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January 12, 2009

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The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:05 p.m.

Present: Barton, Burt, Drekmeier, Espinosa, Kishimoto, Klein, Morton, Schmid, Yeh

Absent:

SPECIAL ORDERS OF THE DAY

1. Resolution 8892 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Sylvia Baker Upon Her Retirement."

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to adopt the Resolution expressing appreciation to Sylvia Baker upon her retirement.

MOTION PASSED: 9-0

2. Resolution 8893 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Roger Cwiak Upon His Retirement."

MOTION: Council Member Yeh moved, seconded by Council Member Barton to adopt the Resolution expressing appreciation to Roger Cwiak upon his retirement.

MOTION PASSED: 9-0

Assistant Director of Utilities Engineering, Roger Cwiak thanked the entire City staff and the Utility Department Staff for their years of work and service.

3. Resolution 8894 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation in Memoriam of Carol Murden for Her Outstanding Public Service as a Member of the Historic Resources Board."

MOTION: Vice Mayor Morton moved, seconded by Council Member Barton, to adopt the Resolution expressing appreciation in Memoriam of Carol Murden for Her Outstanding Public Service as a Member of the Historic Resources Board.

Chair of the Historic Resources Board, Martin Bernstein, spoke to his privilege working with Ms. Murden over the years. He considered her a gift to the community.

MOTION PASSED: 9-0

Mr. John Murden, Carol Murden's husband, spoke with pride of his wife's work with the City of Palo Alto. He expressed her love and interest in the work she did for the Historical Resources Board.

4. Appointment of Three Candidates to the Parks and Recreation Commission for Three, Three-Year Terms Ending December 31, 2011.

First Round of Voting for Two Architectural Review Board Members

Voting For Deirdre Crommie: Burt, Espinosa, Kishimoto, Klein, Morton, Schmid, Yeh

Voting For Pat Markevitch: Barton, Burt, Drekmeier, Espinosa, Klein, Kishimoto, Morton, Schmid, Yeh

Voting For Roderick Rowen:

Voting For Brian Steen: Barton, Drekmeier, Klein, Morton

Voting For Neill Dorward:

Voting For Sunny Dykwel: Barton, Burt, Drekmeier, Espinosa, Kishimoto, Schmid, Yeh

City Clerk Grider announced that Deirdre Crommie with 7 votes, Pat Markevitch with 9 votes, and Sunny Dykwel with 7 votes each were appointed to the Parks and Recreation Commission for terms ending December 31, 2011.

5. Selection of Candidates to Interview for One-Unexpired Term Ending July 31, 2009 for the Planning and Transportation Commission.

MOTION: Council Member Barton moved, seconded by Vice Mayor Morton to interview all five candidates for the unexpired term ending July 31, 2009 on the Planning and Transportation Commission.

SUBSTITUTE MOTION: Council Member Kishimoto moved, seconded by Council Member Burt to reopen the recruitment for the Planning & Transportation Commission.

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

MOTION PASSED: 9-0

APPROVAL OF MINUTES

MOTION: Vice Mayor Morton moved, seconded by Council Member Barton to approve the minutes of November 10, and 17, 2008.

MOTION PASSED: 9-0

CITY MANAGER COMMENTS

City Manager, James Keene, spoke on the success of the 26th annual City of Palo Alto Toys for Kids Drive. He stated the Open City Hall online discussion forum launched on January 8, 2009. He announced Red (Emergency Preparedness) Meets Green (All Things Environmental) for all Palo Alto residents on Saturday, January 31, 2009 between 10:00 a.m. and 12:00 p.m. with volunteers going door-to-door. Information packets will be left at every doorstep. As of January 12, 2009, the Palo Alto Recycling Center Facility was reduced to three-fourths of an acre, approximately half its current size, in order to accommodate the landfills final filling operations. This resulted in a change in acceptable materials at the center, in particular, polystyrene foam blocks and peanuts as well as milk and juice cartons.

ORAL COMMUNICATIONS

Jim Maples, 751 Greer Road, spoke regarding a dispute he had with the Planning Department regarding remodeling and expanding his garage. He stated it had been successfully resolved and thanked those involved.

Paula Sandas, Chamber of Commerce, 122 Hamilton Avenue, introduced herself as the new CEO and President of the Palo Alto Chamber of Commerce. She spoke on the uncertain economic times and the Chamber's long-term commitment to preserve and support Palo Alto businesses.

Mark Petersen-Perez, 434 Addison Avenue, spoke regarding candidates for Police Chief.

Carroll Harrington, 830 Melville, brought to Council the latest issue of Bay Area Green published by the Daily News Group.

Stephanie Munoz, 101 Alma, proposed the City consider construction and sponsorship of a solar panel factory.

Aram James, spoke regarding tasers.

CONSENT CALENDAR

Paul Thiebart, III, 1717 Woodland Avenue, #207, East Palo Alto, spoke regarding Agenda Item Number 6 and the Utility Fund and the spending plan for the finances.

Faith Brigel, Byron Street, Palo Alto, spoke regarding Agenda Item Number 6. She made comments on items she had read in the local paper regarding the Utility Advisory Committee's recommendations on surplus utility dollars and whether or not these monies should return to customers.

Council Member Klein advised that he would not be participating in Agenda Item Number 10, as his wife is on Staff at Stanford University.

Council Member Barton advised that he would not be participating in Agenda Item Number 10, as he is on Staff at Stanford University.

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to approve Consent Calendar Item Numbers 6-12.

6. Finance Committee Recommendation to Direct Staff on the Use of Funds in the Electric Utility Calaveras Reserve Fund.
7. Appeal of the Director's Approval of the Individual Review of a Proposed Single Family Residence at 370 Lowell Avenue.
8. Resolution 8895 entitled "Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Execute Agreements to Extend the Short-Term Layoff (Assignment) of City's Share of Entitlements on the California-Oregon Transmission Project to Other Members of the Transmission Agency of Northern California."
9. Approval of a Contract with Life Insurance Company of North America for Underwriting of the City of Palo Alto's Group Life, Accidental Death and Dismemberment (AD&D), and Long Term Disability Insurance (LTD) Plans for Up to Three Years for a Total Not to Exceed Amount of \$2,616,007.

10. Approval of an Agreement with the Board of Trustees of Leland Stanford Junior University Granting Five Permanent Easements for the Sum of \$3 Million for the Emergency Water Supply and Storage Reservoir and Associated Facilities in El Camino Park.
11. Resolution 8896 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act with Respect to Members of the Palo Alto Police Officers' Association (PAPOA)."
12. Acceptance of Annual Status Report on Developers' Fees and Adoption of Resolution 8897 entitled "Resolution of the Council of the City of Palo Alto Making Findings Regarding Continuing Need for Unexpended Stanford Research Park/El Camino Development Fees in the Amount of \$524,245; San Antonio/West Bayshore Development Fees in the Amount of \$549,448; and University Avenue In Lieu Parking Development Fees in the Amount of \$74,140."

MOTION PASSED for Item Nos. 6-9, 11, 12: 9-0

MOTION PASSED for Item Nos. 10: 7-0, Barton, Klein not participating

UNFINISHED BUSINESS

4

13. Review of Composting Feasibility Study and Direction Regarding Continued Composting Operations in Palo Alto.

Colleagues Memo from Mayor Drekmeier, Council Members Barton and Burt on Proposed Motion Regarding Composting.

City Manager, James Keene, indicated this evening's Staff report included references from the prior meeting and answered questions from Council.

Council Member Kishimoto asked why it was so difficult to get windrow operation permits.

Mr. Roberts stated it was possible to get a permit but was highly dependent on site locations which cannot be next to commercial or residential areas.

Council Member Kishimoto asked if the problem was with regard to particulate matter or organic material.

Mr. Roberts listed the variety of factors which included wind, dust, noise, and bacteria concerns.

Council Member Kishimoto asked what the difference was between buildings and people living or working nearby.

Mr. Roberts stated it was a question of the concentration of the adjacent land uses.

Council Member Kishimoto asked whether any application in neighboring areas was approved for the inclusion of windrow operations in the last 10 to 20 years.

Mr. Roberts stated more specific research was required on this issue.

Council Member Kishimoto asked if the SMaRT Station had the land and/or plans to include in-vessel composting in the near future.

Mr. Roberts stated that the City had not always participated in all the SMaRT Station activities. Curbside recycling and composting had not gone through the SMaRT Station, for example. His understanding was the SMaRT Station was space-constrained in the areas of composting.

Mark Bowers, City of Sunnyvale, 456 West Olive Avenue, Sunnyvale, stated no composting was planned at the SMaRT Station due to space constraints. Construction and demolition operation was pending approval, but was smaller in scale than a composting operation, in-vessel and/or windrow.

Council Member Kishimoto asked if there was a possibility to use any more land around the SMaRT Station.

Mr. Bowers stated not much land was available. A recently closed landfill was under consideration but a portion was open space, while a second section was leased for concrete recycling.

Council Member Kishimoto asked how many acres was included in the entire closed landfill.

Mr. Bowers stated it was a total of about 93 acres.

Council Member Kishimoto asked if deferment in creation of parklands was included in the implications of commercial garbage suspension in Palo Alto.

Mr. Roberts stated Staff assumed the context of her question was in addition to the discussions previously held on this issue. During these discussions, it was stated that suspension of the commercial refuse operations extended the life of the landfill approximately two years, which waylaid parkland development.

Council Member Kishimoto asked if this represented a discrete Council policy change.

Mr. Roberts stated it was an operational issue for which Council has purview.

Council Member Kishimoto asked if this was a yes to her question.

Mr. Roberts stated he was not categorizing this as a policy question, but, yes, it was a Council decision.

Mr. Keene stated he was not clear on the actual question. He asked for a rephrasing of the question for a more exact answer.

Council Member Kishimoto wished it to be clear and specific that the suspension of commercial garbage tipping at the landfill meant an explicit policy change and deferment on the parkland opening for at least two years.

Mr. Keene stated this was clearly a change from the current operational direction, which was guided by prior and/or existing Council policy.

Council Member Kishimoto asked if this required a separate Council direction, explicitly, to change the opening date of the park, unless it was specifically incorporated into the Motion that the landfill closing date was 2011.

Mr. Keene stated, if he understood the question correctly, the answer to this was yes.

Council Member Kishimoto asked what it would take to reopen areas 2a and 2b of the Baylands Master Plan Draft of 2008 since Staff stated no obstacles existed. She asked if Staff was certain this could be done from an environmental point of view.

Mr. Roberts stated, with any project proposal, there was the need for an environmental review. He stated he was unable to answer with certainty until that process was completed. However, the issue was one of implementation of the park completion, funding and consistency with the adopted Byxbee Park Master Plan.

Council Member Kishimoto asked if this required an additional step in opening these land spaces for composting, prior to testing for potential health and environmental risks.

Mr. Roberts stated that an environmental review was necessary.

Council Member Kishimoto asked about economic issues and the X-amount of dollars no longer routed to the General Fund. She stated the City currently pays rent on the above-mentioned land spaces.

Mr. Roberts stated the rent was deferred over a longer period of time for those areas. What was owed in those areas was rent capped years prior and slated for payment over a longer period of time. Use of the land in the future did not change that equation.

Council Member Kishimoto clarified there was no back rent owed on areas 2a and 2b.

Council Member Schmid spoke on buffer zones for windrow composting areas due to organic dust concerns and health risks. He asked Staff to cite any studies disputing the hazards of these bio-aerosols. He expressed the desire to hear any information on the specifics of Palo Alto's diversion of these bio-aerosols.

Mr. Roberts stated he could cite no specific studies. The safety ranges cited in Council Member Schmid's cited materials was close to the 1000-foot radius buffer proposed by Staff. He stated more information on this was to follow in the environmental review process.

Council Member Schmid asked if a park with active people was compatible with the bio-aerosols. He asked if the people concerns in this area required the maintenance of a 1000-foot windrow buffer zone.

Mr. Roberts stated this was slated for discussion during the environmental review process in the specific project. This was why Staff had proposed their 1000-foot buffer zone range.

Council Member Schmid stated he understood from past documents that each year the amount of money the Refuse Fund pays to the General Fund for use of the landfill was over \$7 million dollars. He asked if this was correct.

Mr. Roberts stated this was included in the gross calculated amount. The actual paid amount was approximately \$4.3 million with the balance deferred in future payments under a Council-adopted policy for rent-smoothing in that the landfill closure included a tapering of funds out to 2021.

Council Member Schmid asked if it was safe to say that the value of this, in terms of opportunity costs to the community of Palo Alto was about \$7.4 million. He stated this particular gauge was being used and was accepted by the Auditor, Legal and Council as the value of the parkland forgone.

Mr. Roberts wished to clarify points and the basis used to arrive at these numbers. The value was not calculated on the basis of parkland, but on the theoretical highest and best use of that property as if it was an office, commercial or industrial park. The rent was calculated on the highest and best land use value and not on parkland value.

Council Member Schmid noted the December 15, 2008 City Manager's Report (CMR) stated suspension of commercial refuse would extend the landfill's life by two years. He asked if this meant two additional payments of \$7.4 million from the Refuse Fund to the Operating Budget to cover the two year extension.

Mr. Roberts stated this was an accurate assumption which included the smoothing and tapering of payments through 2021.

Council Member Schmid disagreed with the proposed amount of cost per ton of composting in the Baylands. He expressed concern over how the proposed 1000-foot buffer and two-year extension of the landfill affected prior cost per ton estimates. He stated the more accurate cost per ton amount was closer to \$390 versus the proposed \$70-72 with the actual acreage factors. He stressed this was a large amount of money per ton of composting.

Mr. Roberts stated Staff's perspectives in these evaluations were not driven by economics. He stated the long-range financial plans contained the existing rent basis and timing. Staff's work was centered in response to Council's request to evaluate future composting in Palo Alto. Rent and increased revenues to the City's General Fund was not at issue.

Vice Mayor Morton stressed that some of the logistics and timeframes for completing Byxbee Park also included the issues of methane recovery, settling and early stage landfill surrender work as well as financial backing for the work.

Council Member Kishimoto asked Staff to clarify where the anticipated composting sites would be located as well as access road planning.

Mr. Roberts gave conceptual details and timeframes, interim and long-range. He stated they will likely differ as new technology was studied. A proposed long-range site included the flat land adjacent to the Water Quality Control Plant. An interim consideration included the existing windrow operation continuing until new technology was implemented.

Council Member Kishimoto asked for exact contours and whether this would be on the hilltop.

Mr. Roberts stated it would not be at the 60-foot level, but on the slope in that area.

Council Member Kishimoto asked if this would be upwards of 30-40 feet.

Mr. Roberts stated again there was no site specific plans as of yet. It was proposed, however, for location somewhere below the peak.

Council Member Kishimoto asked what road access implications presented themselves for this site.

Mr. Roberts stated access paths, dirt and/or gravel, would be considered. He anticipated no new paved roads.

Council Member Kishimoto asked what percentage of composting came from City operations versus residential drop-off.

Mr. Roberts stated approximately 17,000 tons was the combination of residential curbside and municipal operations. An additional approximately 5000 tons was comprised of self-hauler drop-offs from residential areas and commercial activities.

Council Member Kishimoto asked if there was a specific municipal estimate.

Mr. Keene stated they would return to Council with that specific.

Council Member Burt spoke on the citizen-initiated Study Session with a panel of experts from Palo Alto and the region. He stated discussions at this meeting differed with remarks regarding the five-year continuation of windrow composting as the only option. He asked what basis Staff continued to assert that this was the only option.

Mr. Roberts stated it was not intended to be the only option under consideration. He stated it merely painted a scenario for Council of what may or may not be the case dependent on the alternatives ultimately selected.

Winter Dellenbach, spoke in support of moving forward with completion of the park.

Claire Elliott, 271 Chestnut Avenue, spoke on the dual importance of composting and the maintenance of open space. She suggested curbside wood-chipping as an additional option for the City.

Ellie Gioumousis, 992 Loma Verde, agreed with curbside wood-chipping. She spoke on her recent experiences at the local recycling center and her negative observances of the landfill operations and composting. She spoke on the importance of native California grasses and their positive effects with carbon sequestration.

Robert Roth, 2015 Middlefield Road, spoke on the special nature of the City of Palo Alto and the importance of park and open space areas. He was in support of removing composting operations from Byxbee Park.

Susan Stansbury, 741 Josina Avenue, urged adoption of the recommendations to form the Blue Ribbon Task Force to evaluate and recommend alternatives for Palo Alto's composting needs. She spoke, as well, on the recent teach-in session for the community on these issues.

Cedric deLaBeaujardiere, 741 Josina Avenue, spoke in support of the Blue Ribbon Task Force formation. He urged that the Task Force not be constrained in any way when considering options. He offered options for mitigating dust and sound concerns for the composting site, as well as support for backyard composting in the area.

Mark Bowers, City of Sunnyvale Solid Waste Program Manager, offered himself as a resource for questions on the SMaRT Station.

Mayor Drekmeier asked how the composting per ton subsidy worked.

Mr. Bowers stated this was not a subsidy but was wholesale costs versus retail. Smaller customers had a higher transaction which translated to a higher per ton cost. City materials, at 8-9 tons per load, produced a small transaction cost and kept total costs down. He stated Staff's numbers fairly

represent the actual cost of handling materials at the SMaRT Station with long-range planning considered.

David Moss, 347 Ferne Avenue, spoke in support of keeping composting at its current location within the City. He stated he was also pro-life, pro-parks, but stressed the importance of composting as well.

Emily Renzel, 1056 Forest Avenue, urged Council to move ahead on opening the parkland rather than extending the life of the landfill.

Enid Pearson, 1019 Forest Street, urged Council to honor past declarations and move ahead on Byxbee Park completion.

Mary Gordon, 16 Roosevelt Circle, spoke in support of discontinuing composting and completing Byxbee Park.

Stephanie Munoz, 101 Alma, spoke in favor of keeping the park-generated composted chips in the park area with the possibility of residents bringing trees to be chipped on the minimum. She stressed the need to address the health dangers in composting.

Bob Wenzlau, 1409 Dana Avenue, spoke on the scheduling issues for closing the landfill. He stated generation of organic material could be a shared use while parklands are being prepared. He stressed the actual tonnage and carbon flux needed to be considered as the Task Force considers its strategies.

Tom Jordan, 474 Churchill Avenue, stressed his position which was to not delay the landfill closure, keep composting out of the park, and to look careful at composting elsewhere.

Karen Harwell, 1335 Dana Avenue, stated the parks and composting issue was not an either/or proposition. She stressed the importance of the City and community remaining engaged in finding a shared solution.

Herb Borock, P.O. Box 632, stated he was disappointed in the dialogue between Council and Staff. He stated questions lacked clarity and answers did not truly inform.

Robert Moss, 4010 Orme Street, stressed the best possible use for the site was for parkland.

Brian Schmidt, Committee for Green Foothills, spoke on the group's involvement in open space in Palo Alto and said Byxbee Park should go back to natural open space.

David Schrom spoke on his prior letter sent to Council and issues over Byxbee Park and composting in the same area.

MOTION: Council Member Burt moved, seconded by Council Member Barton that the Council direct Staff to create a Blue Ribbon Task Force (BRTF) to evaluate and recommend alternatives to address Palo Alto's composting needs:

- 1) The Task Force would A) convene for approximately 6 months, B) members would be chosen in a manner similar to City Commissioners, C) candidates would submit an application. A three member City Council sub-committee appointed by the Mayor would determine the size and membership of the Task Force.
- 2) The City shall suspend accepting commercial garbage at the Palo Alto dump while awaiting City Council action on the recommendations of the BRTF.
- 3) The City Manager would determine the City Staff liaison and appropriate City Staff support to the BRTF.

For each alternative solution or technology, the BRTF would evaluate the following:

- 1) Short Term Improvements
 - a. How might the City reduce the impacts and improve the operation of our existing windrow composting.
- 2) Environmental Impacts
 - a. The environmental impacts of the alternative technologies including, but not limited to footprint, odor, dust and noise impacts.
 - b. Ability to compost food waste and sewage sludge.
 - c. Production of renewable energy in the process and greenhouse gas impacts.
- 3) Economic Impacts

- a. Economic impacts associated with the alternative technologies, including but not limited to operating costs, capital costs, cost avoidance and income generation.
- 4) Permitting
 - a. What are the permitting processes and timeframes for the various technologies?
- 5) Prospective Locations
 - a. What viable locations for long term composting exist in or adjacent to Palo Alto?
- 6) Energy Generation
 - a. What amount of energy might be produced through certain composting technologies?
 - b. Can funds from the Calaveras Reserve be used for an energy-producing composting facility?
 - c. To what extent could they address needs for local energy generation and emergency power?

Council Member Burt clarified four points with regard to the Motion: 1) The memo does not permit extension or new permit applications to be authorized for Staff to proceed on. 2) It does not authorize the movement of the compost operation from its present site to an interim site. 3) There has been no decision to extend the life of the landfill. 4) No intention to determine the outcomes of the Task Force are predetermined.

Council Member Barton stated the City was in two camps with regard to this issue. He stressed that the either/or stance was not a good place for the Community. He stated the Memo was intended for everyone to take a step back and see if there was a solution with adequate fit for both the park and open space concerns and composting.

AMENDMENT: Council Member Schmid moved, seconded by Council Member XXXXX to separate the decision to include parklands for composting from the Task Force, and that the Council be responsible for the final decision for Windrow composting in Byxbee Park.

AMENDMENT FAILED DUE TO LACK OF SECOND

AMENDMENT: Council Member Kishimoto moved, seconded by Council Member XXXX that alternative solutions will include incentives to reduce source reduction.

AMENDMENT FAILED DUE TO LACK OF SECOND

Council Member Burt agreed with Council Member Kishimoto's approach. He stated, however, he had worries that this would broaden the scope of the Task Force. He welcomed pursuit of that approach by another means.

Council Member Kishimoto stated source reduction was the number one step the City should take.

Council Member Burt suggested a separate future Colleague's Memo addressing that issue was an alternative approach.

Council Member Kishimoto asked if this was a parallel Motion situation or was it possible for Staff to recommend a way in which source reduction was addressed.

Mr. Keene stated he was unclear on the workings of source reduction. He gave the example that planting fewer trees for less sources of green waste was not necessarily the route to take. He asked if she was talking about diversion rather than source reduction.

Council Member Kishimoto stated planting fewer trees, bushes, shrubs and grasses would mean a lesser production of green waste.

Council Member Burt stated the Zoning Ordinance update with regard to landscaping was pending. He pointed out two elements of source reduction: 1) The real generation of source. 2) Onsite recycling or composting of green waste. He suggested this was the correct vehicle for addressing the source issue with the addition of more aggressive aspects of source reduction.

Council Member Kishimoto stated this was perhaps a good avenue for source reduction but that pricing was not falling within that scope. She stressed the importance of the community's understanding of cost impacts and environmental impacts. She asked when the Council would make green waste pricing decisions.

Mr. Roberts stated Council made this decision annually when setting community refuse collection rates. This was currently bundled with the charge for refuse, green waste and recyclables on one monthly bill.

Council Member Kishimoto asked if there was an option to ask Staff to call that out in a separate City Manager's Report.

Mr. Roberts stated his intention to look at this and bring back alternatives during the next cycle of refuse rate discussions.

Council Member Kishimoto asked for an Amendment to include the closure of the landfill in the Motion.

Council Member Burt stated the Memo was not ambiguous in this regard since the record stated the intent to close the landfill.

Council Member Kishimoto reiterated if Council made the decision to extend the landfill this required a separate Motion. She asked to make it an Amendment to keep dedicated parkland off the Task Force discussion table.

Council Member Burt stated he hoped this remained off the table as well. However, he stated this precluded the Colleagues Memo from moving forward with this inclusion.

AMENDMENT: Council Member Kishimoto moved, seconded by Council Member Espinosa that dedicated parkland would not be considered for the composting facility.

Council Member Klein asked what the intent was for the number of members on the Blue Ribbon Task Force.

Council Member Burt stated this was under the discretion of the Subcommittee with possibly 7-11 members dependent on the applicant pool.

Vice Mayor Morton asked about the intent of the Motion was to have three members of the Council determine the members of the Task Force as opposed to the full Council.

Council Member Barton stated it was in an effort to speed the process.

Council Member Klein spoke against the Amendment. He stated the three colleagues had done an excellent job on the Memo which set a fair compromise in their Motion. This Motion moved the City out of the either/or situation and pushed the process forward.

Vice Mayor Morton agreed removal of any point of discussion precluded a feasible outcome. He personally wanted Council to make the landfill extension decision by not accepting commercial waste. He stated the entire Council's decision on candidates for the Task Force was a better way than decision by only three members due to the community impacts. He would be voting against the Amendment.

Mayor Drekmeier stated there was new technology out there and options for waste control. He stressed waste remained a valuable resource with competing interests. He spoke to the ultimate vision of a smaller carbon footprint with an in-vessel facility, next to the Water Treatment Plant, with composting and conversion of yard and food wastes and local energy generation. He did not support the Amendment and remained supportive of the original Motion.

Council Member Espinosa spoke in support of his second of the Amendment. He stressed the importance of preservation of open space and parklands.

Council Member Kishimoto spoke additionally on her Amendment with regard to additional options and site plans.

Council Member Yeh spoke in favor of the Amendment and the environmental issues which defined Palo Alto. He stressed the importance of parklands. He reiterated the importance of home composting. He stated discussion of new technologies and alternatives, alone, was a large issue for the Task Force.

AMENDMENT FAILED: 4-5 Espinosa, Kishimoto, Schmid, Yeh, yes

AMENDMENT: Council Member Kishimoto moved, seconded by Council Member Schmid that parkland will be considered only as a last resort and will be limited to no more than two acres.

Council Member Burt stated capturing the intent of the consensus of Council was close in that parkland was the least favored alternative. He stated they do not want to predetermine Task Force recommendations. He stated he would vote against the Amendment.

AMENDMENT FAILED: 2-7 Kishimoto, Schmid, yes

MOTION: Vice Mayor Morton moved, seconded by Council Member Barton to Call for the Question.

MOTION FAILED: 4-5 Barton, Drekmeier, Klein, Morton, yes

AMENDMENT: Council Member Espinosa moved, seconded by Council Member Kishimoto that parkland would be considered only as the last resort.

Vice Mayor Morton asked colleagues to vote against the Amendment. He stated the technologies are not yet identified as to their land use needs. He

stated while it does not limit decisions explicitly, it colored the options available for the Blue Ribbon Task Force.

Council Member Klein stated he was also voting no on the Amendment. He stressed anyone serving on the Task Force likely held parkland in high regard.

Council Member Burt suggested a change in wording from last resort to a prioritization of lands other than parkland to be considered first. He stated this made parklands a secondary option after all other land options.

AMENDMENT RESTATED: Council Member Espinosa moved, seconded by Council Member Kishimoto that when the priorities were set for the composting facility locations that parklands will be considered as a secondary priority after all other non-parkland options have been pursued.

AMENDMENT PASSED: 5-4 Burt, Espinosa, Kishimoto Schmid, Yeh, yes

Vice Mayor Morton stated it was important for the entire Council to be involved in review of the Task Force composition.

AMENDMENT: Vice Mayor Morton moved, seconded by Council Member Schmid that the composition of the Blue Ribbon Task Force be reviewed by the entire Council.

Council Member Burt was not in agreement or opposition of the Amendment. He stated it was dependent on Council consensus.

Vice Mayor Morton stated Council's full weigh-in on the composition of the Task Force was merited due to the intensity of the issues involved.

Council Member Klein stated it was his recollection that Council has not always been in full participation in appointing various Task Forces in the recent years. He stated a Subcommittee was sensitive enough to the entire Council to make these appointments in half or less time than full Council engagement.

Council Member Schmid stressed the importance of a full consensus. He stated the full participation of Council lent to this outcome.

Council Member Barton shared Council Member Klein's opinions.

Council Member Espinosa shared the views of Vice Mayor Morton.

AMENDMENT PASSED: 5-4 Espinosa, Kishimoto, Morton, Schmid, Yeh yes

Council Member Burt clarified the wording in his original Motion in that pending meant while awaiting City Council action on Task Force recommendations.

Council Member Schmid spoke in favor of moving ahead on technology options as the key solution for zero waste goals in the community. He stressed he was not voting yes for the proposal due to the embedded nature of the wording to extend the windrow composting in Byxbee Park. He stated this spoke to closure of a number of acres of proposed parkland for an indefinite period of time. He cited issues over the prolongation of the completion of Byxbee Park as well as the financial aspects involved.

Council Member Burt restated that comments did not reflect the possibility of extension on the life of the landfill.

MOTION PASSED WITH AMENDMENTS: 8-1 Schmid no

Mr. Keene responded to several previous comments on the misunderstood components of the funding and rental payments of the landfill. Payments to the General Fund as a motivation factor was not in play during Staff discussions. Council was wrestling with a difficult issue which had the potential for an ultimate win-win conclusion. He stated the General Fund was a general purpose fund for government use in general welfare of the community. The evolution of fund accountability directed general funds toward community services. The landfill operations were located on General Fund land which belonged to the heritage and general purpose of the City. The Refuse Fund paid rents to the General Fund. These General Funds filter down to fund Police, Fire, Parks & Recreation to name a few. Reduction of these General Funds would have an impact on the Community. However, Staff was not considering this in their discussions. He stated a more detailed explanation on the funding was pending.

PUBLIC HEARINGS

14. Objections to Weed Abatement and Adoption of Resolution 8898 entitled "Resolution of the Council of the City of Palo Alto Ordering Weed Nuisance Abated."

Mayor Drekmeier noted for the record that the Public Hearing Notice was duly given for weed abatement. No written objections were received.

Public Hearing opened and closed at 10:30 p.m. without public comment.

MOTION: Council Member Kishimoto moved, seconded by Council Member Klein to approve Staff recommendation to adopt the Resolution ordering the abatement of weed nuisance in the City of Palo Alto.

Council Member Espinosa acknowledged and thanked the Santa Clara County officer and Manager of the Weed Abatement program for his meeting attendance.

MOTION PASSED: 9-0

15. Approval of the Acceptance of Citizens Options for Public Safety (COPS) Funds in the Amount of \$101,039 for the Police Chief's Request to Purchase Automated License Plate Reader Equipment, Sound Meters, Digital Cameras, Alcohol Screening Devices, Upgraded Flashlights and Protection Batons, and Police Trading Cards.

Interim Police Chief, Dennis Burns gave an overview of the above-noted requests and the reasoning behind each item in the improvement of public safety and enforcement of Municipal Codes.

City Manager, James Keene added the request was made against a State grant which flowed through the County. The State legislation required a public hearing on these approvals.

Council Member Barton asked for more information on the automated license plate reading equipment. He desired information and awareness from a Civil Liberties standpoint. He asked if this was pointed reading of a car in question or reading and recording of every car that was passed by the officer. In the latter case, he was not in support of the purchase of this equipment.

Mr. Burns stated it involved the latter application of reading a number of cars at once.

Vice Mayor Morton asked if there would be database retention of this information beyond the day it was recorded.

Mr. Burns stated, as applied to parking enforcement, a market was in development with the license plate reader company. The database aspect was yet to be worked out with regard to time lengths for data retention.

Vice Mayor Morton asked what the data retention capability was for these devices in the current intent to order. He questioned why data would be held for longer than necessary to determine daily parking violations.

Mr. Burns stated investigative advantages existed in longer retention of this data. He gave the example of a plain view license capture, without search of any kind, coming into play in a later crime investigation.

Vice Mayor Morton asked, if a set of stolen car license plates existed in the computer, did the device cross-compare and recognize this data.

Mr. Burns affirmed this cross-recognition. He gave an additional example of a specific vehicle search being aided by entrance of that data to the system for future alerts.

Vice Mayor Morton asked if they would be running these capturing devices at all times for retention of every single license plate passed.

Council Member Barton stated it was his understanding that the device made record of all vehicles it sees. He stated any car in an area subject to parking violation was considered subject to license recognition processing. He stressed this scenario was entirely different than capture of all vehicle license plate data on any given street. He understood the value of these captures but also stressed the inverse of these practices.

Mr. Keene stated his conversations with the Interim Police Chief included the use of these devices primarily in parking enforcement. He suggested Council direct them to return with protocols for license capturing which would enable them to proceed in accepting the grant.

Council Member Kishimoto stated she did not share these concerns over the license capture. She stated it was an effective tool in crime prevention. She agreed a protocol was helpful but was not a high priority. She was also supportive of the sound meter since sound complaints are a concern in the community.

Council Member Burt asked what the timeframe was for acceptance of the grant funding.

Mr. Burns stated the acceptance must return to Santa Clara County for review upon approval by Council within approximately one month.

Mr. Keene stated the timeframe was actually January 16, 2009.

Council Member Burt asked what would happen if Council accepted the grant for the automated license plate reader and discomfort arose with regard to safeguards and protocols for its usage.

Mr. Burns stated there would be a return to Council with additional requests for alternative items or equipment.

Council Member Burt asked what portion of the fund was slated for these automated license plate readers.

Mr. Burns stated the automated license plate readers spoke for approximately \$40,000 of the total grant funds.

Council Member Klein stated he had no Civil Liberty concerns over the devices. He stressed not overlooking the fact that payment for license plates included a contract with the State of California. He stated the liberty of driving was granted with the agreement that various identifying data from this licensing was available to law enforcement officials.

Council Member Espinosa asked for clarification on the establishment of protocols and policies. He inquired whether this was done in conjunction with the City Attorney's office for consensus on what was legally appropriate.

City Attorney, Gary Baum stated the Police Department initially develops the protocols which then run by the City Attorney's office. The Police Department subscribes to a service that many of the State departments utilize with formed policies. This was starting point for all protocols with availability of consultant services.

Public Hearing opened at 10:47 p.m.

Stephanie Munoz, 101 Alma Street, #701, Palo Alto, addressed parking anomalies in the City. She wished Council, the City Attorney and the City Manager to be aware of parking and tow-away concerns on El Camino Real. The no parking area along the school zone was regularly and constantly violated. She had concerns as well about car owners, with posted "For Sale" signs in their vehicles, also being in violation in this same area.

Public Hearing closed at 10:49 p.m.

MOTION: Vice Mayor Morton moved, seconded by Council Member Kishimoto to approve Staff recommendation that the Council approve the acceptance of Citizens Options for Public Safety (COPS) funds in the amount of \$101,039 for the purchase of automated license plate reader equipment,

sound meters, digital cameras, alcohol screening devices, upgraded flashlights and protection batons.

AMENDMENT: Council Member Burt moved, seconded Council Member Barton that the funding for the automatic license plate reader go forward with request for the grant but the implementation would not occur until the City Manager brings forward to the City Council a report on the policy of its use.

Council Member Burt appreciated the general intent of the license plate capture devices in parking surveillance efficiencies. He stressed the increased sensitivity in the community surrounding Civil Liberties. He looked for use policies consistent with the stated intentions.

Council Member Barton agreed there was an additional comfort level attached to this Amendment with regard to Civil Liberties. He stressed an understanding of this use of data and its storage was a reasonable request.

Vice Mayor Morton asked colleagues to vote against the Amendment in support of the original Motion. He stated this was under consideration for the primary use of parking enforcement. He stated it was not necessary for Staff to spend additional time on policy and protocol drafts.

Mr. Keene stated the Amendment was not for Council's approval but direction for the City Manager to bring this information back to Council. Under the City Charter, Council was not directly involved in approval of police policies.

Council Member Yeh asked if this was an appropriate issue for the Human Relations Commission (HRC).

Mr. Baum stated, from a liability and Civil Liberties standpoint, the all-encompassing capture and retention of this license plate information for unlawful reasons was not allowed. He stated Council could direct that policies and protocols be passed before the HRC.

Council Member Yeh asked what the rationale and impetuous was for consideration of these license plate capture devices.

Mr. Burns stated this was an opportunity because of the large parking enforcement program. He stated these devices prevent over-use injuries for officers. Engineers from the automatic license plate capture device company visited numerous times for trial runs in anticipation of effectiveness and revenue generation information.

Council Member Klein associated his comments with those of Vice Mayor Morton. He added he heard no real abuse concerns in relationship to the automated license plate capture devices.

Council Member Barton gave the example of libraries who were asked by the Federal Government to provide a list of license plates of those parked in the parking lot of the library on any day the Koran was checked out. He stated retention of this license plate data meant it held potential for future reference.

Council Member Kishimoto stressed Council had numerous items to tackle over the year. She did not see this as having reached a level or requirement for further Council time and discussion.

Council Member Espinosa encouraged his colleagues to vote against the Amendment. He added safeguards exist to prevent further concerns over protocols, standards and procedures for the protection of Civil Liberties.

AMENDMENT FAILED: 3-6 Barton, Burt, Drekmeier yes

MOTION PASSED: 8-1 Barton no

REPORTS OF OFFICIALS

16. Adoption of List of Palo Alto Projects to be Used in Potential Federal Economic Stimulus Grant Applications

City Manager, James Keene reviewed the agenda item which was briefly previewed with Council at the Council Goal Setting Session. Council asked Staff to look for a way to organize and sort these issues on a more immediate list with an attachment to the Council packet with a simplification of the listed projects in a priority list of ten. The list was narrowed down by projects which could be done in the immediate timeframe of 120-180 days in focus. Staff also identified job generation numbers associated with each project. The Public Safety Building and the High Speed Broadband Network was a large scale project with the potential for early launch dates with different employment factors.

Staff would like Council's acceptance and adoption of the list to be used in response to initiatives with a return to Council within a month on the broader issues.

Vice Mayor Morton advised that he would not be participating in Agenda Item No. 16 where it pertains to the High Speed Broadband Network (Fiber to the Premises), as he owns stock in Verizon and other network companies.

Council Member Barton asked how it was determined what a new job was, and what an existing job was, and whether or not that was an issue for whoever would be putting this together.

Mr. Keene stated that everything they have been hearing was conceptual in nature.

MOTION: Council Member Barton moved, seconded by Council Member Burt to approve and accept item number 10, High Speed Broadband Network (Fiber to the Premises) on the list.

MOTION PASSED: 8-0 Morton not participating

MOTION: Council Member Barton moved, seconded by Vice Mayor Morton to approve Staff recommendation that Council adopt the list of item numbers 1-9 and the Master List to be used in response to an impending Federal Economic stimulus grant applications.

Council Member Schmid spoke on projects that had joint applications with other communities. He stressed the importance of keeping this in mind if an opportunity would arise.

MOTION PASSED: 9-0

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Burt requested clarification from Staff on the recent changes to curbside recycling and an article in the San Jose Mercury News about proposed left turn arrows being added at El Camino Real onto Embarcadero Road.

Council Member Kishimoto spoke on the upcoming Red Meets Green emergency preparedness event coming up on Saturday, January 31, 2009.

Council Member Barton spoke about recent derogatory remarks by a citizen about Acting Police Chief Dennis Burns condoning the beating of a citizen. He wants it known that he opposes those kinds of statements.

Council Member Schmid stated that he thought that what was being discussed this evening was, "Should the City of Palo Alto keep windrow

composting on parkland", which was different than what was put forward by Peak Democracy.

Council Member Yeh reported that the Human Relations Commission (HRC) has a Council buddy program and he advised who each council members HRC buddy was. The HRC has formed a sub-committee to work with the police executive staff to create goals, metrics and timelines for the Citizens Advisory Committee. The Utilities Advisory Commission (UAC) has listed local co-gen as one of their top uses for the excess utilities funds.

Council Member Espinosa reported on spending a day in the Palo Alto Fire Departments ride along program and it was a worthwhile program to participate in.

Council Member Klein reported on attending the Santa Clara County Cities Association meeting last week. The main topic for the night was on the paper versus plastic bag issue and that at this time the rest of the cities within Santa Clara County would vote no on this ban. He would like the City Manager to send a report to this organization on where the Palo Alto was on this issue.

Mayor Drekmeier reported on the appointment of council members to three ad-hoc committees. They are: the members for the Prevailing Wage Ad-Hoc Committee are Council Member Barton, Council Member Espinosa, Council Member Kishimoto, and Mayor Drekmeier; the Stanford Medical Center-Shopping Center Ad-Hoc Committee are Council Member Burt, Council Member Espinosa, and Council Member Kishimoto; the third committee is the Fiber to the Premises Committee and the members are Council Member Klein, Council Member Kishimoto, and Council Member Schmid.

ADJOURNMENT: The meeting adjourned at 11:20 p.m.

***AT THIS POINT IN THE PROCEEDINGS, THE CITY COUNCIL WILL ADJOURN TO
A SPECIAL MEETING AS THE PALO ALTO REDEVELOPMENT AGENCY***

ATTEST:

APPROVED:

City Clerk

Mayor

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