Council is helpful to convey and directed him to continue doing what he's doing. He added that there is great receptivity to what he has to say.

The motion carried (5 – 0).

City Attorney Barrow noted that typically, there may be months where has nothing to report.

Mayor Pro Tem Howorth commented on motions that she would like to make. She commented on the "Consent Calendar" and having Councilmembers pull items before the public with the intent of moving the meeting forward. She stated that she had not realized that it caused frustration for the residents. Therefore, she proposed having the public pull "Consent Calendar" items prior to Councilmembers doing so.

Councilmember Burton thought the issue could be discussed when the "Consent Calendar" is addressed.

Mayor Pro Tem Howorth stated she will make a motion later on in the meeting. Additionally, she voiced support for an aggregate limit because those in attendance take up 90% of the time.

Mayor Lesser noted there will be an opportunity to address the matter later in the meeting as well.

Councilmember Powell expressed concerns with setting different time limits and agreed to discuss the matter later in the meeting.

Discussion followed regarding the plan and structure for proceeding with the present meeting and the importance of addressing the issue of open government. Members of City Council decided to move ahead with the meeting in order to address as many items on the agenda, as possible.

Regarding City Council meeting end times, Mayor Lesser proposed discussing each preliminarily, and allowing public comment, subsequently.

RECESS AND RECONVENE

At 11:20 a.m. the City Council recessed and reconvened at 11:32 a.m. with all Councilmembers present.

Mayor Lesser commented on the items to be considered moving forward and reported that unless there is an objection, the assembly will break in about an hour, for lunch, and continue until approximately 4:00 p.m. or later, if necessary. He added that the City Manager has a previous obligation at 4:00 p.m. but City Council will be able to proceed if needed.

There was no objection.

Councilmember Burton felt that if a policy is made, it should be “stuck to” and if that is not possible, the policy should be eliminated. Regarding “City Council Meeting End Times”, he suggested it should be eliminated and revisited in approximately six months.

Mayor Pro Tem Howorth stated that it is difficult to follow the policy and felt that it should be eliminated and dealt with by individual motions. She noted the need for City Council to be flexible.

Councilmember Powell stated that both the 10:30 p.m. and 11:00 p.m. rule should be eliminated and if there is a situation where the meeting runs late, a decision can be made by a majority rule so to continue or suspend the meeting.

Councilmember D'Errico warned against losing sight of why the rule was put in place. He opposed having every meeting go past 11:00 p.m. because he does not feel it is in the best interest of open government. He felt that it would be beneficial, at some time, to delve into the root cause of why City Council cannot get its work done in three or four hours.

Councilmember Burton felt that it will take a while to get there but that it is possible.

Mayor Lesser expressed support for removing the cap.

The Mayor opened the floor for public comments.

Bill Victor felt that if City Council and the public had more time to review the agenda packet, more succinct comments would be made. He suggested a twelve-day advance notice of the agenda.

Mayor Lesser closed the public comment period.

Councilmember Burton proposed discussing all the items and then receiving public comment. All Councilmembers concurred.

Council Meeting End Time

City Attorney Barrow suggested making a motion at this time to eliminate both time limits.

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem Howorth and carried (5 – 0), to rescind the 10:30 p.m. rule and the 11:00 p.m. rule (Resolution No. 12-6411 Section 2b, c and d).

Posting of City Council Agendas

Regarding posting of City Council agendas, Mayor Lesser referenced direction given at the May 21, 2013, City Council meeting to post agendas by the Wednesday prior to City Council meetings. Members of the public have asked to post the agenda even earlier in the interest of open government. He asks what challenges we are facing so members of the public have a better understanding it is not laziness or conspiracy but mechanical issues.

City Manager Carmany reported that much of the business of City Council comes from bodies appointed by City Council and the sequence of getting those items to the City Council is in the control of, for example, the Planning Commission, as opposed to a staff member. He explained that the agenda cycle and deadline is generally the Friday after the Tuesday meeting. Occasionally City Council will give direction for the next meeting which gives staff only a few days to put a staff report together. The Wednesday deadline can be difficult to meet and he stressed the need to get it right, not "right now". He would rather not have Wednesday not be a hard date because some items may not be conducted timely.

City Clerk Tamura noted that her office does its best to distribute agendas as soon as possible. She stated that legally, it must go out on Friday before a scheduled meeting and indicated that she would hate to be limited to distributing the agenda the Wednesday before a scheduled meeting. She noted there are many technical issues but that staff does the best it can.

Councilmember D'Errico felt that City Council needs to determine its priority and find a way to slide the calendar and change its behavior about what can be done. If City Council is pushing workload that cannot be done within the specified timeframe, then City Council needs to direct the City Manager to be forceful in telling City Council when something cannot be done.

City Manager Carmany presented an example of a recent case where items were pushed through and City Council was not satisfied with the resulting report.

Mayor Lesser encouraged City Council to develop clear and specific direction to staff.

Councilmember Burton commented on the need to set specific rules such as delivering the agenda by 6:00 p.m. on the Wednesday prior to a meeting.

Mayor Lesser commented on the need to have dedicated staff to follow up on getting staff reports into the system and meeting deadlines.

Councilmember Burton stated that the issue is simple, if City Council is really committed to it.

Councilmember Powell felt that agendas should be distributed as early as possible and that the more time City Council has to review the material, the better decisions will be made. He added that direction should be given to staff to expedite the process and issue agenda packets as soon as possible.

Mayor Pro Tem Howorth indicated opposition in that requiring agenda packets by the Wednesday before City Council meetings gives Department Heads and staff less time for preparation.

In response to Mayor Pro Tem Howorth's inquiry, City Manager Carmany stated that reports are due to his office the Friday following City Council's Tuesday meeting. However, he stated that it would be unusual to get them on Fridays. There must be time to review the reports, make necessary edits and allow the City Clerk's office to produce them. He added that edits and production are often done on the same day they are due for distribution and posting.

Mayor Pro Tem Howorth withdrew her opposition and felt that perhaps more staff discipline is necessary.

Mayor Lesser commended the City Clerk for her efforts in getting the agendas out.

Councilmember D'Errico presented a hypothetical example relative to cancellation of a City Council meeting and the ability of staff to then distribute the agenda two weeks early. He commented on the need to change the calendar, deadlines and behaviors to whatever City Council imposes.

Councilmember Burton felt that if City Council sets a deadline, it can be done and will lead to greater efficiency and more open government.

Revised Rules of Decorum

Mayor Lesser referenced a document proposing revised rules of decorum posted with the present agenda.

City Attorney Barrow reported that the rules were presented to City Council approximately two months ago, that City Council provided input; practices of different cities were reviewed and recommended adopting the rules of protocol which incorporate the comments made by City Council.

Mayor Lesser highlighted that no members of the public should engage in disorderly or boisterous comments including profane abuses and slanderous utterances, among others.

In response to Mayor Lesser's inquiry, City Attorney Barrow the utterances have to disturb the orderly conduct of the meeting in order for a speaker to be considered out of order and the subject being evicted from the Chamber.

Councilmember Powell noted that every city he researched has rules of decorum. He commented positively on the proposed rules of decorum and indicated his support. He suggested that it be attached to all agendas as well as framed and posted outside City Council Chambers.

Councilmember Burton commended City Attorney Barrow on his excellent work.

Councilmember D'Errico commented on past speakers who have made slanderous comments against a Member of City Council or against a member of the public and wondered regarding possible distinctions.

City Attorney Barrow reported that the issue is disruption of the meeting. He referenced freedom of speech rights in the Constitution as well as the Brown Act. He noted there is no distinction and as long as the speaker is not disrupting the meeting they can say anything. The key is the element of disruption. He added that the Mayor has the discretion of noting that a speaker is not on a subject matter within the City Council's jurisdiction. If the speaker is not willing to stand down and continues speaking, that is considered disruption.

Expand Community Announcements to Include AB 1234 Reports

Regarding expanding "Community Announcements" to include AB1234 reporting, Mayor Lesser expressed concerns that it would lengthen the meeting towards the beginning of the meeting and indicated his preference for keeping AB1234 reporting toward the end.

Miscellaneous Direction at the May 21 City Council Meeting

Ensuing discussion pertained to miscellaneous direction at the May 21, 2013, and the July 16, 2013, meetings relative to setting a fifteen-minute total time limit per speaker each meeting.

City Manager Carmany reported he has had no experience regarding tracking speaker times.

City Attorney Barrow reported on the practical implications of designating someone to keep track of time.

City Clerk Tamura felt that it would be difficult to monitor and maintain but if that is City Council's direction, staff will do that best it can.

Mayor Pro Tem Howorth felt that the time limit is needed because there are a few people that are impacting the entire meeting and that although she wants to hear what they want to say, they need to manage themselves. She would still like to explore the matter albeit recognizing that it may not be practical or do-able.

Councilmember D'Errico noted that it is an issue that needs to be addressed, it would add work, but it is do-able. He offered to develop a spreadsheet that would track speaker times and felt that matter would be easily fixed.

Councilmember Powell liked the proposal that would prevent chronic abusers.

Councilmember D'Errico noted there is always the ability to get and continue to get good input.

Councilmember Burton stated that the matter needs to be addressed.

Mayor Lesser worried that the remedy might be worse than the problem. He expressed concerns with keeping track of the time the speaker is taking as opposed to what he/she is saying and the perception that City Council is limiting the public from speaking. He felt that implementing the rule may cause more harm than good.

Mayor Pro Tem Howorth commented on City Council's desire for open government and that the few abusers are making it tough to move forward with the public's business and sees setting a time limit as a tool ensuring that speakers are treated objectively and equally.

Councilmember Burton noted that all Members of City Council support open government and transparency and indicated wanting people to engage and attend meetings but that many do not because of one or two speakers.

Discussion followed regarding moving the "Consent Calendar" after General Business items. Mayor Lesser understood that there would not be an opportunity to pull "Consent Calendar" early on in the meeting but instead would move the entire "Consent Calendar" until later on in the meeting.

City Attorney Barrow stated that is Councilmember D'Errico's proposal, that there are other ways of doing it, but that is the option being proposed. He commented on the practices of other cities which are another alternative.

Councilmember D'Errico explained the intent of his proposal and his objective.

Councilmember Powell suggested having the "Consent Calendar" occurring prior to "Audience Participation" and allowing them to comment on "Consent Calendar" items that were not pulled during "Audience Participation".

City Attorney Barrow reported that before taking action on the "Consent Calendar", the public must be given the opportunity to comment. He added that relevant to the "Consent Calendar" would be what is appropriate to include in the "Consent Calendar".

Mayor Lesser stated it is helpful for people to know at the beginning of the meeting, what items will be discussed and what will not and commented on issues that must be considered such as paying hourly employees for time waiting for their items to be heard towards the end of the meeting.

Councilmember Burton spoke in support of the item as a pilot program, noting that people will have to wait until the end of the meeting to address items pulled from the "Consent Calendar". He noted the need to get the "Consent Calendar" in order. He felt that items on the "Consent Calendar" should be routine

business items and there are items included that are clearly not routine. He stated he'd rather have the "Consent Calendar" placed towards the end of the agenda until the matter is resolved and then bring the item back before City Council.

Mayor Lesser reiterated concerns regarding moving the entire "Consent Calendar".

Councilmember Burton proposed deferring the discussion until discussions occur on the "Consent Calendar" itself.

Mayor Pro Tem Howorth suggested deferring discussion on the "Consent Calendar" until after lunch and receive public comment at this time.

Mayor Lesser requested considering the production of a City Council Handbook as a replacement for an existing resolution. He commented positively on the existing handbook but felt that as a replacement for a resolution it lacks the proper format and there would be challenges with keeping it updated and there would need to be staff responsible for keeping it continually up to date.

Councilmember Powell stated that it is a good document, but felt that it would need to be a living document and be updated regularly. He felt that a resolution is still needed and the handbook could be the practical interpretation of the resolution. He suggested consideration of the item merits a separate meeting.

Councilmembers Burton and D'Errico stated the matter should be considered later.

Councilmember D'Errico felt it should be included under policy governance.

The Mayor opened the floor for public comments.

Ed Caprielian felt that allowing a total of fifteen minutes per speaker for all items within the agenda is unreasonable for those who feel they can make a contribution to City Council and the community. He understood that there would be opportunity for additional public comment on the items being presently discussed, at a regular City Council meeting, before making a final decision on the issues. He also addressed opportunities for the public to submit written comments prior to meetings and these could be made part of the agenda packet for the benefit of City Council and the public.

Bill Victor spoke in opposition to the proposed limit of fifteen minutes per speaker; felt that it has a chilling effect on public participation and that it's a bad idea when the City welcomes people to participate in City Council meetings. He commented on the benefits of constructive criticism and the need to be nice.

Mayor Lesser closed the public comment period.

In reply to Mayor Lesser's inquiry regarding votes taken and to be taken, disposition of items at an upcoming City Council meeting and the opportunity for public participation, City Attorney Barrow reported that after today, at a City Council meeting, there will be a new staff report with a draft resolution incorporating three quarters of City Council's decisions today with opportunities for public input and revisions, if necessary. A quarter of the items will be identified on the agenda (i.e. parking) will be part of the staff report, with a minute order with opportunities for public input as well, but will not be incorporated into the resolution.

Mayor Lesser commented on the ability of the public to provide written comments and asked it could be incorporated into practice setting a deadline for receipt of the comments for inclusion in agenda packets. He noted that the public would need to know, before hand, items included in the agenda and inclusion of their written comments would increase the size of agenda packets.

City Manager Carmany confirmed that staff could accommodate that request, noting that Granicus has no limitations on attachments.

Mayor Lesser commented on modules available allowing commenting on substantive items on the agenda.

City Manager Carmany stated that staff continues to work with Granicus management and will explore other possibilities.

City Clerk Tamura reported that the module is called "e-comment" and is to be loaded with the new website.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico to direct the City Manager to have the City Council agenda packets posted by noon and provided hard copies to Councilmembers by 6:00 p.m. on Wednesdays.

Mayor Pro Tem Howorth suggested asking that the agenda be posted on Wednesday by 4:00 p.m. and that it be available online by 6:00 p.m. with the hard agenda distributed on Friday. She added that it might alleviate some of the burden on staff.

City Clerk Tamura reported if the agenda is posted by Wednesday, packets could be complete by Thursday.

Councilmember Burton felt that the City Manager could make it happen. He reaffirmed the motion and felt confident that the City Manager could solve the problems relative to administrative issues.

Councilmember D'Errico would like to direct staff accordingly, but also include direction to staff to return to City Council with potential challenges.

Councilmember Powell stated agreement with Mayor Pro Tem Howorth's proposal.

Councilmember Burton reiterated his motion but added that it be effective for the September 17, 2013, meeting which would allow staff to identify any problem.

City Manager Carmany commented positively on the challenge.

Councilmember Burton changed the proposed effective date to the October 1, 2013, City Council meeting.

Councilmember Powell reported that hard copies will be available at the usual places where they have been available.

Councilmember Burton reiterated the motion as follows.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico to direct the City Manager to have the City Council agenda packets posted by noon and provided hard copies to Councilmembers by 6:00 p.m. on Wednesdays with implementation for the meeting of October 1, 2013, and returning to City Council with a report on problems incurred, if any.

Councilmember Burton amended his motion to post by 4:00 p.m. on Wednesdays, provide hard copies to Councilmembers by 6:00 p.m. on Wednesdays with implementation for the meeting of October 1, 2013, and returning to City Council with a report on problems incurred, if any.

The motion carried (5 – 0).

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth and carried (5 – 0) to adopt the rules of decorum as stated on Page 31 of the staff report, that they be included in front of the agenda and be posted outside the City Council Chambers.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth and carried (5 – 0) keep the AB1234 reporting at the current agenda item under Other City Council Business and Travel Reports.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell and carried (5 – 0) to add the rules of decorum and definitions to the agenda cover page.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember D'Errico to set a fifteen (15) minute total time limit per speaker, per meeting on a trial basis, excluding Public Hearings.

City Clerk Tamura clarified that it would be fifteen (15) minutes for the entire meeting.

City Attorney Barrow stressed it would exclude Public Hearings.

Councilmember D'Errico noted his proposal was for an aggregate of nine (9) minutes but indicated acceptance of City Council's preference. He felt that it will benefit open government and the ability of City Council to do its work.

City Attorney Barrow reiterated that it excludes Public Hearings noting that the rules relative to them are different than other matters on the agenda. He added that applicants are typically allowed additional time to speak.

Councilmember Burton expressed support for the motion and added that it should be done on a six-month trial basis.

Mayor Pro Tem Howorth suggested developing a short list of pilot programs in order to keep better track of the related issues.

Councilmember Powell noted the need to make the new procedure, clear in the agenda.

The motion carried (4 – 1) with Mayor Lesser, opposed.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell to direct staff to produce a City Council Handbook contained underneath a resolution and adding the rules of decorum and meeting management.

Councilmember Burton stated opposition to producing a handbook noting City Council knows the applicable laws and the City Attorney will keep City Council fully apprised. He did not feel it is a practical, useable document.

In reply to Mayor Lesser's inquiry, City Attorney Barrow affirmed that City Council's policies and rules could be embodied in a handbook and that City Council could direct that it be generated through the City Attorney's office to ensure that it be accurately maintained. There is a way to develop it so that it includes City Council's process only and not a restatement of existing law.

Mayor Pro Tem Howorth withdrew her motion in light of Councilmember Burton's comments. She proposed that staff highlight changes as appropriate when rules and procedures are generated.

Councilmember Powell withdrew his second.

Councilmember D'Errico commented on the importance of defining City Council's job.

There was City Council consensus to not move forward with a handbook at this time, but keep it as a tool, maintain the existing resolution and discuss the matter at a future date.

City Attorney Barrow stated that when the resolution returns for City Council consideration, it will have a legislative digest highlighting changes.

Mayor Lesser reviewed the structure and items to discuss after lunch.

RECESS AND RECONVENE

At 1:15 p.m. the City Council recessed and reconvened at 1:47 p.m. with all Councilmembers present.

Placing Items on an Agenda / Order of Agenda Items

City Council gave consideration to placing items on the agenda.

Discussion followed regarding the process for submitting requests to the City Manager for placing items on an agenda and Councilmember Burton concurred with a previous speaker that there be a process for submitting requests to City Council. He noted that the public may submit written requests to City Council at any time.

City Attorney Barrow advised that the better practice is to maintain requests to add items to the agenda towards the end of meetings. He added that it can also be done after "Audience Participation" but concurred with the current practice with the opportunity for City Council to vote on the matter.

Ensuing discussion followed regarding the order of items placed on agendas. Copies of Councilmember D'Errico's proposal were distributed.

Regarding the Ceremonial Calendar, Mayor Lesser addressed the time limitations and wondered if it should be memorialized.

Mayor Pro Tem Howorth commented on practices of other cities and felt that the present practice of limiting it to fifteen (15) minutes is acceptable.

Councilmember D'Errico suggested developing general guidelines for the benefit of the public.

Councilmember Powell found it helpful for the City Clerk to advise the recipient of an award regarding time limitations for comments. He felt that it is important to recognize people and felt that ½ hour should be an appropriate time period.

Discussion followed regarding approval of the agenda.

Councilmember Burton felt that the item allows for the opportunity to advance items on the agenda as required or appropriate.

Councilmember Powell commented on how people plan their schedules and changing the order of an item on the agenda may interrupt same. He felt that once the agenda is fixed it should remain so.

Mayor Pro Tem Howorth addressed the issue and importance of flexibility and public accessibility.

Councilmember Burton noted this is a typical agenda item included in almost every city's agenda that allows flexibility. He felt it important to retain flexibility and use the opportunity judiciously.

Councilmember Powell commented on the importance of being accommodating, he suggested doing an e-blast informing residents of changes to the agenda.

Mayor Lesser noted it's not always a clear-cut case and can be a subjective determination.

Mayor Pro Tem Howorth noted it is City Council's right to change the order of items on the agenda and reiterated the importance of being flexible.

Councilmember Burton felt this is a transparency and open-government issue.

City Attorney Barrow noted that typically, approval of the agenda includes waiver of full reading.

With regard to "Community Announcements", Mayor Lesser emphasized that the item concerns future events.

Councilmember D'Errico commented on defining that it concerns announcements of public meetings or events, within the next sixty days and that clear definition is important.

Mayor Lesser added that City Council should be mindful of some need for variance.

Councilmember Powell felt that the matter can be controlled through the rules of decorum.

Discussion followed regarding "Audience Participation".

Councilmember Burton commented on the possibility of changing the title from "Audience Participation" to "Public Comment on Non-Agenda Items".

City Attorney Barrow affirmed the legality of the proposed title change.

Discussion followed regarding the "Consent Calendar".

Councilmember Burton proposed inserting the "City Attorney's Report" after the "City Manager's Report".

Mayor Lesser clarified that the "City Attorney's Report" on Closed Session items would therefore be removed.

Ensuing discussion pertained to Public Hearings and the need to hold Public Hearings early in the meeting.

City Attorney Barrow commented on the noticing requirements and advised addressing Public Hearings when they are noticed for public hearing. Additionally he commented on the applicant's responsibility for payment of noticing and subsequent notices if items are continued. If a Public Hearing is opened and continued, no additional notice is required. If the Public Hearing is continued without opening it, it must be re-noticed. He was unsure who pays for the cost of a second notice.

Councilmember Burton suggested the possibility of continuing all Public Hearings for consideration on a third meeting during a month.

Brief discussion followed regarding General Business items.

City Council deferred discussion of Items removed from the "Consent Calendar" to discussions regarding the "Consent Calendar".

Discussion followed regarding placing the second "Audience Participation" section after "Other Council Business".

Councilmember Burton suggested changing the title to "Councilmember Reports, Comments and Suggestions" and the possibility of moving the item after the "City Attorney's Report". He proposed that additional time could be taken at the end of the meeting if needed. He warned against using this section of the meeting for grandstanding by Councilmembers.

Mayor Lesser pointed out the importance of addressing important items early on in meetings.

Councilmember Powell felt that the people's business should be addressed first and City Council business, second.

Discussion followed regarding separating City Council reports from City Council comments with the latter occurring later on the agenda.

Mayor Pro Tem Howorth suggested adding information to the cover of the agenda indicating when Closed Session will be heard.

Councilmember Burton voiced his support.

It was noted that they are two separate agendas.

Mayor Pro Tem Howorth suggested including the name of the staff person in charge of specific items on the agenda as well as whether an item has been previously budgeted or not, as applicable.

City Manager Carmany stated that often, there are multiple authors and noted the need to identify the main author.

Mayor Pro Tem Howorth commented that it would serve as a point of contact as well as providing accountability.

Discussion followed regarding the suggestion of adding that an item has been previously budgeted.

Councilmember Powell suggested adding Department Head contact information on the cover of the agenda.

The Mayor opened the floor for public comments.

Ed Caprielian addressed the submission of written comments prior to meetings wondered regarding the mechanism for making that happen and requested clarification regarding the time that will be allowed for public comment on the resolution that will be considered relative to the items being discussed presently.

Mayor Lesser closed the public comment period.

It was noted that the resolution will return at a future City Council meeting with a date yet to be determined.

City Manager Carmany reported that the goal would be for a September agenda.

City Attorney Barrow commented on the process for receiving public input on the resolution addressing the items presently considered. He noted that if the public needs additional time, the Mayor has the flexibility to provide it. He commented on the receipt of written communication from the public and added that if the communication is received within a certain time, it can become part of the agenda. He added that often, people submit written comments at the last minute and that these can be submitted to the City Clerk who in turns produces copies and distributes them to City Council. City Council has not yet set a deadline for submission of written comments for inclusion in agenda packets.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth and carried (5 – 0) to maintain Approval of the Agenda as is.

A motion was made by Councilmember Burton, seconded by Councilmember Powell and carried (5 – 0) to add another agenda item titled, "City Attorney Report" after the "City Manager Report".

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell and carried (5 – 0) to add a second "Audience Participation" item toward the end of the agenda, after "Other Council Business".

A motion was made by Councilmember Burton, seconded by Councilmember Powell and carried (5 – 0) to change the title "Audience Participation" to "Public Comment on Non-Agenda Matters".

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth and carried (5 – 0) to change the second "Audience Participation" session to "Additional Public Comment".

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth to add "Councilmember Reports and Announcements" after "City Attorney Report" and "Councilmember Comments and Suggestions" later on the agenda.

Discussion followed regarding items to be discussed under each of the suggested items, concerns with "chopping" up the agenda and the possibility of revisiting the item to see how it is working.

Councilmember D'Errico commented on the need to better define the items to be reported.

Councilmember Burton noted that policies should not be considered under the suggested items but rather reporting on City Council assignments.

Mayor Pro Tem Howorth stated the item provides a chance for Councilmembers to report on events attended.

Councilmember Powell observed that he disliked "busy" agendas and felt there should be one item for City Council to include AB1234 reporting, updates from Ad Hoc Committees and Councilmember Comments.

Councilmember Burton commented on addressing future agenda items towards the end of the agenda.

A substitute motion was made by Mayor Pro Tem Howorth, accepted by Councilmember Burton as an amendment to his original motion and carried (5 – 0) to have Councilmember Announcements and Reports after the "City Manager's Report" and the "City Attorney's Report" and include AB1234 reporting and that Items for Future Discussion or New Business be placed after Public Comment.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Burton and carried (5 – 0) to add the start time of Closed Session to the cover of the agenda.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Burton and carried (5 – 0) to add Department Head Names to the agenda.

A motion was made by Mayor Pro Tem Howorth, to include in the agenda, whether a proposed item has been previously budgeted.

Mayor Pro Tem Howorth withdrew her motion.

Councilmember Powell noted that the information is included within the staff report where applicable.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth and carried (5 – 0) to set a time limit for the Ceremonial Calendar between fifteen (15) and thirty (30) minutes.

City Attorney Barrow clarified that City Council meant to place a thirty-minute cap on the Ceremonial Calendar.

Consent Calendar Items and “Pulling” of Consent Calendar Items

(SEE EXCERPT ATTACHED TO STAFF REPORT REGARDING CONSENT CALENDAR)