

Special Meeting  
October 19, 2009

STUDY SESSION .....	216
1. Meeting with Senator Simitian Regarding State and Local Issues .....	216
ORAL COMMUNICATIONS .....	216
ACTION ITEMS.....	217
2. Approval of Final Recommendations of the Compost Blue Ribbon Task Force .....	217
STUDY SESSION .....	229
3. Discussion of Federal Legislative Process and Preliminary Development of 2010 Federal Priorities .....	229
CITY MANAGER COMMENTS.....	230
APPROVAL OF MINUTES .....	230
ACTION ITEMS.....	231
4. <del>Colleagues Memo from Council Members Espinosa, Kishimoto, and Schmid Directing Staff to Take Actions to Permit Early Opening of Portion of Byxbee Park</del> .....	<del>231</del>
5. <del>Review of Community Supported Agriculture (CSA) Pilot Program at Palo Alto City Hall King Plaza and Make Recommendations for Continuation of the Program</del> .....	<del>231</del>
6. Resolution 8992 entitled "Resolution of the Council of the City of Palo Alto Revising Green Building Standards for Compliance for Private, Nonresidential and Residential Construction and Renovation, and Review of Report on Implementation of the City's Green Building Ordinance." .....	231

7.	PUBLIC HEARING: Adoption of Two Ordinances: (1) Repealing Chapter 16.17 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.17, California Energy Code, 2008 Edition; and (2) Repealing Chapter 16.18 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.18, Establishing Local Energy Efficiency Standards for Certain Buildings and Improvements Covered by the 2008 California Energy Code .....	234
	COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS .....	235
	CLOSED SESSION .....	235
8.	<del>CONFERENCE WITH LABOR NEGOTIATORS</del> .....	235
	ADJOURNMENT: The meeting adjourned at 12:16 a.m.....	235

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:05 p.m.

Present: Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Morton, Schmid, Yeh arrived at 7:20 p.m.

Absent:

### STUDY SESSION

#### 1. Meeting with Senator Simitian Regarding State and Local Issues.

The City Council met with State Senator Joe Simitian to discuss Statewide issues of concern to Palo Alto. Senator Simitian began the session by providing an overview of the State budget challenges. Next, Deputy Administrative Services Director, Joe Saccio described the issues related to Comcast charges for access to the I-Net system under the City's cable TV franchise. The Council and Senator Simitian then discussed current issues related to the High Speed Rail project. Director of Planning and Community Environment, Curtis Williams then expressed the City's concerns with implementation of SB375 related to regional planning. Lastly, Environmental Compliance Manager, Phil Bobel thanked Senator Simitian for his leadership on various environmental issues related to water, in particular the return of unused pharmaceuticals.

Mayor Drekmeier announced that there will not be a Closed Session at the end of the Council meeting.

### ORAL COMMUNICATIONS

Christopher Earl, Akeena Solar Marketing Manager, Los Gatos, said Akeena Solar would be sponsoring the 2<sup>nd</sup> Annual Mayor's Cup Challenge which was part of the 5<sup>th</sup> Annual Applied Materials' Silicon Valley Turkey Trot. The City of Palo Alto would compete with the Cities of Cupertino, Milpitas, and Mountain View and a Mayor's Cup presented to the winning city and displayed locally.

Sherri Sager, Lucille Packard Children's Hospital, said the Children's Hospital would be sponsoring the 5<sup>th</sup> Annual Kid's Fun Run. The event raises money for the Santa Clara County Housing Trust, Second Harvest Food Bank, and Children's' Health Initiative.

Timothy Gray, 4173 Park Boulevard, spoke regarding the importance of local elections to be free from undue influence by outside special interest groups and should be open and fair. He expressed the importance in following the lead of the Fair Political Practices Commission.

## ACTION ITEMS

2. Approval of Final Recommendations of the Compost Blue Ribbon Task Force.

Public Works Department Environmental Compliance Manager, Phil Bobel, said the following presentation would include hearing from the Compost Blue Ribbon Task Force (BRTF), statements from the City Attorney's Office, and comments from the Airport community. He said the BRTF held 20 meetings in 6 months.

Blue Ribbon Task Force Co-chairperson, Craig Barney gave a presentation as outlined in Staff Report CMR:402:09 and an overview of the Compost Task Force Final Report. The Council had directed the BRTF to determine a way to handle the City's organic materials management problems in terms of: 1) Short-term Improvements to current operations, 2) Environmental impacts of alternatives, 3) Economic impacts of alternatives, 4) Permitting of alternatives, 5) Prospective locations of alternatives, and 6) Energy generation of alternatives. Recommendations fell into three timelines. The immediate timeline was the possibility of modifying the existing compost operation currently located at the landfill. The mid-term recommendations focused on closing the landfill, when it no longer could accept Palo Alto's composting materials with a projected date of 2012 or 2013. The longer-term recommendation was 2021 requiring a more involved technology. The key recommendation was for the City to establish an Aerated Static Pile, at the Embarcadero Road Airport site by 2012. Composting material would be transferred to Z-Best through the Smart Station in Sunnyvale until the Aerated Static Pile operation was completed in 2012. A dry Advance Anaerobic Digestion (AAD) facility would be established at the same location. It was technology that could take on larger inputs, process wastewater sludge, and food and yard wastes. The goal was to treat all organics the City generated. The recommended technologies had been used and proven and the process would be done locally. Reducing greenhouse gases was a primary consideration and local sites were being considered.

Blue Ribbon Task Force Co-chairperson Cedric de La Beaujardiere presentation included the technical portion of the process as outlined in the BRTF Final Report.

Senior City Attorney, Cara Silver said Staff did not have the opportunity to review the mid- and long-term recommendations. There were legal hurdles that had to be addressed regarding the Airport site that include: 1) The Federal Aviation Administration's (FAA) objecting to the proposal because the Embarcadero Road site violated certain FAA grant conditions that were in effect through 2026. A composting facility at that site was too close to the airport and would create hazardous situations of wildlife interfering with airplane flight patterns. Further discussions needed to take place to determine whether issues were non-starters or to try to reach a resolution through negotiations; 2) The Baylands Master Plan could require amending the permitting of composting sites; 3) Currently, the Airport was governed by a lease with the County of Santa Clara through 2017. Use of the airport site prior to that date would require the County's consent; and 4) Other agencies could exercise jurisdiction over the airport site, including the Army Corp of Engineers and the State Lands Commission. The City Attorney's Office was willing to analyze these issues in more detail but wanted to raise them during the preliminary stages of the process.

Ralph Britton said the airport community was not in favor of placing the composting facility at the airport site. The Baylands Master Plan had restrictive guidelines against buildings on the site. A City Auditor's Report was completed that assured the operation was profitable and the airport had the capability of standing on its own. Currently, the open land was used for helicopters serving medical needs, training, and personal transportation. Composting piles were subject to rodents and birds. One of the key features of the airport was to operate independently of any public funding other than Federal funding.

Council Member Burt asked how the airport community felt about the possibility of dedicating 8-10 acres of the northern portion of the site as parkland. The concept was if the BRTF's recommended alternative could not be reconciled with airport use, the upper strip of the 22 acres and a strip of land parallel to the levy, adjacent to natural habitat, would be taken as potential future parkland in exchange for the land desired by the BRTF. The area was adjacent to the Wastewater Treatment Plant along with the current recycling center and the undedicated five acres of the former landfill. This plan would require an election.

Mr. Britton said he was unsure of the FAA's concerns and that the FAA might want to weigh in on the suggestion.

Council Member Espinosa needed clarification as to why Staff was in disagreement with the BRTF recommendations.

Mr. Bobel said Staff had concerns with both dealing with the day-to-day operations and the BRTF recommendations to condense the current working area. Staff was able to go forward with 75 percent of the recommendations.

Bob Wenzlau, BRTF member said the Task Force felt Staff understood their intent and honored their disagreement. The BRTF did not find any reason to revisit the issues and try to persuade Staff. The Windrow Composting was ending and wanted to have a smooth closure and solution was necessary.

Council Member Espinosa asked what the airport business plan was and the timeline for coming back to the Council.

Deputy City Manager, Steve Emslie said a draft of the plan was being prepared and scheduled to return to the Finance Committee in December.

Council Member Espinosa raised concerns as to why the City Attorney's Office had not had the opportunity to review the proposal and requested a timeline for review.

Ms. Silver said the City Attorney's Office had not had the time to analyze the actual legal obstacles of the airport site which required more analysis in giving a definitive opinion. There also needed to be consultation with the FAA.

Council Member Espinosa asked whether the process had begun.

Ms. Silver said a meeting was held with the FAA at a lower staff level and was too premature to begin full discussions until the Council gave direction to pursue the airport site.

Mr. Bobel said legal and technical issues had to be discussed with the FAA and the County. FAA wanted a proposal that would meet their concerns in controlling the bird problem issue. A plan had not been started and Staff needed the time to develop the plan. Staff felt it was prudent to get direction from the Council.

Vice Mayor Morton said there seemed to be a general agreement that the six acres needed to be somewhere close to the Water Treatment Plant. He asked if the land being looked at was in Bixby Park, but noted all of the land was within the Baylands; and whether the land being referred to was dedicated parkland beyond Bixby Park or was the word dedicated parkland and Bixby equivalent.

Mr. Bobel said they were not equivalent. The 22.5 acres was part of the airport and not in dedicated parkland. The landfill area was dedicated parkland and the 2.3 acres above the landfill was also dedicated parkland.

Emily Renzel said the Palo Alto Municipal Code, stated the Baylands Park along with the Bixby Recreational area and everything within the Baylands was publicly owned in 1965. It was dedicated parkland except for five sites; the airport, the sewage plant, the Municipal Services Center (MSC), a small PASCO site of one acre, and a small gas-up station at Geng Road. The Baylands Master Plan covered both park dedicated and non-dedicated sites.

Council Member Yeh asked whether the anaerobic process was the only process being studied and why both the aerobic and anaerobic process required six acres of space.

Mr. Bobel said more than half of the area would be for the actual digester or piles. The remaining portion would be for truck turn-around, storage, and ancillary areas. Entrances, exits, and the shape of the facility also had to be considered.

Mr. de La Beaujardiere said the initial processing of materials or anaerobic digestion occurred within a building. The post processing would be placed in piles for distribution.

Council Member Klein spoke of the landfill as not being an appropriate site for the facility. He asked if the land being referred to was the same area Council Member Burt spoke of as the trade off for the six acres. Additionally, he asked if the areas labeled 9, 1, 2, and 6 in the Report were disqualified for use of the facility.

Mr. de La Beaujardiere said Area 9 was slated to be filled with the landfill and would need to be excavated in order to use the land. Areas 1, 2, and 6 were the Water Treatment Plant.

Council Member Klein asked whether Areas 1, 2, and 6 with some acquisition of existing commercial land would be a viable alternative.

Mr. de La Beaujardiere said it would be.

Council Member Klein referred to the Report, page 12, and asked for clarification on the statement recommending the City consider amending the Green Waste Agreement and to add the pick up service in residential green bins as soon as possible.

Mr. de La Beaujardiere said he did not know what the estimated cost would be but the City had created a new contract for picking up organics to include food scraps from all businesses and multi-family residences having 5-units or more. There was a plan to expand to cover all residences within the City and believed it should be implemented sooner rather than later in order to get food scraps out of the landfill.

Council Member Klein asked what the cost would be and how long it would take to develop a plan for FAA discussion.

Mr. Bobel said it would take a few months to gather the information. The only thing that would satisfy the agency was a plan to address and prevent the bird problem. The cost to design the Aerated Static Pile was \$3 Million and an estimated cost would be approximately \$100,000 for a meaningful plan. The funds would come from the Refuse Fund.

Council Member Schmid raised concerns regarding the health issues that surround the composting process.

Mr. Bobel said compost piles contained coliform but Staff recognized it was not a likely source of the problem. Reclaimed water would be used at the composting facility exclusively until testing confirmed that reclaimed water was contaminating the compost. Compost piles would be tested for coliform.

Council Member Schmid asked whether the Council was being asked to extend the life of the landfill by voting to accept recommendations that contained the date "2012"; and would the City be liable for the \$7 million annual payment.

Mr. Bobel said he would try and answer for the BRTF since it was technical. Recognizing that concern, Staff tried to be careful in all the recommendations to say 2012 or when the landfill closed. The reason for



the language was because it was not really when the landfill closed. It would be when acceptance of garbage ceased, but still accepted the yard trimmings for six months in order to get enough compost for the final cover. It was accurate to say that it would be in the beginning of 2012 when yard waste no longer would be accepted at the compost facility and required an alternative home.

Mayor Drekmeier asked if the anaerobic process entailed getting a new permit.

Mr. Bobel said it would.

Mayor Drekmeier asked whether the Calaveras Fund could be used for the anaerobic digestion facility.

Mr. Bobel said he could not provide the answer since it was not within the expertise of the BRTF members.

Mayor Drekmeier asked whether an economic evaluation was completed.

Mr. Bobel said he felt an economic evaluation would require the expertise of a consultant.

Mayor Drekmeier asked what the feasibility was in reshaping the landfill to create six acres of flat space.

Hilary Gans, BRTF member said it would require an engineering study, but could be done with the existing equipment currently on the site.

Mayor Drekmeier asked Staff for feedback regarding the middle and final step of aerated static piles and the anaerobic process.

Mr. Bobel said the BRTF had analyzed the technology and concluded the next step would be the aerated static pile. The current and most favorable in the market was the dry Advance Anaerobic Digestion (AAD). The safest route to take would be to move forward with one step but not both at the same time.

Mayor Drekmeier asked if it was a timing or financial issue.

Mr. Bobel said it was both. The aerated static pile could be used as an integrated part of the AAD.

Vice Mayor Morton said with respect to recommendations (B) through (I) in the Executive Summary Report, the Council could request Staff to provide the costs and challenges that involved the northern versus the southern location.

Council Member Kishimoto asked for the size of the land south of the landfill and what would it take to smooth out the landscaping.

Mr. Bobel said a review of the existing plan would need to take place to stay within the engineering guidelines.

Ms. Renzel said everything including the sewage treatment plant was landfill. The Water Quality Control rules required certain slopes to eliminate standing water in the landfill. The steep slopes made the land difficult for park use.

Council Member Burt asked what the cost would be in the trade off between using an aerated static pile for a few years before moving into a long-term anaerobic digestion system.

Mr. Bobel said he did not have an answer.

Mr. Wenzlau said the BRTF felt there were more reasons for the interim solution rather than introduce a new technology. It accomplished getting the permit and having the City maintain the expertise in composting.

Council Member Yeh asked who owned the 3.6 acres as indicated in Staff Report CMR: 402:09, 2021 Location Screening, Appendix D-4.

Mr. Bobel said it was privately owned.

Council Member Yeh asked if the sale price was known.

Mr. Bobel said he did not have the total dollar amount for the three buildings. The middle building sold for half-a-million dollars, but did not know the sale price on the other two buildings. He estimated \$10,000,000.

Stanley Peters, Menlo Park, spoke regarding the safety issues of moving a landfill closer to an airport runway and how it would increase the risk and frequency of damaging events. He said safety as well as cost should be taken into consideration in making a decision.

Harry Hirschman, Palo Alto, BRTF member said the Task Force did not have the opportunity to complete the economic evaluations which included the cost of operating the Windrow System, compared to shipping materials to the Smart Station, and the cost of the Smart Station to take green waste and not food waste. The Smart Station cost would increase significantly if food waste was included.

Mark Deem, 685 Sierra Avenue, Mountain View, encouraged completing a trade-off analysis and the cost and challenges in dealing with the FAA, the County, and other stakeholders of the Embarcadero/Airport site versus City-controlled areas.

Chuck Byer, 1170 Hamilton, said he viewed the airport as being a precious resource. It provided emergency, life-giving, business, and recreation services. He urged the Council to table the report until economics were clarified.

Susan Stansbury, 741 Josina Avenue, spoke regarding reducing greenhouse gas emissions. She suggested looking at innovative technology in ways to address a global issue.

Debbie Mytels, 2824 Louis Road, said in an effort to find a solution to yard waste composting, the BRTF found methane from food waste was another significant problem. By utilizing all of the City's biosolid waste, the proposal also tackled a problem of handling solid waste from the Water Treatment Plant. It had the capability of burning the waste stream to produce a new source of energy which could be used for electric generation.

Enid Pearson said she supported the short-term recommendation to 2012 and urged the Council to begin the process of diverting food and organic waste from landfill disposal. She was in support of ending the current compost operation on Bixby Park, taking yard trimmings to Z-Best facility, opening the landfill and to not prolong the closure. She urged the Council to begin the study on an aerated static pile compost facility.

David Creemer, Joint Committee Relations Committee for the Palo Alto Airport (JCRC) Chair, said his group wanted to be involved and should have been invited to participate in the BRTF process.

Herb Borock, P.O. Box 632, said he supported the short-term recommendations and asked how the commercial customers would be notified in using the landfill again. The BRTF's long-term recommendations

focused more on the process of what to do rather than the importance of the location. He asked whether the interim solution was necessary.

Larry Shapiro said he supported the airport as well as composting. The issue was location. The airport community suggested placing the new composting operations south of Palo Alto Airport, across the street from the airport, behind the trees, eliminating the cost of moving Embarcadero Road and the underground pipes and disrupting the view. All could be done in the City's desired timeframe.

**MOTION:** Vice Mayor Morton moved, seconded by Council Member XXXX to: 1) Accept the September 9, 2009 Palo Alto Compost Task Force Final Report (Report) submitted by the Compost Blue Ribbon Task Force (BRTF), 2) Direct Staff to implement the short term recommendations for current compost operations contained in the BRTF Report as modified by the Staff response, 3) Request Staff provide economic impacts of relocating composting to the north site Number 4 and expanding the south site of 2.3 acres to the required 6 acres, and 4) Confirm direction to Staff that commercial garbage disposal at the Palo Alto Landfill is to resume following Council action on the BRTF recommendations.

#### **MOTION FAILED FOR LACK OF SECOND**

**MOTION:** Council Member Barton moved, seconded by Council Member XXXX to: 1) Direct Staff to evaluate the FAA issues from a cost and schedule point of view, 2) Look at the transition between the two composting systems, and 3) Work closely with airport community for potential options on the airport site.

Council Member Espinosa, for clarification asked Council Member Barton if he was suggesting adopting any of the recommendations listed in the Report.

Council Member Barton said he was more focused on the bigger picture but was open to discussion.

#### **MOTION FAILED FOR LACK OF SECOND**

**MOTION:** Council Member Burt moved, seconded by Council Member Klein to: 1) Accept the September 9, 2009 Palo Alto Compost Task Force Final Report (Report) submitted by the Compost Blue Ribbon Task Force (BRTF), 2) Direct Staff to implement the short term recommendations for current compost operations contained in the BRTF Report as modified by the Staff

response, 3) Request Staff return with analysis and recommendation of whether to incorporate an interim solution of aerobic static pile composting or consider offsite composting on an interim basis, and 4) Staff to evaluate the two options (Embarcadero Road/Airport site and 5-6 acres in the northwest corner of the current landfill site) on the locations.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER:** 1) Staff to consider an option of partnering with other city(ies), 2) Staff to consider whether other locations on Embarcadero Road could work, taking no more than 90 days, and 3) Consideration of the airport would not have any negative impact on its operations, finances, or relationship with either the FAA or Santa Clara County.

Council Member Yeh asked whether Staff had considered the 3.6 acres and the adjoining one acre of land by the facility.

Mr. Bobel said the area contained an air-pollution control device and underground sewer lines which made it not 100 percent available.

Council Member Yeh said he wanted to know what the different options were for the north and south end of the area and the economic analysis to see what the cost benefit was between the different sites. He was in favor of having local generation through an anaerobic facility. Additionally, if the facility could be constructed on the 4.6 acres it would not require an FAA process or having to utilize parkland.

Mr. de La Beaujardiere said he tried configuring the dry anaerobic composting on the 3.6 acres and it would not fit.

Mr. Bobel said the BRTF recommendation was to find six acres. There were consultants that felt the facility could fit but Staff found it to be extremely tight.

**SUBSTITUTE MOTION:** Council Member Schmid moved, seconded by Council Member Yeh to: 1) Accept the September 9, 2009 Palo Alto Compost Task Force Final Report (Report) submitted by the Compost Blue Ribbon Task Force (BRTF), 2) Direct Staff to implement the short term recommendations for current compost operations contained in the BRTF Report as modified by the Staff response, 3) To explore the longer term possibility for an anaerobic digestion site, and 4) To direct Staff to continue accepting commercial garbage disposal at the Palo Alto Landfill.

Council Member Schmid said his intent was to open a range of possibilities of looking into different sites, locations, and economics. It would put a longer term focus of getting into the anaerobic process, allow dropping the interim step, and keep the BRTF's momentum generated.

Council Member Yeh felt it was a short diversion from the ultimate goal by moving forward with the anaerobic process.

Council Member Espinosa said he supported the original Motion.

Council Member Kishimoto needed clarification on the Substitute Motion. She wanted to know whether the long-term was being focused on and if the maker of the Motion was saying not to pursue the intermediate step of the aerated static pile.

Council Member Schmid clarified his suggestion was to focus on the long-term goal and to look back after a decision was made on the best location, place, and timing. A determination could then be made if an interim step is feasible. It would open up discussion but would be a secondary long-term goal.

Council Member Kishimoto asked whether the City would be shifting away from the Windrows System.

Council Member Schmid said yes but not until the decision was made on location and site.

Council Member Kishimoto asked for clarification regarding the Main Motion and what was being viewed as interim and long-term.

Council Member Burt said it was to evaluate the two different locations and to request Staff to return to the Council with additional information on cost impacts and feasibility and whether to move forward with the interim approach. The Amendment was in support of a long-term anaerobic approach and to evaluate potential partnership with other cities.

Council Member Kishimoto asked if an evaluation was going to be done on the Wastewater Treatment Plant.

Mr. Bobel said it would be done in 2010.

Council Member Kishimoto asked Staff whether north or south was preferable in having the long-term solution.

Mr. Bobel said he was referring to the biosolid portion and not the yard waste portion. He raised concerns as where to place biosolids in the facility if the process changed. The odds of fully incorporating the yard waste and food waste was not probable. It would mean having to look at areas outside the fence.

Council Member Kishimoto said the Report did not address green waste reduction and incentives to reduce the need of having a massive composting facility.

Mayor Drekmeier was in favor of the anaerobic process and urged the Council to move forward toward an anaerobic composting system. He said the BRTF did a good job in treating parkland as a second priority but felt the need to take a more serious look at that option. The landfill was a more favorable site than the airport since the City had full control over it, less visible from the Embarcadero, and was already heavily impacted. He was in favor of doing the 2 for 1 trade of the parkland, including the triangle of the 2.6 acre of the Bayland and a portion of the runway. He supported the original Motion.

Council Member Klein supported the original Motion and would vote against the Substitute Motion.

**AMENDMENT:** Council Member Kishimoto moved, seconded by Vice Mayor Morton to add the condition that any undedicated parkland would be offset by twice the dedicated parkland elsewhere.

**AMENDMENT FAILED:** 3-6 Drekmeier, Kishimoto, Morton yes

**INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to Change Number 4 above to "Evaluate deferring accepting commercial garbage until the south option can be evaluated with any impacts on the need to reduce the grades, and this action would not extend the life of the landfill."

**SUBSTITUTE MOTION FAILED:** 4-5 Kishimoto, Morton, Schmid, Yeh yes

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER:** 1) Staff to work closely with the airport

community in the development of any proposals, and 2) Staff to take into consideration the Airport Business Plan being developed.

**AMENDMENT:** Council Member Kishimoto moved, seconded by Council Member Schmid to ask Staff to preliminarily evaluate the proposal to move the airport helipad to another location.

**AMENDMENT FAILED:** 2-7 Kishimoto, Schmid yes

**MOTION:** Council Member Klein moved, seconded by Council Member Espinosa to Call the Question.

**MOTION TO CALL THE QUESTION PASSED:** 6-3 Drekmeier, Schmid, Yeh no

**MOTION AS AMENDED PASSED:** 6-3 Kishimoto, Schmid, Yeh no

**MOTION:** Mayor Drekmeier moved, seconded by Council Member Yeh that it is the intention of the City Council to move toward on an anaerobic composting system.

**MOTION PASSED:** 9-0

### STUDY SESSION

#### 3. Discussion of Federal Legislative Process and Preliminary Development of 2010 Federal Priorities

Assistant to the City Manager, Kelly Morariu introduced the City's new Federal legislative advocacy firm, Van Scoyoc Associates, and the firm's representatives, Steve Palmer and Thane Young. Mr. Palmer and Mr. Young introduced themselves, provided an overview of their professional backgrounds, and described the experience and qualifications of their firm. Mr. Palmer and Mr. Young then reviewed the current legislative climate in Washington, DC and the rationale for maintaining a federal legislative advocacy program. Ms. Morariu then reviewed the existing Federal legislative priorities and provided suggested priorities for the upcoming year. The Council provided feedback and input on these suggested priorities. The study session ended with a review of the Federal legislative calendar.



## CITY MANAGER COMMENTS

City Manager James Keene said the second Community Meeting to discuss the tree replanting plan on California Avenue was scheduled for October 22, 2009, 6:30 p.m., at Escondido Elementary School Auditorium and a Planning and Transportation Committee (P&TC) Meeting on October 28, 2009. An Architectural Review Board meeting was scheduled for November 5, 2009, and return to the Council on the November 16, 2009. The new water pump station at the San Francisquito Creek performed admirably during last Tuesday's significant rainfall that dropped 4.5 inches of rain in the Palo Alto Foothills. The station pumped continuously for approximately 16 hours and due to its performance the number of service calls regarding flooding were significantly reduced in the northeastern end of Palo Alto. The City's Emergency Water Supply Wells Project would be installing wells at Eleanor Pardee Park and the Main Library Community Gardens in late October early November 2009. The Utilities Department would be doing community outreach on this and more information could be obtained on Palo Alto's website [www.cityofpaloalto.org/emergency water](http://www.cityofpaloalto.org/emergency_water).

Council Member Klein asked when the Council could expect a report regarding the responsibility for the cutting of the trees on California Avenue.

Mr. Keene said he would return to Council with an answer.

## APPROVAL OF MINUTES

**MOTION:** Vice Mayor Morton moved, seconded by Council Member Schmid to approve the minutes of September 14 and September 21, 2009 as amended.

Mayor Drekmeier said the following correction needed to be made on the September 21 minutes, page 19, 3<sup>rd</sup> paragraph, to read: "Amendment Vice Mayor Morton moved, second by Mayor Drekmeier the second dwelling would be permitted only if the minimum lot sizes was 10 acres or greater."

Council Member Klein said the following correction needed to be made on the September 14 minutes, page 12, bottom of page correction to read: , " Assistant Public Works Director Mike Sartor said Staff was aware of concerns of some members of the public regarding the Downtown Library."

Mayor Drekmeier said the following correction needed to be made on the September 14 minutes, bottom of the page 1, to read: John Guislin.

**MOTION PASSED:** 9-0

ACTION ITEMS

**MOTION:** Council Member Burt moved, seconded by Vice Mayor Morton to continue Agenda Item Number 4 to a date uncertain.

- ~~4. Colleagues Memo from Council Members Espinosa, Kishimoto, and Schmid Directing Staff to Take Actions to Permit Early Opening of Portion of Byxbee Park.~~

**MOTION PASSED:** 7-2 Espinosa, Schmid no

**MOTION:** Mayor Drekmeier moved, seconded by Vice Mayor Morton to continue Agenda Item Number 5 to a date uncertain.

- ~~5. Review of Community Supported Agriculture (CSA) Pilot Program at Palo Alto City Hall King Plaza and Make Recommendations for Continuation of the Program.~~

**MOTION PASSED:** 8-1 Espinosa no

6. Resolution 8992 entitled "Resolution of the Council of the City of Palo Alto Revising Green Building Standards for Compliance for Private, Nonresidential and Residential Construction and Renovation, and Review of Report on Implementation of the City's Green Building Ordinance."

Director of Planning, Curtis Williams said for the Green Building Standards was the 1st Annual Report back to the Council regarding the implementation of the Green Building Regulations. The Energy Code Amendment was to update the Code to reflect the new State and energy requirements.

Associate Planner, Kristen Heinen, gave a presentation as outlined in Staff Report CMR: 332:09.

**MOTION:** Council Member Barton moved, seconded by Vice Mayor Morton to approve the Resolution revising Green Building Standards for Compliance for Private, Nonresidential and Residential Construction and Renovation, with the proposed amendments in Tables A & B of the City Manager's Report CMR:332:09.

Council Member Barton raised concerns regarding the Home Energy Rating System (HERS) requirement. He said Staff could recommend not to pursue the HERS requirement if they did not find it useful. He felt the 50 Green Points was low and suggested taking a closer look at it to research ways that would help homeowners and architects get the 50 Green Points quickly. He supported Staff's recommendation.

Council Member Klein raised concerns regarding the City completing the verification and asked what it was called when the City did the verification.

Ms. Heinen said Staff would work closely with the City Attorney's Office for the appropriate language.

Council Member Klein asked whether the Leadership in Energy and Environmental Design (LEED) standard was used in judging.

Ms. Heinen said yes and the City would use the same exact submittal process in reviewing the process.

Council Member Klein asked how LEED felt about using their standards and not their name.

Ms. Heinen said LEED had not responded. Building It Green was local and was more involved in the process changes. Their main concern was to collect information on a statewide basis on how Green Building was doing and environmental indicators.

Council Member Klein asked whether any of the commercial buildings chose to use the Palo Alto process.

Ms. Heinen said yes. Large commercial innovations had the option under the old Ordinance. She found that on the non-residential side they were open to the City's verification due to the time and cost of going through the US Green Building Council (USGBC) process. On the residential side, more people would want to choose Build It Green because the Building Department could not offer it cheaper.

Council Member Klein said in terms of the Energy Code, did Staff consider moving to a program where the City required buildings to be brought up to higher standards.

Ms. Heinen said it started as a checklist then moved to the mandatory requirements which include owner awareness and providing them with an energy efficiency rating. The City would inform them on how their building compared to others and provide them with a list of cost-effective measures, but that was not a requirement under the amendment.

Council Member Espinosa said there had been concerns raised of being able to hire or train City Staff to manage the changes.

Mr. Williams said there were concerns to some extent, but with the hiring of Ms. Heinen, she brought more background and experience than was expected. The department responsibilities could now be shifted and have the capability to accommodate without having to request additional staffing.

Council Member Espinosa asked if there was anything the Council should be aware of while working through the implementation and rollout phase.

Ms. Heinen said Staff was looking closely at the energy efficiency rating. One of the ways the City could become a leader was to figure out ways for the Building and Planning Departments to get involved with the operation of buildings. Another would be the California Green Building Code and its implications on us. The direction was to move away from rating systems towards code requirement systems. She suggested getting into a position where all reviews could be done in-house and to not depend on the other rating systems when it becomes a code.

Council Member Schmid made reference to the fact that many of rating systems do not produce more efficient use of energy. He felt there was an opportunity to track over time things that worked which could result in point scores that have a lasting impact. Another prospect for the future was the LEED neighborhood development which would help the Council in thinking about long-term energy efficiency on City projects.

Council Member Yeh needed clarification of the Utilities Department getting involved with building operations and the existing collaboration between departments.

Ms. Heinen said in terms of reviewing for energy-efficiency there was cross-communications with the Utilities Department in the incentives they offered, promoting incentive programs, and sharing data on building performance.

Mayor Drekmeier said Council Member Barton commented that 50 building Green points was not challenging. The City was at 70 points and asked if it had changed.

Mr. Williams explained there was only one category and a sub-category that had 50 points for additions on multi-family. It was at 70 points and increased depending on the size of the house. The baseline was for 2,550 square feet and for every 70 square feet above that required 1 point.

Ms. Heinen said most projects were beyond the minimum requirement. The Build It Green rating had updated itself from 77 points to 70 points and became less stringent. The decision was to maintain that rate because buildings were performing higher and Build It Green was set on recommendations of not going above the 50 points.

Mayor Drekmeier asked what the average points were for new construction.

Ms. Heinen said she could not give a definite answer but found homes coming in well over 100 points.

Council Member Barton left the meeting at 12:05 a.m.

**MOTION PASSED: 9-0**

7. PUBLIC HEARING: Adoption of Two Ordinances: (1) Repealing Chapter 16.17 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.17, California Energy Code, 2008 Edition; and (2) Repealing Chapter 16.18 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.18, Establishing Local Energy Efficiency Standards for Certain Buildings and Improvements Covered by the 2008 California Energy Code.

Chief Building Official, Larry Perlin gave a presentation as outlined in Staff Report CMR:267:09. He said the 2008 California Energy Code was scheduled to become effective throughout the State on January 1, 2010 and not August 1, 2009 as noted in the Staff Report.

Public hearing opened and closed without public comment at 12:12 a.m.

**MOTION:** Vice Mayor Morton moved, seconded by Council Member Klein to: 1) Adopt the Ordinance repealing Chapter 16.17 of the Palo Alto Municipal code and amending Title 16 to adopt by reference the 2008 California

Energy Code (Part 6 of Title 24 of the California Code of Regulations), and 2) Adopt the Ordinance repealing Chapter 16.18 and adopting new Chapter 16.18 establishing local Energy Efficiency Standards for certain buildings and improvements covered by the 2008 Edition of the California Energy Code.

**MOTION PASSED:** 8-0 Barton absent

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Yeh stated that Palo Alto is hosting the Northern California Power Agency Commission meeting on October 21-22, 2009 at the Palo Alto Art's Center.

Mayor Drekmeier stated that he, Council Members Burt and Klein attended the grand opening of the Jewish Community Center on October 18, 2009. He also attended an event at the SMART Station on October 19, 2009.

CLOSED SESSION

~~8. CONFERENCE WITH LABOR NEGOTIATORS~~

- ~~—— Agency Negotiator: City Manager and his designees pursuant to~~
- ~~—— Merit System Rules and Regulations (James Keene, Kelly Morariu, Russ Carlsen, Sandra Blanch, Darrell Murray, Marcie Scott, Lalo Perez, Joe Saccio)~~
- ~~—— Employee Organization: Local 521 Service Employees International~~
- ~~—— Union~~
- ~~—— Authority: Government Code Section 54957.6(a)~~

ADJOURNMENT: The meeting adjourned at 12:16 a.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.