

Weekly

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City prepares for smaller council

With loss of two members from the City Council, will fewer be better?

by Gennady Sheyner

On Oct. 3, 1924, a small item in the Santa Cruz Evening News offered a headline that to today's reader would surely be a chin-scratcher: "Palo Alto One of the Most Efficiently Run

of American Cities, says speaker." The speaker was M. E. Malcolm, Palo Alto's city attorney, and one of his talking points was the virtue of having a 15-member council, which even then was

uniquely large for a city of Palo Alto's size.

"The speaker, in explaining the provision in the charter calling for a council of 15 members, showed that by having on the city board such a larger number of officials, the city was enabled to run its government with a perpetual smoothness, entirely obviating the unsettlement attendant upon

the complete changing of an administration," the article stated. "This was made possible, he said, by having five members of the council elected every two years, thus always keeping on the board 10 holdover members."

Few observers today would use the word "efficient" to describe the Palo Alto City Council, which routinely debates issues well past

midnight and still somehow fails to get through its agenda, pushing already outstanding items further into the future. This week's discussion of zoning revisions, for example, began at 5:30 p.m. and concluded seven hours later with frayed tempers, procedural squabbles and a confusing outcome. One council member — Tom DuBois — tapped out shortly after 11 p.m., noting that he couldn't think clearly anymore. The rest slogged on for another hour and a half and adopted a motion that Councilwoman Karen Holman described as "clear as mud."

By the time Mayor Liz Kniss called for the vote, over Holman's objections, it was evident that the rest of the zoning changes on the table would be deferred to a future date. With all the other meeting agendas in December already filled with items that have been carried over from prior months, it could be months before those changes return to the council.

The Dec. 3 discussion also perfectly encapsulates Palo Alto's civic culture, which is big on data collection, community involvement and council debate. On the one hand, this overabundance of democracy is a safeguard against the city doing anything drastic without proper outreach or analysis. On the other, it ensures that issues that take months to act upon elsewhere, here take years, if not decades.

Palo Alto's quest to build a "fiber to the premise" network, for instance, has been studied since the late 1990s, with little to show for all the work other than a stack of outdated studies. The city spent nearly a decade updating its Comprehensive Plan, a process that finally concluded in November 2017 (eight months later, the council had already amended the new document). It took the city close to two years to negotiate a contract with the nonprofit Pets In Need to take over operations of the local animal shelter.

Though few would attribute the slow pace exclusively to the council's large size, having more council members asking questions, requesting information and proposing amendments every week certainly doesn't help speed matters along.

But would a svelter seven-member council improve efficiency? The city will find out next month when the 2014 voter-approved new council size becomes a reality. With the era of the large council

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Courtesy/Heather Starnes-Live in Peace

Adriana Barajas, second from right, joins fellow participants from Live in Peace's Gap Year program, from left, Carmen Thomas, Tiani Kefu, Sierra Kelliehan, Jerni Timateo and Veshia McGee following their first day in Facebook's Year Up program, which provides job-skills training and internship opportunities, on Sept. 18. Several of the women removed their shoes after the long first day.

HOLIDAY FUND

From almost dropouts to career seekers

Live in Peace programs help at-risk students enter college, find training for high-paying jobs

by Sue Dremann

Ten years ago, Adriana Barajas was not on anyone's list of "most likely to succeed." Then 14 years old, she was hanging around with gang members and bouncing from school to school.

"I come from a home of gangs and violence and drugs," said

Barajas, a soft-spoken, petite woman with glasses, a keen intelligence and a solidity beyond her years.

"I got kicked out of every school I was in. I was in a probation-center school. I was not going to graduate."

But a hug changed her life.

Heather Starnes-Logwood, executive director of Live in Peace, an East Palo Alto nonprofit working to keep students in school, delivered the reassuring gesture when she first met Barajas at school.

"I see something in you," Starnes-Logwood said.

Barajas did graduate — barely, she said — from high school in 2012, with the help of Live in Peace. The organization has aided more than 123 East Palo Alto and Belle Haven neighborhood students at risk of dropping out to graduate high school through a collaboration with the Sequoia Union High School District, Starnes-Logwood said.

Live in Peace was selected by



San Mateo County in 2015 to design a three-year program to engage 80 district students who were at the greatest risk of dropping out. The Students Who Achieve Great-

ness (SWAG) program identifies the most challenged students and uses "out of the box" methods, including independent study and life coaching, to help them graduate. The students work daily with tutors, case managers and others.

But even with the help they receive to graduate high school, many students feel lost after graduation. Some, like Barajas, have responsibilities heaped on them. At 17, she was pregnant.

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Council

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officially coming to an end, those who support the shift from nine to seven predict it will bring some much needed efficiency to City Hall. Others, including most members in the council's "residentialist" minority, fear the change will make it harder for council members to have meaningful relationships with both their constituents and with regional agencies.

Regardless of who is right, the move is already forcing city staff and council members to grapple with the changes that the smaller council will necessitate, including slimmer council committees, lower thresholds for proposing new legislation and, perhaps positively, new opportunities for residents to get involved in governance.

First there were 15

The reasons for Palo Alto's long meetings are both cultural and structural. On the one hand, most council members like to comment on most items most of the time — a habit that members always vow to shake during their annual retreats but that they never get around to shaking. It doesn't help, however, that Palo Alto, a city with 67,000 residents, has a larger City Council than any city of comparable size — an anomaly that became a



The Palo Alto City Council chambers, circa 1960, featured a 15-seat dais. The council met in what is now the Palo Alto Art Center on Newell Road.

fixed reality 109 years ago, when voters approved the first City Charter, calling for a 15-member council.

The decision led to a 15-member council called the Board of Freeholders, who over a series of meetings in 1908 crafted the city's first charter. The city's first governing body, the Board of Trustees, voted 4-1 in January 1909 to place the charter on the January 1909 ballot and voters adopted it by a 355-225 vote. The only trustee to oppose the new charter was attorney Joseph Hutchinson, the president of the Board of Trustees and a big-government skeptic. (Hutchinson's story did not have a happy ending; the city's "first

mayor" killed himself in September 1910 by inhaling gas in his Professorville home, according to newspaper accounts.)

For the Board of Freeholders, which included civic leaders, attorneys and Stanford University professors and which was operating in a growing town run largely by volunteers, bigger was clearly better when it came to council size. C.W. Charles, an attorney and a freeholder, was among the proponents of this view. In January 1909, weeks before the charter vote, Charles gave a talk at Mullen's Hall espousing the advantages of a large city council, according to the Daily Palo Alto Times. (Charles' story also

did not have a happy ending; the judge who helped frame the city's charter was killed at a rail crossing in December 1916 when an automatic gate struck him, according to newspaper accounts.)

So the group came up with a system that Malcolm described as "unique in formation," in which different non-salaried commissions — including public works, safety and library — handled most administrative functions with the help of a bare-bones staff. Fifteen council members, all spurred by "public spirit" and working without a salary, handled the legislative functions.

Accounts from the era suggest that the system functioned pretty well until mid-century, when it suddenly didn't. The city's population exploded after World War II, most of south Palo Alto was annexed in 1951 and demand for services surged. To meet growing demands, Palo Alto approved a charter change in 1950 to create a city-manager form of government.

By that time, residents were also questioning whether Palo Alto really needed to have more council members than any other California city save Los Angeles. The council considered a reduction in council seats in 1950 but put off the idea so that it could focus on the other charter reforms.

"I think back in 1919, there was a justification for the larger council because the council had to do everything," said Steve Staiger,

Palo Alto's city historian. "You had this new streetcar system, you had this little library, you had a lot of things in the city that other towns of its size didn't have. Then there was a reality check in the 1960s. Times have changed and people figured, 'We don't need it anymore.'"

The move to reduce the council began in February 1963, when the City Council appointed a panel called the Mayor's Charter Review Committee to study the size reduction and other possible reforms. Nine months later, the committee recommended gradually reducing council from 15 seats to nine in three two-seat increments, starting in 1966.

Joseph S. Lawry, who chaired the committee, wrote in his argument that the reduction of the council from 15 seats to nine was a "compromise between the views of those who experienced great satisfaction with the 15-member council that has existed for 54 years and those who see a changing situation brought about by area growth."

"It was therefore the recommendation of the committee that the effectiveness of the council would be improved and its work expedited by a reduction in size to nine," Lawry wrote.

Not everyone shared this view. Former mayors Frances Dias and J. Pearce Mitchell both opposed

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Online This Week

These and other news stories were posted on Palo Alto Online throughout the week. For longer versions, go to PaloAltoOnline.com/news.

City manager turns down raise

Palo Alto City Manager James Keene, who is retiring this month after 10 years of service, has informed the City Council that he will not be accepting a raise, Mayor Liz Kniss announced Wednesday afternoon. (Posted Dec. 6, 9:35 a.m.)

Palo Alto again eyes City Hall upgrades

After balking earlier this year, Palo Alto officials are preparing to move ahead with significant technological upgrades to the Council Chambers, a project that aims to both boost the city's broadcasting capabilities and make the City Council's main meeting room more accessible to individuals with disabilities. (Posted Dec. 6, 9:07 a.m.)

Mother of slain man seeks help finding shooter

The mother of a 22-year-old man who was shot and killed at a birthday party in East Palo Alto on Oct. 14 is frustrated by the lack of progress in arresting his assailant. (Posted Dec. 5, 6:06 p.m.)

Palo Alto backs housing 'subregion'

Palo Alto signaled its support this week for joining other cities in Santa Clara County in forming a new "subregion" to collectively tackle the regional housing challenge. (Posted Dec. 5, 2:06 p.m.)

School board approves new general council

The school board enthusiastically approved Komey Vishakan, the district's compliance manager, as Palo Alto Unified's first-ever general counsel on Tuesday night. (Posted Dec. 5, 8:36 a.m.)

Stanford report details sexual violence

The national #MeToo movement's reckoning with sexual violence trickled down to Stanford University, where over the past year officials received reports of allegations of misconduct from years and decades past (Posted Dec. 4, 2:40 p.m.)

City makes zone changes to spur more housing

With Palo Alto falling far short of its housing goals for the year, city officials approved on Monday a slew of zone changes that they hope will ramp up residential production in 2019 and beyond. (Posted Dec. 4, 12:30 a.m.)

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Council

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the change and called the move “an unnecessary and unwise concession to certain minority groups in an attempt to upset our present efficient and well-balanced city government.” A 15-member council, they wrote on the opposing argument, “represents all the people and gives every segment of the electorate a chance at direct representation.”

“To cut it to nine is illogical. How can nine be more representative than 15? The fallacy of that argument is apparent on the face of it. We have a fine, well-proven and well-functioning city government. To tamper with it is dangerous.”

It’s easy to see why the majority of the voters in 1963 didn’t buy this argument. At the time, the council at war with itself as members of the pro-growth “establishment” feuded with slow-growth “residentialists” over everything from development proposals to meeting minutes.

Jay Thorwaldson, who began covering the council for the Palo

Alto Times in 1966, said the political climate was epitomized by Halloween night in 1966, when all six residentialists boycotted the meeting, depriving the establishment of the votes it would need for routine actions (two council members, Robert Debs and Bob Cooley, almost got into a fistfight and had to be separated by the city manager). The boycott, Thorwaldson said, was emblematic of the type of obstruction and inefficiency that characterized the council of the 1960s. Thorwaldson recalled staying at City Hall until 4 a.m. during some meeting nights.

“That became a real problem. For example, you were supposed to pass a budget by June 30 but the council on June 30 might still be dealing with things from the May 21 meeting or something,” Thorwaldson said.

And then there were seven

There is no clear-cut consensus in Palo Alto today on whether a smaller council is a good thing. When the Palo Alto council placed the seat-reduction measure on the ballot in 2014,

it did so by a 5-4 vote, with one supporter, Councilwoman Nancy Shepherd, saying she was “51-to-49” on the issue. Voters approved the switch by a solid but unemphatic majority, with 10,495 voters supporting Measure D (53.7 percent) and 9,048 opposing it (46.3 percent).

Much like their predecessors 50 years ago, supporters of the reduction (including Kniss and former mayors Betsy Bechtel and Mike Cobb) framed the move as a way to introduce some efficiency to a council where it’s been sorely lacking. Roger Smith, the founder Silicon Valley Bank, led the drive for the 2014 measure. His reason, as he told the Weekly at the time, was simple: Time is money.

“I’ve never talked to someone who prefers to have nine bosses to seven bosses,” Smith told the Weekly shortly after the election.

Others, particularly those who consider themselves residentialists, have been skeptical about the switch. Opponents of Measure D, including former Vice Mayor Greg Schmid and current council members Tom DuBois, Eric Filseth and Lydia Kou, maintain that fewer seats will result in less representation and less citizen participation. Palo Alto, they say, is unlike any other city in the area because it operates its own utilities and has to deal with a giant and complex entity called Stanford University. Reducing the council size, they wrote in the argument, would “put power in the hands of fewer people.”

“On one extreme, a one-member council would be highly efficient, but no one wants a dictator,” the opposition argument stated.

‘If we want to have more efficient and more engaged meetings, that’s up to each of us as council members.’
—Councilman Adrian Fine

There is, of course, plenty of room between a lonely dictator and a nine-member council — a space large enough to accommodate every city in Santa Clara County except San Jose. Nine out of 15 municipalities in the county function with five-member councils (Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill and Saratoga); four have seven (Gilroy, Mountain View, Santa Clara and Sunnyvale). The only two cities with more than seven are Palo Alto and San Jose, which has 10 council members (and an elected mayor) and a population of more than 1 million.

The City Council began to grapple with the new reality in late October, when it voted to reduce the size of its standing committees from four to three members and changed the rules for “colleagues memos” — a common tool used by council members to introduce



Mayor Liz Kniss listens as City Councilman Adrian Fine, center, asks a question during a council meeting on Dec. 3.

Veronica Weber

new legislation. The maximum number of colleagues who can co-sign such a memo was reduced from four to three, though City Attorney Molly Stump suggested that two would be a legally safer choice.

Both rule changes were required to ensure that the city complies with California’s Ralph M. Brown Act, which requires subcommittees to have fewer members than the majority of the primary body.

Other changes may soon be on the way. Early next year, the council will move ahead with revisions to its policies and procedures, a process that the Policy and Services Committee kicked off on Nov. 14. As part of this revision process, council members are weighing new reforms, some of which are almost certain to revive the tension between democracy and efficiency.

One area on which there is currently no clear consensus surrounds the “consent calendar,” a list of agenda items that get approved simultaneously, with no council discussion. Today, it takes three council members to remove an item from consent and schedule a full hearing on it. But with a smaller council, some members would like to see the threshold to remove an item drop to two council members — or even one.

Council members who tend to be most cautious and skeptical about new development have tended to also be more wary about streamlining the approval process or limiting public debate. Kou and Holman, who both lean toward slow city growth, support making it easier to remove items from the consent calendar. Holman argued that requiring three votes to pull an item from the consent is a higher hurdle for a seven-member council than it is for the current council.

Councilman Adrian Fine, who has regularly talked about the need for the council to be more efficient, pushed back against a proposal to make it easier to pull items off the consent calendar. Over the past two years, he said, the council has taken many items off consent and ultimately passed all of them except the renovation of the Council Chambers, Fine said.

“There is a cost to staff, the city and to residents both in terms of policy, in terms of council time and in terms of dollars spent,”

Fine said about pulling items off consent. “I think it’s an important consideration.”

DuBois, who also tends to lean toward slower city growth, suggested that the council adopt a new policy that would allow any member to effectively continue any item to the next meeting, thus giving members more time to consider the item’s implication. Councilman Cory Wolbach, who is favors more city growth, rejected the idea and suggested that it would allow the council minority to engage in obstructionism.

“It’s like a filibuster, but you don’t even have to keep talking,” Wolbach said.

The council members did agree on one thing: A smaller council will make it harder for members, and the city, to maintain a regional presence. DuBois said the council members currently serve in 37 “liaisons” roles with local organizations (including nonprofit Palo Alto Housing and Avenidas) and regional organizations (such as the Peninsula Corridor Joint Powers Board, which operates Caltrain, and the Association of Bay Area Governments, which sets housing targets for Bay Area municipalities). In recent interviews, both Fine and DuBois brought that up as one of their major concerns when it comes to the seat reduction.

“When they are spread out among seven members, it means each of us has to do a little more,” Fine told the Weekly.

To deal with the increasing workload, DuBois recommended that the city allow non-elected residents to serve in some of these liaison roles to ensure that the city doesn’t lose its voice — an idea to which no one objected.

DuBois said he is also concerned that the smaller council will increase the role of money in local politics by making it easier for wealthy donors to target one or two candidates with their contributions. When that happens, money will have a greater influence on decisions, DuBois said. Some cities, including Mountain View, have voluntary campaign limits to prevent large campaign contributions. Palo Alto does not, though DuBois believes it should.

“Some kind of campaign-finance

(continued on next page)

CityView

A round-up of Palo Alto government action this week

City Council (Dec. 3)

Housing: The council began its discussion of zoning revisions to encourage housing and took a series of votes on citywide and downtown-specific zone changes. The council voted 6-0, with Tanaka absent and Filseth and Holman recused, to approve citywide zoning changes to convert the RM-15 to an RM-20 zoning district and create a “minimum density” standard. It also voted 6-1, with Kou dissenting, to approve downtown zoning changes, including a maximum average unit size of 1,500 square feet, creation of a “Housing Incentive Program” that offers more density to residential developers; allowance of residential-only development in the CD(C) district (except in the GF overlay) and a suspension of the “in-lieu parking fees” for commercial developers for a year. The council then approved by a 5-2 vote other citywide changes, including one that allows developers to use rooftop gardens to fulfill their requirement for private open space. **Yes:** Filseth, Fine, Kniss, Scharff, Wolbach **No:** Holman, Kou **Absent:** DuBois, Tanaka

Board of Education (Dec. 4)

Elections: The board named Jennifer DiBrienza as president and Todd Collins as vice president for 2019. **Yes:** Unanimous
General counsel: The board approved an employment contract with Komey Vishakan as the district’s new general counsel. **Yes:** Unanimous
PAPD MOU: The board approved a revised memorandum of understanding with the Palo Alto Police Department. **Yes:** Collins, Dauber, Dharap, DiBrienza **No:** Baten Caswell
First interim budget: The board heard a report on the first interim budget. **Action:** None

City Council (Dec. 4)

Compensation: The council discusses salary increases for its four council-approved officers: city manager, city attorney, city clerk and city auditor. **Action:** None

Council Finance Committee (Dec. 4)

Audit: The committee recommended accepting the audit of the city’s financial statements. **Yes:** Unanimous
Chambers: The committee recommended approving proposed upgrades to the Council Chambers, including upgrades to the broadcasting system. The committee voted 2-1 to pursue these changes at the same time, rather than through a phased approach recommended by staff. **Yes:** Kou, Scharff **No:** Filseth **Absent:** Tanaka

Utilities Advisory Commission (Dec. 5)

Resilience: The commission discussed CPAU’s role in promoting community resilience. **Action:** None
Underground systems: The commission discussed rules and regulations regarding community requests for fully undergrounded utilities. **Action:** None

Architectural Review Board (Dec. 6)

3128 El Camino: The board approved a proposal for changes to the McDonald’s restaurant, including a remodel of the exterior façade, landscaping, signage and seating. It directed its subcommittee review further revisions to the **Yes:** Gooyer, Furth, Lew, Thompson **No:** Baltay
3705 El Camino: The board recommended approving the design of the proposed 59-unit apartment complex for low-income residents at individuals with disabilities. **Yes:** Unanimous

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limits should really be considered once we get down to seven seats," DuBois told the Weekly.

Fewer members, more talk?

Government watchers often point out that fewer seats won't, in of itself, make the council more efficient and effective. It will also take discipline from the people filling these seats. Thorwaldson, who is also the former editor of the Palo Alto Weekly, said he believes council conversations "expand according to the time available." Under his theory, members of the smaller council will simply talk for longer because — all of a sudden — they will be able to.

Longtime council observer Herb Borock agreed. Reducing the council size may make things more efficient for developers and employers who want to see their projects encounter less questioning and opposition, he said. But it might not do much to constrain council meetings.

"Each member will just talk more," Borock said.

Council members themselves have publicly acknowledged on many occasions that they need to do a better job limiting their comments.

"If we want to have more efficient and more engaged meetings,

that's up to each of us as council members," Fine told the Weekly.

Earlier this year, at the council's annual retreat, Fine urged his colleagues to "figure out where we can be a little more quick and a little bit more efficient in terms of using our time on council and staff's time and the public process to reach efficient, sustainable and transparent decisions." Fine also challenged Kniss, who as mayor presides over meetings, to "keep us on a time clock and make sure that we do our meetings efficiently and rapidly and crisply."

Kniss agreed that council members should be more "succinct" but suggested that requiring members to talk less may be an exercise in futility. The time restrictions, she said, have been suggested every year that she's been on the council but never pursued.

"Apparently it doesn't seem to be part of our process to limit our comments," Kniss said.

That idea is now once again resurfacing. During the Policy and Services' Nov. 14 discussion, several council members said they would support having a digital timer tracking how long every council member has spoken. Wolbach proposed having a chess clock at meetings to nudge members to wrap it up.

"Not binding, but just a little bit of public shaming," Wolbach said.

Another idea that some members believe will make the council more efficient and effective

is prohibiting council members from making new legislative proposals during council meetings without first vetting them with staff. Holman cited the infamous January 2017 meeting in which the council's five-member pro-growth majority approved a series of changes to the Comprehensive Plan by a 5-4 vote. These included the removal of every policy from the plan, which staff had neither analyzed nor recommended. That action that was widely criticized and ultimately rolled back.

At the Nov. 14 meeting of the Policy and Services Committee, Holman made a push to adopt a policy preventing the council from making significant changes to proposals in the 11th hour, a habit that both extends meetings and breeds citizen mistrust. Her suggestion prompted a debate over what exactly constitutes a "significant" change. Holman herself won't be around to see whether such a policy will be implemented; she, Wolbach and Greg Scharff will all be off the council next year. But the council's newest member, Alison Cormack, seems to share her view about late-night surprises. When asked at an October debate what she would do about last-minute legislative proposals, her answer was simple: Vote no.

Whether the seven-member size will usher in a new era of efficacy for the city and council is yet to be seen. But those favoring the

council reduction are hoping the upcoming change will help Palo Alto to succeed in 2019 in meeting its two key goals: increasing the city's housing supply and making a decision on grade separations, the physical separation of Caltrain tracks from local streets at four rail crossings. The latter issue is particularly urgent, given that the city is competing for county funds with Mountain View and Sunnyvale, cities that are well ahead of Palo Alto in their design plans.

During the council's February retreat, City Manager James Keene cited the "ticking clock" on the grade-separation issue and noted his concern about the speed

of the city's decision-making.

"Our beloved 'Palo Alto Process' is not well-aligned with the crisis aspect of this issue," Keene said at the retreat. ■

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