



North Ventura Coordinated Area Plan

Working Group Meeting #1
October 17, 2018

Comprehensive Plan Policy 1.7

- Use coordinated area plan to guide development...

Comprehensive Plan (Program L-4.10.1)

- Prepare a coordinated area plan for the North Ventura area and surrounding California Avenue area. The plan should describe a vision for the future of the North Ventura area as a walkable neighborhood with multifamily housing, ground floor retail, a public park, creek improvements and an interconnected street grid. It should guide the development of the California Avenue area as a well-designed mixed use district with diverse land uses and a network of pedestrian-oriented streets.

On November 6, 2017 the City Council:

- Adopted a Resolution expressing local support and commitment for the federal grant to prepare a CAP.

On March 5, 2018 the City Council approved:

- Goals and Objectives, Schedule milestones and Plan boundaries
- and authorized formation of a working group

PROJECT GOALS

1. Housing and Land Use
2. Transit, Pedestrian and Bicycle Connections
3. Connected Street Grid
4. Community Facilities and Infrastructure
5. Balance of Community Interests
6. Urban Design, Design Guidelines and Neighborhood Fabric
7. Sustainability and the Environment



PROJECT OBJECTIVES

1. Data Driven Approach
2. Comprehensive User Friendly Document
3. Guide and Strategy for Staff and Decision Makers
4. Meaningful Community Engagement
5. Economic Feasibility
6. Environment and Public Health





Procedures provided in Palo Alto Municipal Code (PAMC) Section 19.10.

PAMC Section 19.10.010(a) states that the intent is to create enhanced opportunities for building a sense of community through public involvement, with meaningful opportunities to help shape the physical components of their neighborhoods and community.

General Process

- City Council initiates the CAP process and establishes goals and objectives
- Working Group appointed to advise staff, the Planning & Transportation Commission and City Council in preparation of the CAP.
- Process includes regular public meetings, including a community meeting.
- Planning & Transportation Commission hearing on draft CAP and environmental review
- Final City Council hearing

1. Distribution, location and extent of land uses
2. Distribution, location, and extent and intensity of public infrastructure
3. Program of implementation measures (development regulations, public works projects, and financing).
4. Design and development standards
5. Determination of economic and fiscal feasibility
6. Associated environmental review

- NVCAP Goals and Objectives and Map
- Brown Act FAQ
- Procedures and Ground Rules
- Contact Lists
- NVCAP Resource List
- PAMC Chapter 19.10
- State of California Planning Guide

A Working Group Booklet will be provided at the end of the meeting with additional information, included a self guided walking tour.

(All documents available online on project webpage)



North Ventura Coordinated Area Plan

The background is an aerial photograph of the North Ventura area in Palo Alto. It shows a mix of commercial and residential buildings, parking lots, and streets. Labeled streets include El Camino Real, Lamber Ave, Ash St, Chestnut Ave, Alma St, Emerson St, and El Dorado Ave. Business markers for McDonald's, Fish Market, and Fry's Electronics are visible. A green park area labeled 'John BOWLWARE Park' is in the lower left.

Working Group Meeting #1
October 17, 2018

The Brown Act

North Ventura Area CAP Working Group
Orientation

October 17, 2018

Office of the City Attorney

1		INTRODUCTIONS
2		OBJECTIVES
		<ul style="list-style-type: none">• Historical background• Overview of the “basics”: Meetings, Agendas, Public Comment• Discuss challenging areas: e-mail, social media
3		HOW TO USE THIS PRESENTATION
		<ul style="list-style-type: none">• Primer, non-exhaustive• Real problems: fact-specific, complex, no cookie cutter solutions• WHEN IN DOUBT, ASK!
4		YOUR QUESTIONS AND COMMENTS

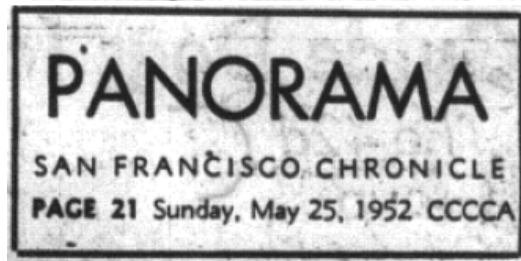
Your Secret Government: It Comes in Many Guises

SINCE the Nation's beginning Americans have been concerned with secret government; "Star chamber session" was a fighting phrase in 1776, and has been ever since.

In the effort to keep public servants doing public business in full public view, success has been generally proportionate to the amount of interest shown by the public.

This is the first of a series of articles dealing with this problem of government-behind-closed-doors as it applies at the local — the Bay Area — level.

By **MICHAEL HARRIS**



10-part expose (May-June 1952):

- "Informational" caucuses, "star chambers", committee of the whole, "pre-council", "work sessions", "study sessions"
- Unannounced meetings; No agendas
- Locked doors, secret meeting locations
- Meetings adjourned, reconvened after public departs
- Leave meetings to confer, return to vote
- Direct press, public to leave
- Require public and press to ask permission to attend committee meetings

REASONS: Efficiency, Avoid Public Discord

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

- Cal. Govt. Code § 54950



Ralph M. Brown, 1959

Courtesy: The Modesto Bee

PURPOSE OF THE BROWN ACT

1

Public access to meetings

2

Public attendance and participation (Agenda, Location)

3

Open and transparent deliberations and action

Conduct the People's Business in Public, w/certain exceptions

All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting . . . except as otherwise provided in this chapter.

- Cal. Govt. Code §54953(a).

LEGISLATIVE BODY + MEETING = NOTICE & AGENDA

THE BROWN ACT APPLIES TO A “LEGISLATIVE BODY”

Includes virtually all local government bodies, whether elected or appointed, engaged in decision-making or with advisory capacity

Elected Bodies

The Governing Body of the Local Agency

EXAMPLE: Council

Appointed Bodies

Created by formal action of the Legislative Body

EXAMPLES: the UAC, PTC, etc.

Standing Committees

Less than a quorum plus:

- Continuing subject matter jurisdiction; or
- A fixed meeting schedule

EXAMPLE: Finance Committee

New Member, not yet seated

- Brown Act still applies

EXAMPLES: Council Member elected to fill vacant seat in November; newly appointed Commissioner before first meeting

NOT COVERED: Ad hoc committees*, meetings amongst staff/public

**But Municipal Code requires any CAP working group subcommittee mtgs to be noticed & open to public*



THE BROWN ACT DOES NOT APPLY TO...

**THE BROWN ACT APPLIES TO
MEETINGS AND
COMMUNICATIONS WITH
OTHER MEMBERS OF YOUR
LEGISLATIVE BODY**

The Public

The Act does not apply to meetings and communications between Working Group Members and the public.

Staff

The Act does not apply to meetings and communications between Working Group Members and staff.

Ad Hoc Committees*

- Less than a quorum
- Only members of your body
- Temporary and short term
- No continuing jurisdiction or regular time/place to meet

WHAT IS A “MEETING” UNDER THE BROWN ACT?

Majority of members at the same time and place to hear, discuss or deliberate on any matter within their subject matter jurisdiction.

- Cal. Gov. Code §54952.2(a)

Typically: In person meetings. But also: a majority uses direct communication *or* intermediaries to discuss an item within the legislative body’s jurisdiction - can be by phone, email, fax, text, messengers, etc.

MEETINGS CAN INCLUDE:

- Retreats or Workshops of the Legislative Body
- Informal gatherings
- Serial Meetings
[telephone, email, text or personal intermediaries]

MEETINGS *USUALLY* DON’T INCLUDE:

- Constituent/staff contact
- Conferences, community meetings
- Other legislative body meetings
- Social, ceremonial events

*****PROVIDED YOU DO NOT DISCUSS BUSINESS*****

SERIAL MEETINGS ARE PROHIBITED

When a majority has discussed an issue within the legislative body's jurisdiction outside of a physical meeting

Within the Body's Jurisdiction

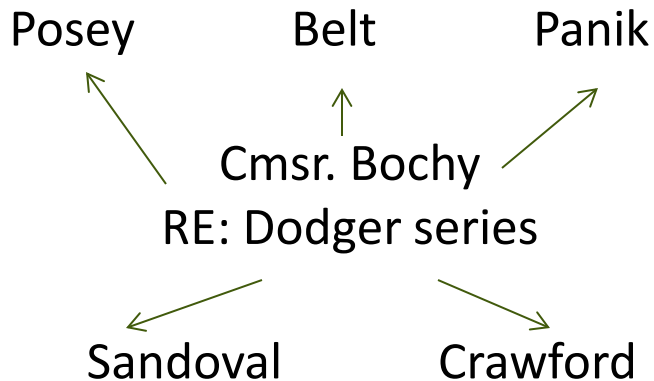
EXAMPLES

- ARB and a public safety matter
- Council jurisdiction – broad

The “Daisy Chain”

Comsr. Bochy → Comsr. Posey →
Cmsr. Bumgarner → Cmsr. Panik →
Cmsr. Sandoval to talk about the
Dodger series in L.A.
9 guys on the field, 5 is majority.

The “Hub and Spoke”



Other Examples to Watch for:

- Forwarding or responding to email
- Pooling emails from a majority
- Conversations via social media
- Someone acting as an intermediary

MEETING REQUIREMENTS

REGULAR TIME & PLACE

Establish a regular day, time and place for meeting

Must meet in Palo Alto (with some exceptions not applicable to NVCAP WG)

NOTICE & AGENDA

CONTENT:

- Meeting time, place
- ***“brief, general description” of items: sufficient to inform interested members of public of the subject matter so they can determine whether to participate***

- Action or Discussion

POSTING:

- Public, accessible place + website
- 72 hours in advance (regular)
- 24 hours in advance (special)

IF AN ITEM IS NOT ON THE AGENDA:

- No action or discussion.
- OK: Limited response to public comment, scheduling of future items, staff/commissioner announcements, brief questions/responses to public

ALL REGULAR MEETINGS

- Item specific: Before or during consideration of an item
- Any topic: Can cover any issue within subject matter jurisdiction

PUBLIC COMMENT PROCESS

- Public can talk about anything, members cannot
- If NOT on agenda: brief response, refer to staff, future agenda
- Reasonable time limits ok
- Should be consistent
- Speaker cards MUST be voluntary/optional. Anonymity is ok.

- Demand for cure or correction – **IF THERE'S A PROBLEM . . . FIX IT!**
- Court can: void the action, enjoin future violations, grant attorney's fees
- Criminal prosecution for deliberate conduct and where action taken
 - Misdemeanor
 - Intent to deprive the public of information to which it is entitled

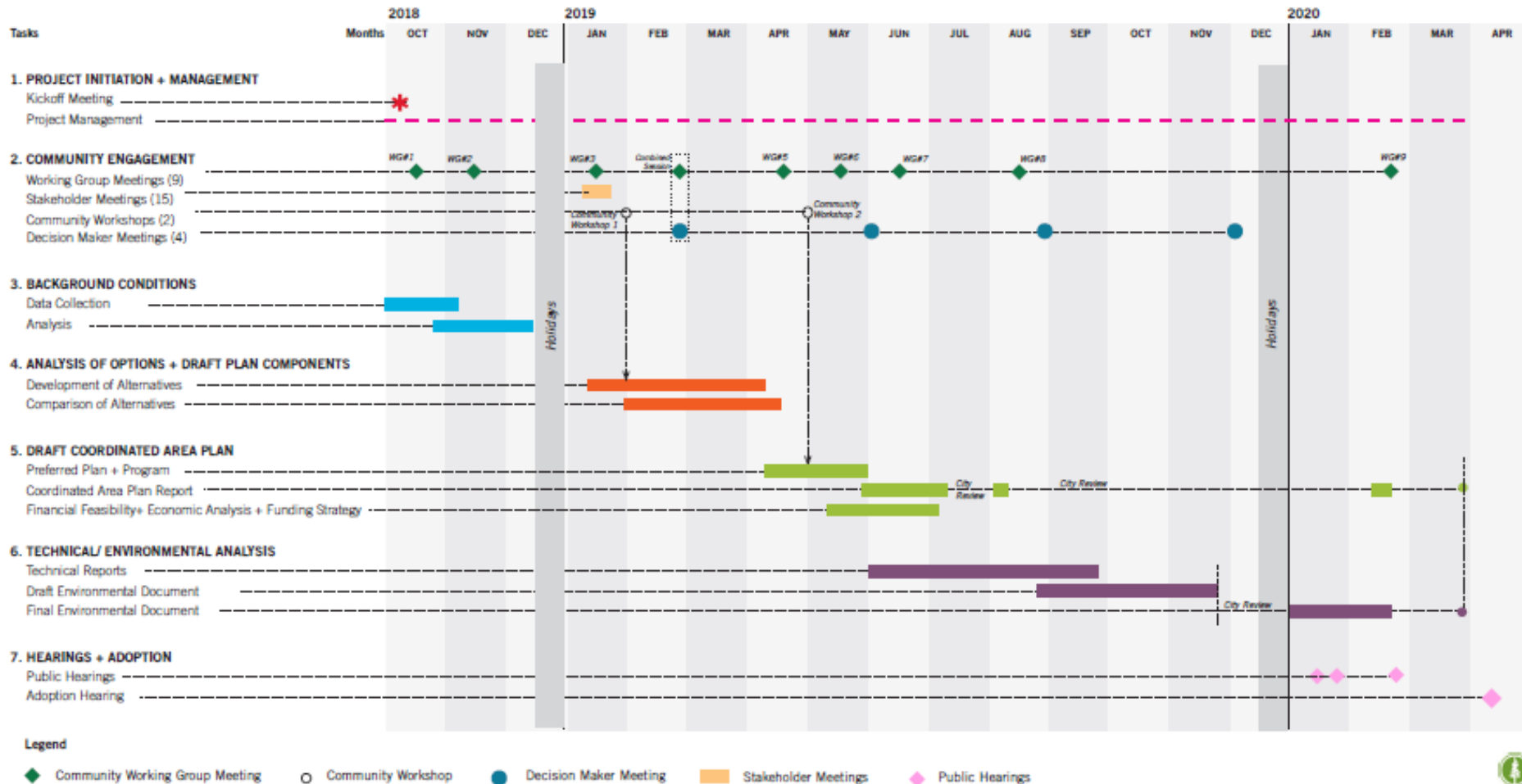
Questions?

Comments?

NORTH VENTURA COORDINATED AREA PLAN

PROPOSED SCHEDULE

OCTOBER 17, 2018



Notes: All milestones and dates are subject to modification.
Regular check-in meetings to be held with City Council throughout the process.