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FINAL ADJOURNMENT 17

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:03 p.m.

Present: Barton, Beecham, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Morton, Mossar

PLANNING AND TRANSPORTATION COMMISSION

Present: Burt, Garber, Holman, Keller, Lippert, Sandas, Tuma

STUDY SESSION

1. Joint Meeting with Planning and Transportation Commission Regarding Items Relating to Planning and Transportation

No action required.

ORAL COMMUNICATIONS

None.

ADJOURNMENT: The meeting adjourned at 7:00 p.m.

Regular Meeting
April 9, 2007

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:04 p.m.

Present: Barton, Beecham, Cordell (arrived at 7:13 pm), Drekmeier, Kishimoto, Klein, Kleinberg, Morton, Mossar

Mayor Kishimoto asked the City Manager for update on the Redwood City fire.

City Manager Frank Benest stated on Saturday, April 7 there was a fire in an auto yard in Redwood City. The Fire and Police Chiefs advised they were trying to use outreach including the Teleminder System, which failed. Through outreach to the newspapers, the neighborhood associations, as well as other sources, citizens were requested to stay inside and close their windows to minimize smoke inhalation. They have received a number of proposals to get new technology to increase the number of calls made in an hour.

Council Member Kleinberg stated with the Teleminder System not working, why wasn't the Winter Storm Watch strategy utilized and, also, is there a schedule of testing the communications system to find out beforehand whether it is operating.

Mr. Benest replied he would have a response after the investigation.

Council Member Kleinberg stated there was a task force that came up with a strategy to have trucks travel through the neighborhoods to announce there was an emergency.

Mr. Benest stated this would be evaluated as it would enhance the City's response.

Council Member Mossar said when the Teleminder System was activated the Council should have been notified. She asked about the staff policy on notification of the Council.

Mayor Kishimoto stated she believes this would constitute a public health issue.

SPECIAL ORDERS OF THE DAY

1. This Agenda Item No. Intentionally Not Used
2. Vote and Appointment of Applicants to the Library Advisory Commission

FIRST ROUND OF VOTING FOR LIBRARY ADVISORY COMMISSION

VOTING FOR Detchemendy	Cordell, Drekmeier, Kishimoto, Morton
VOTING FOR Forte	Barton, Beecham, Drekmeier, Klein, Kleinberg, Morton, Mossar
VOTING FOR Kuan	Cordell
VOTING FOR Moss	Kishimoto, Kleinberg
VOTING FOR Stucky	Barton, Beecham, Klein, Morton, Mossar
VOTING FOR Thom	Barton, Beecham, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Mossar

City Clerk Donna Rogers announced on the 1st ballot, Susie Thom with eight votes, Sanford Forte with seven votes, and John C. Stucky with five votes, were appointed to the Library Advisory Commission for a three-year term ending January 31, 2010.

ORAL COMMUNICATIONS

Joy Ogawa spoke regarding recycling concerns with PASCO.

APPROVAL OF MINUTES

MOTION: Council Member Mossar moved, seconded by Cordell, to adopt the minutes of March 5, 2007 with one correction, and March 12, 2007, as submitted.

Vice Mayor Klein asked for clarification on page 7 of the minutes from March 5, 2007, which stated Council Members Kleinberg and Mossar left the meeting. It should state Council Member Cordell and Vice Mayor Klein as well.

City Clerk Donna Rogers stated she would change the wording.

MOTION PASSED 9-0.

CONSENT CALENDAR

MOTION: Council Member Morton moved, seconded by Klein, to approve Consent Calendar Agenda Item Nos. 3 through 6.

3. Approval of a Term Contract with Okonite Company in the Amount Not to Exceed \$800,000 Annually for the as Needed Purchase of Three Types of Medium Voltage Cables and Authorization for up to Two One-Year Contract Extensions
4. Approval of a Contract with J.J.R. Construction, Inc. in the Total Amount of \$842,879 for FY 2006-2007 Sidewalk Replacement Phase 2 Project – Capital Improvement Program, Sidewalk Replacement Project PO-89003
5. Policy and Services Committee Recommends Approval of Policy Addressing Agreements for Shared Use of Parkland
6. Appointment of Emergency Standby Council Members

MOTION PASSED 9-0.

REPORTS OF OFFICIALS

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7. Direction on Potential Ballot Measures and Other Funding Options for Library Facilities and Operations and/or Public Safety Building: Timing, Scope, and Related Issues

Assistant to the City Manager Kelly Morariu stated the first question for Council would be whether the bond measures for both the Public Safety Building and Library facilities would be moving forward. There are three options to consider: 1) place the Library and the Public Safety Building as a combined measure on one ballot; 2) place the two measures separately on the same ballot; or 3) move forward with one project. If the decisions is to move forward with a bond measure for the Library facility, the questions would be: 1) should the City move forward with a joint Community Center and Library building at Mitchell Park; or 2) should staff continue to work on all of the options in the Library Service Model Analysis and Recommendation Report, which was presented in December 2006. In the Group 4 report for Mitchell Park there were two options: 1) build a new Library only, and leave the Community Center as is; or 2) tear down the Community Center and Library and build a joint facility. For the Library facilities there would be

options to consider upgrades to the Main and Downtown Libraries as part of a measure. The last two library items would be related to a parcel tax. There would be funding increases recommended in the LSMAR Report and, if the parcel tax moves forward, would it be on the same ballot as the bond measure. Would the ballot measures be on the June or November 2008 election ballots. Tonight would not require formal action to put the measures on the ballot but rather a guideline for staff in regards to time.

Megan Swezey Fogarty, 2421 Bryant Street, stated that 79 percent of those polled thought replacing Mitchell Park Library with an upgraded and expanded building was important. The best choice would be the joint use new Library and Community Center. This would improve land use and traffic safety.

Mary Jean Place, 809 Northampton Drive, stated the Palo Alto Library Foundation has been supportive in the reconstruction of the Children's Library. She asked for support for the Mitchell Park Library and the Community Center.

Betsy Allyn, Alma Drive, noted combining the Mitchell Park Library and the Community Center would be expensive and there would not be compatible uses for serving senior citizens, young students, classes and sports. She did not support combining the two buildings.

Rachel W. Bell, 3390 Greer Road, stated a good library system would be the most important asset a City could provide to the citizens. She stated she would support the bond measure.

Lisa Hendrickson asked for multi-use rooms, which could be used by other organizations. Any services and programs, which could be offered at this location, would compliment library services.

Michele Kasper, 3242 South Court, stated combining the Community Center and the Library would create an incredible community building space, which she supported.

Enid Pearson recommended the \$1.9 million could be used for library enhancements and she did not support the demolition of Mitchell Park Library and the Community Center.

Smita Joshi, 851 E. Meadow Drive, stated combining the Mitchell Park Library and the Community Center should include a café and diaper changing tables in both gender bathrooms.

Sanford Forte, 280 College Avenue, suggested that a group of commissioners, including key members of the City staff, should explore

communication strategies to educate the citizens about recent findings and conclusions of the group. The citizens should be properly informed of the findings.

Penny Ellson, 513 El Capitan Place, noted the community has always valued learning and supported a new Mitchell Park Library. She supported the Community Center since the City could use the space more efficiently by improving the traffic situation around the site, and creating flexible, shared spaces. She added it is uncertain whether the current Public Safety Building, which includes the emergency operations center, would be functional in the event of a disaster. She recommended the two items, Library/Community Center and the Public Safety Building, be on the ballot together.

Robert Moss, 4010 Orme Street, recommended the Library and Public Safety Bond Measures be separate measures but on the same ballot. He stated the Library Bond should be for the Library and the Community Center, which would include the Main and Downtown libraries. He did not agree with the parcel tax on the same ballot.

Herb Borock, P.O. Box 632, stated the committee, which was suggested by Sanford Forte, must follow the Brown Act, and would hold open meetings. Otherwise, it could be misconstrued as spending the City's money for an election campaign.

Arthur Keller, 3881 Corina Way, stated there were two reasons Measure D failed in 2002: 1) there was question whether the new buildings were on top of the parkland and impinging on the tennis courts; and 2) the size of the bond issue. He suggested bringing this to the public three different times. He recommended updating the Utilities Users Tax (UUT) first, which would give the City the opportunity to fix the current problem concerning cell phones and long distance calls.

Lanie Wheeler, 362 Diablo Court, said she supported the new library facilities, Community Center, and a new Public Safety Building. She recommended more time to inform the citizens about the facilities and resources needed in terms of staff cooperation and financial resources.

Ellen Wyman, 546 Washington Avenue, stated she supported the libraries noting they are separate facilities. The citizens should be asked which building they wanted to support.

Council Member Barton stated the Council would have time to talk with the community and go through the Environment Impact Report (EIR) process. He suggested the June 2008 election, which could be pushed to November 2008 if necessary. He stated he supported the larger project, with Mitchell Park, the Community Center, the Main Library and Downtown Library, which

could be scaled back if necessary. He also suggested the two measures be separate on the same ballot and to postpone the Parcel Tax.

Council Member Drekmeier commented voting on the Library and the Public Safety Building together on one ballot would not pass. He recommended the inclusion of the Main and Downtown Libraries to be voted on separately.

Vice Mayor Klein questioned page five of the CMR, second paragraph, which states "One key consideration is the operating and maintenance cost impacts of the new facilities. These added costs include new utility costs (electricity, gas, and water), custodial services, and routine maintenance (painting, carpet cleaning, equipment replacement, etc.) Preliminary estimates of these costs range from \$500,000 - \$700,000 annually." He stated he did not understand how the figures were determined.

Ms. Morariu replied the figures were preliminary estimates of the annual operating costs.

Vice Mayor Klein stated the facility already has utility costs.

Ms. Morariu stated this would be a brand new Public Safety Building, which would be added to the City's inventory.

Director of Public Works Glenn Roberts stated these are not only utility costs. They are also maintenance costs, which would be refined and minimized if possible.

Vice Mayor Klein stated the high maintenance cost estimates would not be a selling point for citizens. The project would need to have a clear plan regarding how the additional operating costs would be covered. It is important to present a strategy for the next ten years. He stated he would like to keep the Library Buildings and the Public Safety Building separate.

Mayor Kishimoto asked whether he supported the inclusion of the Downtown Library and the Main Library.

Vice Mayor Klein confirmed that was correct.

City Attorney Gary Baum clarified if the Council chose to use the Transient Occupancy Tax, the Business Tax, and the Utility Users Tax they must be done concurrently with Council elections in November 2007 or November 2009.

Council Member Morton stated he supported the combined Library/Community Center Building and the inclusion of the Main and the Downtown Libraries. The combination of the Community Center and Library gives the

Council the chance to have a building that serves the entire population. He asked whether the school bonds that passed recently were June measures.

Council Member Barton replied there was a School bond measure in 1995 and two parcel taxes that passed in June. The one that failed was in November.

Council Member Morton stated there was some danger of this project going on too long. Getting this on the ballot and getting people out for a June 2008 measure would be the best way to go. He stated he supported having both items on the same ballot but as different measures.

Mayor Kishimoto asked whether he supported June 2008 or November 2008.

Council Member Morton replied he wanted to keep his options open, but would consider putting it on the June ballot.

Council Member Beecham asked whether it was possible to keep the size options on the table.

Assistant Director Public Works Mike Sartor stated the Request for Proposals and Scope of Work, which would be developed for the Mitchell Park Library and Community Center, also includes the Main and Downtown Libraries.

Council Member Beecham asked why there were two different sized facilities.

Mr. Sartor replied there are two scenarios for keeping the technical services staff in the Downtown Library and then moving staff to the new facility in Mitchell Park.

Council Member Beecham inquired whether there would be an impact of the decision.

Mr. Sartor stated not in terms of the design contract, which would return to the Council for approval in early May.

Council Member Beecham asked when the Council would have to make a final decision.

City Clerk Donna Rogers replied a decision would be needed in March for a June 2008 ballot.

Mr. Baum added this would be a tremendous amount of work in order for staff to be well prepared.

Council Member Beecham said the new Council in 2008 would make these decisions. He supported inclusion of the Main and Downtown Libraries and asked for an analysis of all sizes for the building. He would recommend the November 2008 election with an option for June. He thought both libraries and the Public Safety Building should be on the same ballot measure.

Council Member Mossar stated she supported the flexible timeframe but preferred the November 2008 ballot. She supported the planning for all options and for the inclusion of the Main and Downtown libraries. She stated the first priority of the Council would be to find a strategy to build the Public Safety Building and, if possible, to also improve the library system. She did not support the Parcel Tax, but questioned how the staff, furnishings, and operations would be budgeted. The scope of services should be developed and approved and the public would need to be well educated on the measure.

Council Member Kleinberg asked if the CMR stated this project may create staffing efficiencies by combining some functions, additional staff would not be necessary. She stated she supported the Library, the Public Safety Building, and the Community Center being on the same ballot but not as the same measure. She also supported combining the Community Center and Library. The Main and Downtown libraries would need updating. She did not support the Parcel Tax and stated she supported this for the June ballot. She stated this project should start out as a bigger project and reduce in size if necessary.

Mayor Kishimoto asked whether opting out is possible.

Ms. Morariu replied opting out is something that could be considered and evaluated.

Council Member Cordell asked whether the School Board would be going forward with its bond measure. She asked how the community would receive another bond measure. The Public Safety Building should have more focus than the library. She stated she supported a June 2008 bond measure for the Public Safety Building and the library. The education of the electorate is critical for the bond measure to pass. She supported them together on the same ballot and the Library measure to include Downtown Library, Main Library, and Mitchell Park Library.

Mayor Kishimoto stated she supported two measures on one ballot and to develop an alternative plan if needed. She asked why the issuance costs for Certificates of Participation (COPs) were \$7,000,000 higher than for General Obligation Bonds.

Director of Administrative Services Carl Yeats replied the difference was the capitalized interest on the difference between the General Obligation Bonds and COPs over the life of the bonds.

Mayor Kishimoto asked what the annual debt services would be.

Mr. Yeats stated debt services on the COPs are due to the difference between the interest rates. The General Obligation Bonds were backed by the full faith and credit of the property taxpayers and the COPs were backed by the General Fund revenues.

Mayor Kishimoto asked whether selling directly to the Palo Alto investors would make a difference in costs.

Mr. Yeats stated because Palo Alto has a triple A credit rating, there would be a competitive sale, which means financial institutions would bid based on the amount of interest paid. Generally, a large financial institution would take all of the debt as part of their bid.

Mayor Kishimoto asked whether the size of the library allowed for expansion.

Mr. Sartor stated the project could be designed to allow for future expansion.

Mayor Kishimoto said she supported the June ballot and the inclusion of the Downtown and Main Libraries. She supported the smaller combination of the Community Center and Library with the modular concept.

Council Member Drekmeier stated he agreed with the Public Safety Building being more important than library facilities. He stated the Public Safety Building measure would benefit by combining with the library, although he believes the chance of passing would decrease.

Council Member Kleinberg asked for clarification on the polling results on page seven of the CMR and questioned whether it was interactive polling.

Ms. Morariu stated no, and the questions alternated between the Library facilities and the Public Safety Building.

Council Member Barton asked whether the staff had the direction they needed to proceed and if the sense of the Council on these issues rather than a hard vote would be adequate at this time.

Ms. Morariu stated the question was whether they wanted to go forward with both measures and on the same ballot.

Mr. Benest stated the Council would need to make a clear decision. He stated there would be a contract coming in May for Mitchell Park Library and Community Center Design, and one for the Education Outreach Effort.

MOTION: Vice Mayor Klein moved, seconded by Barton, to direct staff to move forward on both the Library and Community Center and the Public Safety Building projects.

MOTION PASSED 9-0.

MOTION: Mayor Kishimoto moved to direct staff to come back with a Plan B for Certificates of Participation (COP) for the Public Safety Building.

Council Member Cordell asked staff whether developing Plan B would take an unusual amount of time.

Mr. Yeats replied staff would meet with the Bond Counsel and financial advisors. He would need to discuss the process and figure out the collateral for the COP and determine the structure and the debt services costs.

Mr. Benest added the issue is how to free up an additional \$3.9 million dollars per year for the next 30 years or find another tax revenue source.

Mayor Kishimoto stated this would be something the staff would have to face if the Public Safety Building measure failed.

Council Member Mossar stated the Public Safety Building provides a core service and it must be funded.

Council Member Barton asked whether this would go in June or November 2008.

MOTION FAILED FOR LACK OF A SECOND.

MOTION: Council Member Barton moved, seconded by Kleinberg, to leave open the possibility of a June 2008 ballot.

MOTION PASSED 9-0.

8. 1st Reading - Adoption of an **Ordinance Adding Section 2.10.600 of Chapter 2.10 of Title 2, Chapter 2.11 of Title 2, Chapters 12.09 and 12.13 of Title 12, and Amending Miscellaneous Sections of Chapters 12.04, 12.08, 12.10 and 12.16 of Title 12 of the Palo Alto Municipal Code to Conform the Palo Alto Municipal Code to the California Digital Infrastructure and Video Competition Act of 2006**

Council Member Mossar stated she would not participate in Agenda Item No. 8 due to a conflict because of family holdings of stock in AT&T.

Council Member Morton stated he would not participate in Agenda Item No. 8 due to a conflict because of family holdings of stock in AT&T.

Director of Administrative Services Carl Yeats stated the California Legislature enacted a new franchising law in 2006 that changed the way video service franchises were granted. Franchises would be granted by the State instead of by local governments or the county. This also established the California Public Utilities Commission as the franchising authority for the State. This would streamline the franchising process and promise greater competition, new choices for consumers, and more affordable services. This preserves the City's ability to impose franchise fees and manage the public right-of-way. The drawbacks are the new regulatory structure limits the City's ability to protect against servicing certain areas of a community, does not contain the strong consumer provisions the local franchising authority had, and also does not require the new provider to have an institutional network (I-Net). He stated the proposed Ordinance conforms to the City's Municipal Code and the new legislation covers the regulations of the State franchise.

Council Member Beecham asked whether there were options for this or whether this would be compatible with the requirements.

Mr. Yeats replied there are options with the process of what would be put in the right-of-way. The timing of this is according to law, with 60 days for approval.

Senior Assistant City Attorney Grant Kolling stated the law states this is a ministerial act to issue the encroachment permit, provided the necessary information is available to approve the placement of the right-of-way. The City would be the lead agency under the California Environmental Quality Act (CEQA), which would evaluate the project from various aspects of CEQA. The encroachment permit entails a review of the environmental implications of the project. There would be discretion exercised by the Planning Department. Public Works would then review the necessary data and it would be issued as a ministerial act.

Council Member Beecham asked whether the law required this action to be taken if the Council accepts staff recommendation.

Mr. Kolling replied yes and that some ordinances are over 25 years old and need updating.

Mayor Kishimoto stated it would be a good opportunity to inform the public of these changes. The City would have discretion regarding where the right-of-way boxes would be placed.

Mr. Yeats stated there would be 84 right-of-way boxes placed in Palo Alto and their locations are very important.

Mayor Kishimoto stated it would be an administrative review.

City Auditor Sharon Erickson added there was a highly unusual audit requirement in the State Legislation. The auditor or the auditing agency would have to pay audit costs of the auditee.

Council Member Kleinberg asked for clarification, on page 2 of the CMR under franchise fees, "unlike Chapter 2.10, DIVCA provides that the City is responsible for paying the cable operator's audit costs if the audit reveals no underpayment."

Ms. Erickson stated that was correct and if the City of Palo Alto decided to audit a franchisee, they would potentially be paying the franchisee's audit costs as well as the City's costs.

Mr. Yeats stated fees and fines have been imposed on Comcast for poor customer service. Under the provisions of this new Bill, half of the fees collected would go to the State if fines were imposed on the cable provider.

Vice Mayor Klein stated the audit provisions were outrageous and asked whether there was any consideration of litigation by the League of California Cities.

Mr. Kolling stated there would be a meeting in May where the issue could be raised. It would be a challenge interpreting this law and especially the provision.

Bob Moss, 4010 Orme Street, stated AT&T is trying to get states to pass laws, stripping local government from any franchising authority. We can impose the same requirements as any other communication company. He asked when this Ordinance was approved that any areas with underground utilities should also have the boxes underground.

David Harris, 455 Margarita Avenue, asked why there should be a separate I-Net and not just use the same internet service everyone else is using.

Herb Borock, P.O. Box 632, stated when the Council adopted the change to the processing of permits four years ago, there was a requirement for public noticing for the Architectural Review Board (ARB) design reviews in the

newspaper to give the public opportunity to respond. There have not been any notices.

Mayor Kishimoto asked whether the residents would be advised before the construction of the boxes began.

Mr. Kolling stated there would be a requirement that the company would have to give notice and the staff would review the notice before it went out.

Mayor Kishimoto asked whether the notice would go to the ARB or the residents.

Mr. Kolling stated it would go to the homeowner who would be immediately affected by the box and the neighbor directly across the street.

Council Member Beecham confirmed that staff retained the discretion to control the boxes even though they would be limited by State law.

Mr. Kolling stated that would be correct.

Vice Mayor Klein asked what was being done about the boxes being put above ground when there are underground utilities.

Mr. Kolling stated there is a provision in Chapter 12.16 dealing with underground districts that stated they are not required to use underground.

Council Member Kleinberg questioned the underground cable boxes.

Mr. Kolling stated the City of Palo Alto might be one of the few cities that had an exemption for the telecom facilities.

Council Member Kleinberg stated the City paid extra for it to be undergrounded in some neighborhoods.

Mr. Kolling stated he was unaware of any facilities that had been undergrounded.

Mr. Roberts stated that is historically correct. The technology in all the industries has changed and is moving away from underground vaults due to equipment not being available anymore to be placed in underground vaults.

Mayor Kishimoto asked whether he was referring to Chapter 12.16.010 of the underground language where it states it can be above ground if the Director determines that installation underground is not feasible or practical.

Mr. Kolling replied there are a number of exceptions including the City's electric facilities, which could be exempt from the Underground District Ordinance and the type of service facilities of telecommunication companies.

MOTION: Council Member Barton moved, seconded by Cordell, to accept staff recommendation to adopt an ordinance:

- 1) Amending Chapter 2.10 and adding a new Chapter 2.11 to Title 2 of the Palo Alto Municipal Code to regulate video service providers that hold video service franchises issued by the California Public Utilities Commission (Commission).
- 2) Adding Chapters 12.09 and 12.13 and amending Chapters 12.04, 12.08, 12.10, and 12.16 of Title 12 of the Palo Alto Municipal Code to conform the City's permitting and public rights-of-way provisions to the California Digital Infrastructure and Video Competition Act of 2006.

MOTION PASSED 7-0 Morton, Mossar not participating.

AT THIS POINT IN THE PROCEEDINGS, THE CITY COUNCIL ADJOURNED TO A SPECIAL MEETING AT 9:50 P.M. AS THE BOARD OF DIRECTORS OF THE PALO ALTO PUBLIC IMPROVEMENT CORPORATION AND RECONVENED AGAIN AS CITY COUNCIL AT 9:55 P.M.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Mossar reminded her colleagues that Bike to Work Day is May 17, 2007.

Mayor Kishimoto reported tomorrow morning there would be a Loitering Roundtable at 8 a.m. at the Garden Court Hotel to discuss the various issues regarding the homeless in the Downtown area. She also noted on August 16, 2007, there would be a Special Council Meeting to draw the order of the ballot and five Council Members would be required to be present.

CLOSED SESSION

Adjourned into closed session at 10:00 p.m.

10. CONFERENCE CITY ATTORNEY – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to 54956.9(b)(1): Friends of Juana Briones Adobe v. City of Palo Alto
9. CONFERENCE WITH CITY ATTORNEY – ANTICIPATED LITIGATION
Subject: Significant Exposure to Litigation

Authority: Government Code section 54956.9 (b)(1) arising out of The Embarcadero Publishing Company, dba The Palo Alto Weekly's request for personnel records. (Government Code section 54956.9(b)(3)(B).)

Mayor Kishimoto announced there was no reportable action taken.

FINAL ADJOURNMENT: The meeting adjourned at 11:10 p.m.

ATTEST:

APPROVED:

City Clerk

Mayor

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.