



CITY COUNCIL MINUTES

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Special Meeting
November 08, 2010

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:37 p.m.

Present: Burt, Espinosa, Holman, Klein, Price, Scharff, Schmid, Shepherd, Yeh arrived @ 6:45 p.m.

Absent:

STUDY SESSION

1. Joint Meeting With Library Advisory Commission Regarding Library Issues.

The Library Advisory Commission (LAC) gave a brief presentation on their 2010 accomplishments and 2011 priorities, including the reopening of the College Terrace Library, opening of the temporary Mitchell Park Library, and the temporary closing of the Downtown Library. The LAC held a Technology Forum and created an online survey on library services. As the new libraries opened, the LAC would focus on additional programs, services, and policies. Discussions included seating and shelving capacities at the new Mitchell Park Library and the refurbished Main Library, and the possible relocation of the Guy Miller Archives to the Palo Alto History Museum in the refurbished Roth Building.

CITY MANAGER COMMENTS

City Manager, James Keene spoke on the following topics: 1) portions of the Alma Street Concrete Restoration Project would occur on November 9, 2010, and lane closures were anticipated; 2) recent PG&E work performed on gas transmission facility lines, which produced a natural gas smell in South Palo Alto; 3) City's letters, submitted to the San Francisco Public Utilities

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Commission, on the interim water supply allocation process; 4) Eleanor Pardee Park eucalyptus tree replacement plan update and key events; and 5) discharge of white roof coating discovered in Matadero Creek.

ORAL COMMUNICATIONS

Carroll Harrington spoke on Michael Killen's Climate Change art exhibition currently displayed at City Hall.

Michael Killen spoke on his appreciation for Staff's support on his Climate Change art exhibition.

Keith Nicholls spoke on his concern for the unnecessary tree removal at Eleanor Pardee Park.

Joseph Hirsch spoke on the 40th Anniversary of the Cardiac Therapy Foundation, and the Foundation's renewed contract with the City for use of a portion of the Cubberley Community Center.

APPROVAL OF MINUTES

MOTION: Vice Mayor Espinosa moved, seconded by Council Member Klein to approve the minutes of September 27, 2010 as amended.

MOTION PASSED: 9-0

CONSENT CALENDAR

Council Member Price advised that due to her association with the American Institute of Architects she would not participate in Agenda Item No. 2 due to their having a relationship with Granite Rock Construction.

MOTION: Vice Mayor Espinosa moved, seconded by Council Member Klein to approve Agenda Item No. 2.

2. Approval of Construction Contract With Granite Rock Company DBA Pavex Construction Division, in a Total Amount Not to Exceed \$930,389 for Construction of the El Camino Real/Stanford Avenue Streetscape and Intersection Improvements Project (CIP PL-07002).

MOTION PASSED: 8-0 Price not participating

3. Resolution 9114 entitled "Resolution of the Council of the City of Palo Alto Approving the City of Palo Alto Utilities "2010 Procedures for Customer Identity and Credit Security" in Accordance With the Fair and Accurate Credit Transactions Act of 2003".

MOTION: Vice Mayor Espinosa moved, seconded by Council Member Holman to approve Agenda Item No. 3.

MOTION PASSED: 9-0

ACTION ITEMS

4. Public Hearing: Adoption of Two Ordinances: (1) Ordinance Amending Title 16 of the Palo Alto Municipal Code to Add a New Chapter 16.14 (CA Green Building Standards Code) and (2) Ordinance Amending Certain Sections of Title 5 (Health and Sanitation), Title 12 (Public Works and Utilities), Title 16 (Building Regulations), and Title 18 (Zoning), and Repealing Chapter 9.06, to Promote Consistency With State Green Building Standards and Add Criteria for Sustainable Neighborhood Development.

Chief Building Official, Larry Perlin stated Staff prepared a combined presentation on Agenda Item Nos. 4 and 5. At the conclusion of the presentation, Staff suggested the Council act on each Agenda Item separately.

City Planner, Kristin Parineh stated Staff recommended the adoption of two Ordinances by the Council. A Study Session was held on both proposed Ordinances on September 27, 2010. The first proposed Ordinance would adopt the California Green Building Code (CALGreen), with local amendments. CALGreen would go into effect Statewide on January 1, 2011. The adoption of CALGreen would reduce redundancies across City sustainability policies, in the most cost effective and efficient manner possible. Since the Study Session, there had been one major change to the proposed Ordinance. A limit on the frequency of energy and water performance reviews, for existing sites and buildings, was added to the proposed Ordinance. The second Ordinance proposed amendments to the existing Palo Alto Municipal Code (PAMC) provisions to promote consistency, eliminate redundancies between CALGreen and the PAMC, and adopt a new pilot program called Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND). She spoke on the LEED-ND pilot program's requirement thresholds. At the request of the Council, Staff's proposal attempted to address how size and location requirements applied to historic projects, existing buildings, and phased projects by lowering the level of requirements for historic projects.

Mr. Perlin stated Agenda Item No. 5 dealt with the adoption of the 2010 California Building Standards Code (Code). The Code contained 12 sections, two of which were new sections. The new sections included Part 2.5 (California Residential Code) and Part 11 (California Green Building Standards Code). He spoke on the triennial Code adoption cycle. He spoke on the evolution of Building Codes stating they had become increasingly

complex. He listed the Codes, local Code amendments, building and residential Code amendments, and plumbing Code amendments proposed by Staff. He spoke on the past, present, and anticipated rise in building permits and valuations issued by Staff. He spoke on the next steps as follows: 1) second reading and adoption scheduled on November 22, 2010; 2) file local amendments with the Building Standards Commission on November 24, 2010; 3) training and outreach to be held in December 2010; and 4) begin enforcement commencing on January 1, 2011.

Planning and Transportation Commissioner, Susan Fineberg stated the Planning and Transportation Commission (P&TC) conducted a Public Hearing on October 13, 2010. The P&TC unanimously recommended the adoption of revisions to the PAMC Chapter 18.44 to revise and move the City's green building regulations to PAMC Title 16, and add criteria for sustainable neighborhood developments in Chapter 18. She stated Attachments A and B, contained within the Agenda Item, covered the proposed P&TC recommendations. The P&TC recommended several clean-up items, offered a modification to the definition of non-habitable areas, and offered a suggestion to allow the City to conduct energy audits before the five year mark if a building had failed its previous energy audit. In addition, the P&TC requested to have a Study Session on electric vehicle charging stations.

Council Member Klein requested that Staff review the water and energy audits that would be required in the proposed Ordinance.

Ms. Parineh stated an energy audit would be required for any existing building, over 10,000 square feet, which were built after the Green Building Ordinance took effect. These buildings would require a performance review to ensure their operational usage was the same as when they were designed. If a project failed its review, Staff could return to investigate whether the structure was operating as intended. This approach would be similar for the evaluation of water efficiency audits.

Council Member Klein inquired whether this practice would apply to all applications received after the Green Building Ordinance took effect.

Ms. Parineh stated the water efficiency requirement audit would apply to any existing site, over one acre, as defined in State guidelines. The energy efficiency requirement was unique to Palo Alto. She stated any existing buildings, over 10,000 square feet, which were built after the Green Building Ordinance took effect could be audited. She stated the selection process for auditing energy efficiency would most likely be random.

Council Member Klein inquired on the percentage of developments that were anticipated to be included in the auditing process.

Ms. Parineh stated a percentage had not been set by Staff. A program would be established subsequent to the adoption of this Agenda Item. It was her belief the percentage would be low, considering Staff time involved in the auditing process. The largest benefit, from the auditing process, was to gain information on how the City's program was performing and how to enhance performance.

Council Member Klein asked how many eligible applications Staff was currently managing.

Ms. Parineh stated 60 to 70 nonresidential projects had been received over the past two years.

Council Member Klein stated the submission of applications was relatively low. He inquired whether the applicants would be responsible for paying for the audits.

Ms. Parineh stated the audits could be performed at no cost, and would require a small amount of resources. The collection of utility bills would be the greatest Staff cost.

Council Member Klein inquired why not all projects required water and energy efficiency audits.

Ms. Parineh spoke on her hesitation for reviewing past projects. The process of contacting applicants, keeping up-to-date, and following through with applicants would be time consuming.

Council Member Klein stated an electronic calendar application could potentially assist with Ms. Parineh's concern.

Ms. Parineh agreed with Council Member Klein.

City Manager, James Keene suggested that Staff conduct a representative sample of audits to measure the program's success. He suggested a pilot program on the collection of data from the auditing program.

Council Member Klein spoke on the auditing process as being similar to the Department of Motor Vehicle's smog check process. He requested further discussion on the checklist that applicants were requested to complete as part of the LEED-ND pilot program.

Ms. Parineh stated the applicant was expected to review the checklist and mark how they would be achieving points. Next to each item, the applicant would record how they were, or could, achieve points.

Ms. Fineberg stated Attachment D contained a copy of the City's checklist. The checklist summarized all the criteria and points that an applicant could receive points on. She reviewed several line items within the checklist.

Council Member Klein inquired how much information the applicant was supposed to provide as backup material to the checklist.

Ms. Parineh stated attachments and back up material were not expected with the submission of the checklist.

Council Member Klein inquired how much review would be spent on the checklist. He inquired whether the checklist's criteria would change once the LEED-ND pilot program concluded.

Ms. Parineh stated the checklist would be thoroughly reviewed. She anticipated that the checklist's requirements would be at the same level as the LEED-ND, when the pilot program concluded.

Council Member Scharff inquired why single-family residences were not exempt from LEED-ND.

Ms. Parineh stated the intent of LEED-ND was not to include single-family residences.

Council Member Scharff stated he was unclear why the P&TC proposal included an acreage minimum. It was his assumption that the ¼ acre parcel size minimum was intended to capture commercial developments. He provided an example of a 5,000 square foot retail building on a ¼ acre lot with parking. He asked how would this apply to LEED-ND, and how would LEED-ND influence the project's exterior.

Ms. Parineh stated the LEED-ND process encouraged mixed-use developments, pedestrian pathways, parking, and use of alternative transportation.

Council Member Scharff stated the LEED-ND process would encourage commercial developments, which encompassed a mixed-use aspect.

Ms. Parineh stated an applicant could earn mixed-use points by including a housing component, certain services, or building near housing or shopping centers.

Council Member Scharff inquired whether all proposed commercial developments had access to housing nearby. He spoke on his concern for building additional housing, and impacting the Palo Alto Unified School District (PAUSD).

Ms. Parineh stated a certain density of housing would be earmarked, and not simply housing nearby. She stated there was a metric associated with housing density.

Council Member Scharff spoke on the many high density residential areas found within the City limits. He inquired whether earning points, by building near high density residential areas, properly fit within LEED-ND.

Ms. Parineh stated that during the pilot program Staff would be monitoring whether certain criteria fit, and how the associated housing criteria impacted the City.

Council Member Scharff stated a site's water use was limited to no more than 50 to 60 percent of the referenced evapo-transpiration for the total landscaped area, as opposed to 70 percent under the current regulations. This placed limitations on using high-water plants, such as grass. He inquired on the practical implications on this recommendation.

Ms. Parineh stated the policy implications were geared toward a performance based model. Applicants would receive a water budget, calculated under the State's Water Efficient Landscape Ordinance, to be used as the applicant saw fit. A combination of turf and low-watering plants would be required to comply with the water efficiency requirements.

Council Member Scharff inquired how restrictive the water budget was proposed to be, and how it compared to neighboring jurisdictions.

Utility Account Representative, Catherine Elvert stated this requirement was influenced by the regional and county recommended Water Efficient Landscape Ordinance. Residents would have the ability to decide on the design of their low-watering landscape, in compliance with State laws. Staff's proposal was an effort to be efficient, without placing an undue hardship on applicants. She stated Staff's recommendation was intended to place requirements on new construction with landscape projects, and major rehabilitation projects. Staff was not asking for a great deal more than what many applicants were currently doing on their own.

Ms. Parineh stated the anticipated savings would be roughly 30 percent.

Council Member Schmid stated the Finance Committee analyzed service level comparisons for Palo Alto water usage rates compared to neighboring jurisdictions. It was found that Palo Alto had the flattest rates in the County. This encouraged residents to use water as they saw fit. Staff's proposal would mandate that new developments comply with a 30 percent reduction in water usage. It was his belief that this proposal could potentially set up a Proposition 13 situation.

Ms. Elvert stated the Utilities Department was currently evaluating the City's rate design structure. A presentation would be made at an upcoming Finance Committee meeting on Staff's tentative proposal. The Utilities Marking Services Department offered education, free audits, and rebates on energy savings.

Mr. Keene stated Staff was researching whether a different rate schedule would enhance savings. Unlike Proposition 13, there would be local control over reform, or change, at the City level.

Ms. Elvert stated the City complied with State Law SB X7-7. This Legislation set an overall goal of reducing, per capita urban water, use by 20 percent by December 31, 2020.

Council Member Holman inquired whether there was a reason not to include definitive language in PAMC Section 16.14.210, regarding construction waste reduction, disposal and recycling.

Ms. Parineh stated Staff attempted to include definitive language in all PAMC sections possible. She stated Council Member Holman's suggestion may reduce confusion.

Council Member Holman stated recycling was currently emphasized more than salvage, and salvage should be prioritized. She suggested additional clarification on recycling and salvage language in PAMC Section 16.14.210 and Section 16.14.220. This action would make the language more consistent with the Construction and Demolition (C&D) Ordinance. It was her belief that Table 1 contained conflicting information. Table 1 read that all new construction was not categorically exempt from the California Environmental Quality Act (CEQA). If the intention was to exempt single-family homes, she recommended clarification in the language because there would be instances where single-family homes would be subject to CEQA. She inquired whether language pertaining to CEQA be included in the language.

Ms. Parineh concurred with Council Member Holman.

Council Member Holman stated Table 1 did not include a minimum number of residential dwelling units on a two acre minimum parcel site. She inquired on the number of two acre, or more, sites Staff reviewed in a given year.

Planning Manager, Amy French stated the number of projects was very low for parcel sizes greater than two acres. The All Other Sites category contained sites greater than two acres, and would be approved at the Council level.

Mayor Burt stated two acre sites were not categorically listed under type.

Ms. French stated a two acre minimum site would not be categorically exempt.

Council Member Holman inquired on the difference between the definition of rebuild and demolition.

Ms. Parineh stated a rebuild project would not encompass a full demolition of a structure. A demolition project would demolish the entire structure, including the foundation. Rebuild projects allowed Green Building opportunities. She stated these two definitions had been revised several times.

Council Member Holman inquired whether anything had changed in Section 16.04.260 of the PAMC.

Mr. Perlin stated no. The proposed Ordinance would adopt the 2010 State Historic Building Code.

Council Member Holman suggested an amendment to the proposed Ordinance to include buildings 50 years or older.

Acting City Attorney, Donald Larkin stated the City was bound to the language provided by the State. He stated tighter regulations could be mandated within the PAMC.

Council Member Holman spoke on the significance of her concern to clarify the language in the State's Historic Building Code.

Mr. Larkin stated changes to the State's Historical Building Code could only be made based on regional impacts, such as topographical, geographical, and climatic conditions.

Council Member Price stated, at the end of the pilot program, there would be a determination on whether the thresholds of compliance were appropriate. She inquired whether an element of that would be to analyze how many projects meet the specified point levels.

Ms. Parineh stated Staff's intention was to return to the Council with all the data collected over the year, and for the Council to decide on the appropriate effectiveness level.

Council Member Price spoke of her concern on resource impacts and policy implications. If the P&TC recommended thresholds were incorporated, Staff was of the opinion that workload would increase beyond existing Staffing levels.

Ms. Parineh stated the P&TC proposal was stricter than Staff's proposal. The P&TC proposal contained more points and would capture more projects. There would be an increase in Staff workload due to the increase in applications. The impacts would be spread between existing Staff members.

Council Member Price stated ½ acre and ¼ acre restrictions could have significant implications in terms of the number of projects and the impact on Staff.

Ms. Parineh stated Staff looked at the number of parcels that would be affected by the P&TC recommendation. The number was significant in terms of parcel size.

Council Member Yeh stated the Water Efficient Landscape Ordinance may be perceived as being prescriptive. He inquired whether it was the right time to impose that newly constructed homes must achieve 15 of their minimum points from the landscape category, if landscape was in the project's scope.

Ms. Parineh stated regional groups were encouraging the City to adopt the Water Efficient Landscape Ordinance for residences. There was a performance and prescriptive path that could be followed in the proposed Ordinance. Staff's intent was to make the changes to the residential requirements as easy as possible for the applicant. Since applicants were familiar with the Build It Green requirements, it would be easier for the applicant to continue to use it. She stated 15 points would meet the regional goal.

Council Member Yeh inquired whether there was flexibility in the requirement, because it proposed to set a requirement of points from the landscape category. He stated home appliances may achieve points, opposed to landscaping.

Ms. Parineh stated the regional goal was for outdoor water use only.

Council Member Yeh inquired whether the 15 points was a calculation of the equivalency between other jurisdictions.

Ms. Parineh stated that was correct.

Council Member Yeh inquired what kind of analysis would be conducted on this requirement in the pilot program. He inquired whether Staff would be seeking cost benefit feedback from applicants.

Ms. Parineh stated information collected would consist of the points applicants claimed, how they were claimed, and actual water savings. Any additional information from the applicant would be voluntary.

Council Member Yeh spoke on his preference to maximize flexibility. He recommended maximizing opportunities for feedback from participants to ensure that the policy did not drive up costs. He spoke on his concern for the auditing process imposed on the applicant, and whether it would be a constructive process.

Ms. Parineh assured the Council that the auditing process would be conducted in a positive manner. She stated the Utilities Department offered free water and energy audits.

Council Member Yeh inquired whether the audits would be tied into the rebates that the City had available.

Ms. Parineh stated most recommendations would lead back to rebates on water efficiency features.

Council Member Yeh inquired what the definition of designated historic meant in terms of historic buildings.

Mr. Perlin stated there was no State-wide definition on what historic meant.

Mayor Burt inquired whether random projects would be audited.

Ms. Parineh stated Staff would be auditing projects based on the State's baseline. The Planning Department did not have access to utility users' bills, and would not be able to target high water users. This would not be used as a basis for project auditing.

Mayor Burt inquired whether Staff was prohibited from using applicants' performance as a way to determine compliance through their utility bills.

Mr. Larkin stated Staff was prohibited, under State law, from sharing information between City departments.

Mayor Burt stated performance would be conducted through random samplings, and no mechanism was set to ensure that applicants were complying with water efficient requirements. State law had minimum policy requirements, and the State prohibited the tools to allow Staff to ensure compliance.

Mr. Larkin stated that was correct. Most business owners considered their utility usage to be trade-secret information.

Mayor Burt inquired why possession of utility information, by City Staff, was a divulgence of trade-secret information.

Mr. Larkin stated the statute that made it constitutional was overbroad in this respect.

Council Member Holman stated Section 16.04.150, within Agenda Item No. 5, read that automatic sprinkler systems shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50 percent.

Mr. Perlin stated this was a Fire Code amendment that the City was required to insert into the Building Code, so the two codes would conform to one another. It was his belief this amendment was intended to cover habitable space.

Acting Fire Marshall, Gordon Simpkinson stated the requirement in the PAMC being introduced for sprinklers in basements would be for new construction only. If an applicant was building a habitable space, or expanding upon their basement, it would trigger this requirement. Existing basements would not be impacted by this proposal.

Council Member Holman suggested a clarification in the proposed Ordinance that it apply to habitable basements.

Mr. Simpkinson stated the City received a low number of applications for constructing uninhabitable basements.

Council Member Holman inquired whether this section could be amended.

Mr. Larkin stated yes.

Council Member Holman spoke on the importance for making definitions consistent across the PAMC. She stated almost every section in the City's Building Code provided incentives for historic properties. She inquired whether this definition would be added to Section 16.04.140.

Mr. Perlin stated Council Member Holman's recommendation would be an amendment to the Historic Building Code. Any amendment would fit under an additional section, after the adoption of the Historic Building Code. He suggested the amendment be within Section 16.04.270.

Council Member Holman inquired whether the definitions in Section 902.1, of the California Building Code, were locally crafted.

Mr. Perlin stated those definitions applied to the Building Code, and would not apply to the Historic Building Code.

Mr. Larkin suggested an amendment to where Staff defined the categories for historic buildings, and to indicate which historic buildings would qualify in the Historic Building Code. He stated an additional Ordinance could return to the Council to make this clarification.

Council Member Schmid stated Table 1 displayed the differences between P&TC and Staff recommendations. The P&TC's perspective was well argued on October 13, 2010. Staff's response indicated that the P&TC proposal would make it difficult for applicants to develop away from public transit locations. He indicated applicants would be required to find supplemental ways to gain points.

Ms. Parineh stated the P&TC recommendation would capture more projects, and the requirements would be stricter. The cost involved was additional Staff time. Staff's recommendation was based on achievable thresholds that could be mandated after the pilot program expired.

Council Member Schmid stated the intention of LEED-ND was to earn points by being proximate to services and public transportation.

Ms. Parineh stated most developers had a location in mind before they submitted their application, hopefully knowing the LEED-ND requirements. To earn the required amount of points, if developments were not near public transit or services, would require a parcel large enough to implement street connections. Applicants could collect points in a variety of ways, and point collecting would be more challenging for projects located away from services and public transportation.

Council Member Schmid inquired whether all projects would relate to creating pedestrian-friendly neighborhoods.

Ms. Parineh stated that was correct.

Public hearing opened and closed without public speakers at 9:27 p.m.

MOTION: Council Member Scharff moved seconded by Council Member XXX to adopt two Ordinances: (1) Ordinance Amending Title 16 of the Palo Alto Municipal Code to Add a New Chapter 16.14 (CA Green Building Standards Code), (2) Ordinance Amending Certain Sections of Title 5 (Health and Sanitation), Title 12 (Public Works and Utilities), Title 16 (Building Regulations), and Title 18 (Zoning), and Repealing Chapter 9.06, to Promote Consistency With State Green Building Standards and Add Criteria for Sustainable Neighborhood Development, (3) exempt all single family residences from the LEED-ND program, (4) limit to 3 units or more and delete the ¼, ½, 2 acres minimums, and (5) exempt commercial projects unless they are mixed use projects.

MOTION FAILED FOR LACK OF A SECOND

MOTION: Council Member Holman moved, seconded by Council Member Schmid to adopt two Ordinances: (1) Ordinance Amending Title 16 of the Palo Alto Municipal Code to Add a New Chapter 16.14 (CA Green Building Standards Code) and (2) Ordinance Amending Certain Sections of Title 5 (Health and Sanitation), Title 12 (Public Works and Utilities), Title 16 (Building Regulations), and Title 18 (Zoning), and Repealing Chapter 9.06, to Promote Consistency With State Green Building Standards and Add Criteria for Sustainable Neighborhood Development, (3) exempt single family homes from the LEED-ND to include historic projects that might be subject to CEQA, (4) limit the application of LEED-ND to ¼ acre or 3 or more unit dwellings, (5) replace or amend the language in Section 16.14.210 to be consistent with Palo Alto Construction and Demolition Ordinance language in place of what currently exists to include salvage, and (6) include the Planning and Transportation Commission recommendation of 30 point threshold.

Council Member Holman spoke on her support for the P&TC recommendation for lowering the parcel size to ¼ acre, or three or more dwelling units. She felt the threshold should be strict to gather more data, and further felt the impact on Staff would be minimal.

Mayor Burt inquired whether the P&TC recommendation on points were included within the Motion, or simply parcel size.

Council Member Holman stated she had included the P&TC recommendation of a 30 point threshold within the Motion.

Council Member Schmid spoke on his support for the P&TC recommendations as they would give a clear signal to the applicant on what criteria was important in creating a sustainable city.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to: 1) include a non-residential 2 year pilot program to commence Fiscal Year 2012-13 and apply to all projects that have been approved 3 or more years earlier, 2) Staff would conduct a performance audit of not less than 1/3 of the eligible projects starting from 2009, 3) Staff to report to Council in the first ½ of calendar year 2013 with the results of performance audits with recommendation to Council a permanent plan to conduct performance reviews of energy use of such projects, with the permanent program going into effect on January 1, 2014, and 4) to include the more than 10,000 square feet projects.

Council Member Holman inquired whether Staff would review no less than 1/3 of projects, and whether there would be a minimum-sized project reviewed.

Council Member Klein recommended that Staff review no less than 1/3 of projects, and that all projects reviewed be nonresidential. He inquired what the minimum sized parcel review would be.

Ms. Parineh stated 10,000 square feet was the minimum size recommended by Staff in the Pilot Program. She stated that would primarily capture nonresidential buildings, as there were not many nonresidential buildings over 10,000 square feet. She inquired whether the intention of the Pilot Program was to request energy data from applicants, and not require applicants to change their projects if it was found they were not complying with the City's standards.

Council Member Klein stated applications reviewed, that fell below compliance, should be asked to meet the terms of the City's standards.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that the 15 minimum points required, from the landscape category, relate strictly to water efficiency for outside use.

Council Member Price inquired what the implications on Staff workload would be when selecting properties to review over 10,000 square feet.

Ms. Parineh stated the initial performance request would not require much Staff time. The ability of the applicant to gather information on whether they were complying with the energy target would be a low burden. The time-intensive effort would be on applicants not complying with the audit, following up, and enforcement measures. She proposed seeing how many noncompliant projects arose during the pilot program, and assessing action after the data was analyzed.

Council Member Klein stated his intent was to delete one consideration within the Motion. He stated the main focus of water conservation was on landscaping. The City had made remarkable improvements on its domestic use of water. There were not a lot of changes that could be achieved on those domestic uses, particularly with respect to new residences. New residences would be equipped with low-water equipment. It was his belief the incorporation obscured the real issue of high-water usage on lawn and landscaping needs. He spoke on his concern on whether the timing was right.

AMENDMENT: Council Member Klein moved, seconded by Vice Mayor Espinosa to remove the minimum 15 points required be related to water efficiency use inside and out.

Council Member Yeh stated the proposed Amendment did not preclude landscape efficiency, and was more in line with the water budget concept. He stated his recommendation was a philosophical approach. The City's rebate structure was not structured to incentivize landscapes. They were designed toward other water efficient measures. He was in favor of moving the rebate incentives on water efficiency in landscaping. He would prefer applicants go through the process, with flexibility, on deciding how they would achieve cost effective measures. He stated water rates would be rising, and until the City's rebates were structured for outside use, he felt it did not make sense to mandate water efficiency. He spoke on the need to collect data during the pilot program.

Vice Mayor Espinosa stated data collection on water use and potential savings could be enhanced in outdoor landscaping usage. He supported setting up a carrot-and-stick approach toward water savings.

Mayor Burt inquired whether Council Member Yeh's Amendment was to move the requirement to the entire household.

Council Member Yeh stated his Amendment was geared toward water efficiency in general, and to include outdoor landscaping and indoor water usage.

Mayor Burt inquired why that would reduce any incentive on external water use.

Council Member Klein stated the Amendment appeared as if there was a real choice. He stated there would not be a choice.

Mayor Burt was unclear on the impact of the Amendment, as opposed to opinions on whether there really were choices on water usage savings.

Council Member Klein stated if the Council wanted to reduce water usage, it should be done on landscaping.

Mayor Burt stated he would not consider that a factual statement. He inquired on the percentage of external water usage.

Ms. Parineh stated over 50 percent of water usage, on nonresidential projects, was on outdoor landscaping.

Mayor Burt inquired on any mandates for interior water efficient fixtures.

Ms. Parineh stated the State of California had more restrictive gallon-per-minute requirements than the Federal Government. Applicants could choose to gain points via installing water efficient fixtures. For nonresidential

applicants, LEED and Build It Green required a 20 percent reduction across the board.

AMENDMENT FAILED: 3-6 Espinosa, Klein, Price yes

Council Member Holman inquired whether the Motion would include historic properties that were not categorically exempt, according to CEQA.

Ms. Parineh stated that was correct.

Vice Mayor Espinosa made clear that the Motion was inclusive of all Amendments to the adoption of the two Ordinances.

Council Member Holman stated that language should be corrected in PAMC Section 16.14.210, Construction Waste Reduction, Disposal and Recycling, to reflect language in the C&D Ordinance regarding salvage.

Ms. Parineh stated Staff's intent was to remove the information regarding salvage and diversion rates out of C&D Ordinance because it was addressed in the California Green Building Code. The C&D Ordinance was only to address recycling facilities and approval of recycling facilities.

Council Member Holman inquired whether language would be changed to reference that the City did not have a C&D Ordinance.

Ms. Parineh stated yes.

Council Member Price requested reassurance on the implications of Staff workload.

Mr. Keene stated he had met with Staff to understand the implications. It was his belief the language was written correctly. Any trade-off implications would be disclosed during the second reading of the proposed Ordinance.

MOTION AS AMENDED PASSED: 9-0

MOTION: Mayor Burt moved, seconded by Council Member Yeh to request Staff draft a letter for Mayor signature to our local legislators regarding the need to have state legislation to allow confidential use of utility consumption information by local building regulatory agencies for determining compliance with State Green Building Code.

MOTION PASSED: 9-0

Council Member Yeh expressed his interest on the P&TC request to hold a study session on Electric Vehicle (EV) charging stations. He inquired whether this study session would require a Motion.

Mr. Larkin stated a joint meeting would require Council direction. He indicated this matter would not be contained within the Building Code.

5. Public Hearing: Adoption of Five Ordinances: (1) Ordinance Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2010 Editions, and Local Amendments and Related Findings; (2) Ordinance Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.05, California Mechanical Code, 2010 Edition, and Local Amendments and Related Findings; (3) Ordinance Adopting a New Chapter 16.06 of the Palo Alto Municipal Code, California Residential Code, 2010 Edition, and Local Amendments and Related Findings; (4) Ordinance Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2010 Edition, and Local Amendments and Related Findings; and (5) Ordinance Repealing Chapter 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.16, California Electrical Code, 2010 Edition, and Local Amendments and Related Findings.

Council Member Holman inquired whether, in a natural disaster, the proposed building regulations would apply to replacing buildings in historic districts. She noted there were current exemptions in place.

Mr. Perlin stated yes.

Council Member Holman inquired whether the proposed Building Code would apply to seismic or flood damage in a designated historic or floodplain area, or whether the homeowner would be exempt. She inquired whether there would be an exemption to the Code if a residence had a special status.

City Attorney, Donald Larkin was unclear on the answer to Council Member Holman's question.

Council Member Schmid stated the City was going through a reform in its permitting process. He inquired how the proposed Ordinances may affect the reform process.

City Manager, James Keene stated the Development Center would be evaluated in two phases. The first phase was organizationally centered to define clear expectations and to establish performance measures and accountability standards. He stated outstanding Ordinance related issues would be examined subsequent to the first phase.

Public hearing opened for Agenda Item No. 5 at 10:05 p.m.

Herb Borock, spoke on inconsistencies he observed on the approval of permits prior to the demolition of structures.

Marc McGinn, City of Albany Fire Chief, spoke on the City of Albany's adoption of photoelectric smoke alarms.

Mayor Burt stated the Council received an At-Place Item from the California Fire Chiefs' Association. The At-Place Item stated they did not yet have enough information to advocate the elimination of ionization smoke alarms.

Mr. McGinn spoke on a video comparing a photoelectric smoke alarm and an ionization smoke alarm. The photoelectric smoke alarm sounded within a few minutes, whereas the ionization smoke alarm did not sound until a flame appeared. He spoke on two studies that concluded that an ionization smoke alarm lagged behind by roughly 66 minutes. The National Institute of Standards and Technology concluded that ionization smoke alarms lagged behind by 15-30 minutes. The National Fire Protection Association reported that an ionization smoke alarm would false alarm so much that 1/3 of Americans disconnected their smoke alarms. BRK First Alert endorsed local legislation to push forward on photoelectric smoke alarms.

Mayor Burt stated the At-Place Item received was from the Northern Division of the California Fire Chiefs' Association. He questioned the disparity in perspectives.

Mr. McGinn stated there was much confusion on the topic. In 1980, the International Association of Fire Chiefs endorsed only photoelectric smoke alarms.

Mayor Burt inquired whether there was an intention, among Fire Chiefs, to address this issue.

Acting Fire Marshall, Gordon Simpkinson stated the California State Fire Marshall was in the process of organizing a Task Force to look into this matter. The proposed Ordinance would conclude, within three years, because it was only effective during the current triennial Code adoption cycle.

Mr. McGinn stated Massachusetts and Vermont had adopted the use of photoelectric smoke alarms. There were a number of other States looking into the same type of legislation.

Richard Patton, spoke on the fraudulent ads written by companies that produce ionization smoke alarms.

Public hearing closed at 10:22 p.m.

Mr. Simpkinson stated Staff was proposing a requirement that would be inline with legislation adopted in Massachusetts. He spoke on the different smoke detection principles found in the ionization and photoelectric smoke alarms. The proposal by Staff was crafted to create a requirement that would reduce the likelihood of smoke alarms being disabled, allow building occupants to select an advanced dual technology sensor if they desired, and allowed building occupants to install ionization smoke alarms in addition to photoelectric smoke alarms. The proposed Ordinance would require that if only one smoke alarm was installed it must be a photoelectric smoke alarm.

Mayor Burt inquired on the retail cost for the two types of smoke alarms.

Mr. Simpkinson stated both types of smoke alarms cost approximately \$13.00.

Council Member Scharff inquired what the differences between the Massachusetts and Vermont Ordinances.

Mr. Simpkinson stated Vermont adopted restrictions that strictly prohibited the use of ionization smoke alarms. He stated Massachusetts mandated that buildings have dual technology smoke alarms.

Council Member Scharff inquired on other Northern California Cities that have adopted the legislation.

Mr. Simpkinson stated the City of El Cerrito was planning on adopting the legislation. He stated conversations had been held with other Fire Departments across the State at various stages of adoption.

MOTION: Council Member Scharff moved seconded by Council Member Klein to Adopt Five Ordinances: (1) Ordinance Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2010 Editions, and Local Amendments and Related Findings; (2) Ordinance Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.05, California Mechanical Code, 2010 Edition, and Local Amendments and Related Findings; (3) Ordinance Adopting a New Chapter 16.06 of the Palo Alto Municipal Code, California Residential Code, 2010 Edition, and Local Amendments and Related Findings; (4) Ordinance Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2010 Edition, and Local Amendments and Related Findings; and (5) Ordinance Repealing Chapter 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New

Chapter 16.16, California Electrical Code, 2010 Edition, and Local Amendments and Related Findings.

Council Member Holman inquired whether changes could be made to the proposed Ordinances.

Mr. Larkin stated changes could be made on unique local climatic, geologic and topographic conditions.

Council Member Holman inquired whether there would be follow up to provide clarification to the Agenda Item.

Mr. Larkin answered yes. Amendments would be made to the Historic Building Code that addressed issues raised by the Council. He stated changes made, outside of the current Agenda Item, would be required to return to the Council at a later date.

Mr. Keene stated this action would be subsequent and separate from the adoption of the current Agenda Item.

Council Member Holman inquired whether any changes made subsequently would be incorporated into the current Agenda Item.

Mr. Keene stated that was correct.

MOTION PASSED: 9-0

MOTION: Council Member Holman moved, seconded by Council Member Yeh that: 1) Staff is to return to the City Council with definitions of designated historic buildings for purposes of the California Historic Building Code consistent with those historic categories that are referenced with other incentives for historic buildings; and 2) Confirm Section 16.12.1.1 is consistent with Palo Alto's existing flood plane regulations as it relates to historic buildings and natural disasters.

Council Member Holman stated her intent was to provide consistency across the City's Municipal Codes.

Council Member Klein wanted to ensure the Motion would not repeat the issues seen at 405 Lincoln Avenue.

Council Member Holman stated the Motion was not intended to change the definition of what a historical residence was. She indicated the Motion was intended to provide advantages and incentives.

Council Member Klein questioned whether properties would be added to the historical registries, if they wanted to seek out the advantages.

Council Member Holman stated this action would not change the inventory, and the inventory would not have California Environmental Quality Act (CEQA) implications.

Mr. Larkin stated Staff would return with an Ordinance covering the first part of the Motion, which would define that everything currently defined as historical would be eligible to be used in the Historical Building Code.

Mr. Perlin stated there was no confusion about when the Historic Building Code could be applied. He asked for clarification on the second part of the Motion regarding the flood plane regulations as it related to historic buildings and natural disasters.

Council Member Holman believed there were exceptions to the State flood plane regulations that property owners could avail themselves to if a natural disaster damaged a historic building. There were several places in the City's Codes where Council allowed properties, well beyond what was on the inventory, to take advantage of incentives and benefits.

Mr. Larkin stated Staff would return with recommendations on the first part of the Motion. He inquired whether Council Member Holman was asking Staff to return with more information regarding the second part of the Motion.

Council Member Holman stated that was correct.

Mr. Keene suggested this matter be referred to the Policy and Services Committee for comparative work and discussion.

Council Member Holman stated she would accept Mr. Keene's suggestion as an alternative action. She suggested the Policy and Services Committee analyze other sections of the PAMC to compare references.

Mayor Burt stated the modified action was to have language reviewed by the Policy and Services Committee before returning to the Council. He felt the City was moving in a direction of significant public safety improvements through this upgrade in the Fire Code.

Mayor Burt stated the modified Motion would have the Policy and Services Committee review the language brought up by Council Member Holman before returning to the Council. The City was moving in a direction of significant direction in public safety improvements through the upgrade of the California Fire Code.

Mr. Simpkinson stated Staff was working in a steady progression toward reducing emergency response time.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that Staff is to return to Policy & Services Committee with a report to: 1) confirm that there are exceptions to the City's flood plane regulations that property owners of historic can avail themselves of in the event of a natural disaster; 2) explain if there are conflicting sections in PAMC Titles 16 (Building) and 18 (Zoning) pertaining to historic structures and recommendations for resolving any differences.

MOTION PASSED: 9-0

6. Public Hearing: Adoption of an Ordinance Repealing and Reenacting Title 15 of the Palo Alto Municipal Code to Adopt the 2009 Edition of the International Fire Code, as Amended By the State of California, Also Known as the 2010 Edition of the California Fire Code, With Local Amendments and Related Findings (Chapter 15 of the Palo Alto Municipal Code).

Acting Fire Marshall, Gordon Simpkinson stated the amendments promoted public safety, and streamlined and coordinated local Code requirements on a County-wide basis. This was accomplished by safeguarding life and property from the hazards of fire, explosion, and hazardous materials.

Public hearing opened at 10:38 p.m.

Howard Hopper, Underwriters Laboratory, inquired whether all amendments to the California Fire Code were approved by the Santa Clara County Fire Chiefs' Association (SCCFCA).

Mr. Simpkinson stated all amendments made, that dealt with hazardous materials and toxic gas, were recommended by the SCCFCA.

Mr. Hopper spoke against the proposed amendments to the smoke alarm provisions because he felt they would discourage manufacturing innovations and potential lifesaving technological advancements in smoke detection.

Gene Gantt, representing California Fire Chiefs Association and Northern California Fire Prevention Officers, recommended that Council postpone specific language that would prohibit the use of any approved and accepted nationally-recognized technology related to smoke detectors.

Vice Mayor Espinosa inquired why the California Fire Chiefs Association and Northern California Fire Prevention Officers would be against taking action if they determined there was sufficient evidence that citizens' safety was at risk. Action would not preclude the Council from taking subsequent action, after the Task Force was completed, if the information studied proved otherwise.

Mr. Gantt stated the State of California had not delved into the science of analyzing ionization and photoelectric smoke alarms. There were pieces of information available by both advocates supporting their cause.

Council Member Klein inquired whether Mr. Gantt felt Palo Alto was taking a risk in adopting the proposed Ordinance.

Mr. Gantt stated no. However, he stated ionization smoke alarms had proven technology, and the Council would be making that technology unavailable to citizens.

Council Member Klein inquired what Mr. Gantt would include within the proposed Ordinance.

Mr. Gantt recommended that the Task Force go through the process and conclude whether the standards should be updated. He stated if either smoke alarm technology was an issue it would be addressed by the Task Force.

Mayor Burt inquired whether Mr. Gantt had been in contact with his colleagues in Massachusetts.

Mr. Gantt stated no.

Mayor Burt stated the proposed Ordinance did not prohibit ionization smoke alarms. It would require the photoelectric smoke alarm, and allow the ionization smoke alarm in addition to the photoelectric smoke alarm. He inquired whether Mr. Gantt had any evidence or concern that photoelectric smoke alarms were inferior to ionization smoke alarms.

Mr. Gantt stated no. The two technologies detected two different styles of fires. Photoelectric smoke alarms detected smoldering fires, and ionization smoke alarms detected flash fires. Statewide research was being done to eliminate smoldering fires through flammability standards and fire-safe cigarettes. He stated residents that did not have both smoke alarms available could be in danger. The Task Force would be looking into a Statewide Code.

Mayor Burt stated the proposed Ordinance would prohibit residents from having only ionization smoke alarms, and would encourage residents to have dual technology smoke alarms.

Council Member Scharff inquired whether the only objection Mr. Gantt had toward the proposed Ordinance was that it was not Statewide.

Mr. Gantt stated that was partially true. He indicated that ionization smoke alarms saved lives and should be allowed as a standalone unit. He stated both technologies served a purpose and banning one type of technology was not recommended.

Tom Sri, Government Affairs Manager for Kidde Safety, spoke on his concern to restrict the use of ionization smoke alarm technology as proposed in the Ordinance.

Afrack Vargas, California State Firefighters Association, requested that Council not move forward with the proposed Ordinance.

Council Member Yeh inquired whether Staff agreed that different types of smoke alarms could effect safety response times.

Mr. Simpkinson stated yes.

Council Member Yeh stated not requiring dual technology smoke alarms, meant that some residents would choose to only use photoelectric smoke alarms.

Mr. Simpkinson stated that was a possibility. Staff recommended that if only one smoke alarm be mandated it be a photoelectric smoke alarm. He stated ionization smoke alarms were routinely turned off by building occupants.

Public hearing closed at 11:03 p.m.

Mayor Burt stated the proposed Ordinance would allow dual technology smoke alarms in locations where nuisance activity was unlikely.

Mr. Simpkinson stated that was correct.

Mayor Burt inquired what areas would be described as nuisance prone areas.

Mr. Simpkinson stated nuisance prone areas included kitchens and wood burning stove areas.

Mayor Burt stated if the Code required dual technology smoke alarms in nuisance prone areas it would cost homeowners an additional \$13.00.

Mr. Simpkinson stated that was correct.

Mayor Burt suggested the Ordinance mandate dual sensor smoke alarms in nuisance prone areas.

Mr. Simpkinson stated the proposed Ordinance was designed to not mandate citizens to purchase both technologies of smoke alarms. The photoelectric smoke alarm would be less likely turned off by building occupants.

Mayor Burt spoke on the Council's goal to maximize protection, and create a requirement that had the least contention.

Mr. Simpkinson stated, if it was the desire of the Council, the proposed Ordinance could be amended. He was unclear whether Agenda Item No. 5 would be required to be revisited as well.

Mr. Keene stated Staff could focus on outreach and education on the proposed Ordinance as written.

Mr. Simpkinson stated there was currently a utility flyer drafted and waiting for final Council approval on the proposed Ordinance. In December, there would be extensive outreach with additional materials at the City's Development Center. He indicated that literature would be provided with approved permits.

Council Member Scharff inquired whether one dual technology smoke alarm would be mandated, if the Council chose to require dual technology smoke alarms.

Mayor Burt stated the proposed Ordinance would be triggered by a development upgrade or by new construction. Once a permit was triggered the applicant would be required to retrofit dual technology smoke alarms in all areas of the home, except for the locations that were prone to deactivation.

Council Member Scharff stated the mandate on applicants would be more than \$13.00.

Mayor Burt stated that was correct.

Mr. Simpkinson stated the proposal, made by Council, was much like the legislation followed by Massachusetts.

Mayor Burt spoke on his concern for dual technology smoke alarms being deactivated in kitchen areas.

Mr. Simpkinson stated, in the proximity of the kitchen, there would only be photoelectric smoke alarms. The proposed Ordinance mandated ionization smoke alarms away from deactivation zones.

Council Member Scharff requested that Staff address the concern for stifling technology.

Mr. Simpkinson stated once a technology had demonstrated that it was not predisposed to nuisance, and provided the effective protection against both types of fires, the Building Official and Fire Marshall would approve that technology.

MOTION: Council Member Scharff moved seconded by Vice Mayor Espinosa to adopt an Ordinance repealing and reenacting Title 15 of the Palo Alto Municipal Code to adopt the 2009 Edition of the International Fire Code, as amended by the State of California, also known as the 2010 Edition of the California Fire Code, with local amendments and related findings (Chapter 15 of the Palo Alto Municipal Code).

Council Member Scharff stated regardless of technology changing this Agenda Item would be revisited within three years. It was his belief the Motion would be a significant improvement to public safety.

Vice Mayor Espinosa spoke on his experience lobbying for the ability to innovate, and not limit future technology growth, in his career at Hewett Packard and Microsoft. He spoke on his support for Staff's recommendation.

Council Member Klein inquired what the baseline standard in smoke alarms was.

Mr. Simpkinson stated the baseline standard was contained within the Health and Safety Code, and required that smoke alarms be listed and approved by the California State Fire Marshall and pass UL217 standardized testing.

Council Member Klein inquired on the definition of UL217.

Mr. Simpkinson stated UL217 possessed the test standards for the types of test chambers, and type of fuels that one would burn to produce smoke to activate smoke alarms. He stated Underwriters Laboratories did not have an evaluation criterion for the disabling of smoke alarms. He spoke on the hush feature that allowed an occupant to silence the smoke alarm for a period of time. A study had not been conducted on whether there had been a decrease in the disconnection of smoke alarms.

Council Member Klein inquired on the number of sales of ionization and photoelectric smoke alarms.

Mr. Simpkinson stated 80-90 percent of smoke alarms installed were ionization smoke alarms in the United States. He indicated this was primarily due to cost. Ionization smoke alarms had a life of 10 years and were a universal waste. He stated photoelectric smoke alarms had a 10 year life and were an e-waste.

Council Member Klein felt the lead that Palo Alto was taking, along with other cities, should be recognized and welcomed. The City was not forbidding any one technology.

Mr. Simpkinson stated the International Association of Firefighters endorsed one hundred percent photoelectric technology.

Council Member Schmid stated ionization smoke alarms were better at detecting flash fires. False alarms came from smoldering fires where there was no fire. When his smoke alarm sporadically signaled, he did not disconnect it and took it as a sign that it was properly working.

Mr. Simpkinson stated ionization smoke alarms detected invisible particles that were associated with combustion. Smoldering fires emitted much larger particles and an ionization smoke alarm would detect them at a slower rate.

Council Member Schmid inquired on clarification for nuisances near wood burning fireplaces.

Mr. Simpkinson stated ionization smoke alarms were detecting invisible particles produced. A house fire would produce several sized smoke particles and those particles may be too large for ionization smoke alarms to detect. This was typically the case in slower burning smoldering fires.

Council Member Schmid inquired whether there were instances where ionization smoke alarms would be more sensitive to what would be perceived as a dangerous situation.

Mr. Simpkinson stated ionization smoke alarms would respond quicker than photoelectric smoke alarms in a fast-burning fire. An example of a fast-burning fire was a cooking fire. Ionization smoke alarms responded quicker to smoldering fires. Extra warning of a smoldering fire was most critical for children and seniors. A National Institute of Standards and Technology study concluded that, in five scenarios, the ionization smoke alarm was quicker at reacting in three cases, and the photoelectric smoke alarm was quicker at responding in two cases.

Council Member Holman inquired how the thresholds, on page 3, of the proposed Ordinance compared to existing thresholds.

Mr. Simpkinson stated the thresholds in Table 105.6.20 were identical to the current thresholds.

Council Member Holman inquired whether the thresholds in Table 105.6.20 would trigger a fire review.

Mr. Simpkinson stated that was correct.

SUBSTITUTE MOTION: Mayor Burt moved, seconded by Council Member Shepherd to: 1) adopt an Ordinance repealing and reenacting Title 15 of the Palo Alto Municipal Code to adopt the 2009 Edition of the International Fire Code, as amended by the State of California, also known as the 2010 Edition of the California Fire Code, with local amendments and related findings (Chapter 15 of the Palo Alto Municipal Code), and 2) alter the language to require the use of either dual sensor alarms or allow residents to use both types of alarms in areas that are not prone to nuisance activation, and in areas prone to activation use both alarm types.

Mayor Burt stated he was convinced that the photoelectric smoke alarm was the superior system. He felt the small cost involved, given the raised benefit of having the best alarm system available, would make the community safer.

Council Member Klein stated areas that were prone to nuisance activation would be better served with photoelectric smoke alarms.

Mayor Burt stated photoelectric smoke alarms would not respond quickly to flash-fires.

Council Member Klein stated occupants were quicker to respond to flash-fires, such as in the kitchen, because they would be home. There would be a high possibility of deactivating dual technology smoke alarms, or ionization alarms, if placed in nuisance prone areas.

Mayor Burt stated there was still a risk of flash-fires in those areas. He spoke on Council Member Klein's concern that both smoke alarms may be deactivated by the occupant in nuisance prone areas.

Council Member Klein inquired on Staff's opinion on whether an occupant would deactivate both types of alarms if they were both placed in nuisance prone areas.

Mr. Simpkinson stated it was within the purview of the Council to determine what the Motion should include. He had no formal data on this issue. It was his belief the likelihood of creating a significant hazard either way was low.

Council Member Klein urged Council to remove the requirement to have both smoke alarms in nuisance prone areas. He spoke on his concern for inadvertently creating a complex Ordinance.

Mayor Burt agreed with Council Member Klein.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to alter the language to require the use of either dual sensor alarms or allow residents to use both types of alarms in areas that are not prone to nuisance activation, and in areas prone to activation use photoelectric alarms.

Mr. Simpkinson stated the Substitute Motion was consistent with the legislation established in Massachusetts.

SUBSTITUTE MOTION PASSED: 9-0

Mr. Larkin stated now was the time for the Council to make a Motion to reconsider Agenda Item No. 5.

MOTION TO RECONSIDER: Council Member Yeh moved, seconded by Council Member Shepherd to reconsider Agenda Item No. 5.

MOTION TO RECONSIDER PASSED: 9-0

MOTION: Council Member Klein moved, seconded by Council Member Yeh to adopt the changes in Agenda Item No. 5 to be consistent with Agenda Item No. 6.

MOTION PASSED: 9-0

COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Vice Mayor Espinosa congratulated Staff reopening of College Terrace Library.

Council Member Price stated she wanted to honor and recognize two long time residents of Palo Alto who passed away recently. They are Joseph Erlich who passed away in September, and Eleanor Jaglin who passed away one month ago. Mr. Erlich was an architect and had significant influence in the County and in Palo Alto. Mr. Erlich was chief architect for Mr. Hewlett and Mr. Packard, and he recently received a Lifetime Achievement Award from the American Institute of Architects. Ms. Jaglin was a teacher and educator who worked in Palo Alto Schools. She merged her parenting skills and teaching schools by becoming a preschool family program coordinator.

Mayor Burt requested the meeting be adjourned in memory of Marg Collins who recently passed away and was a long time and admired members of the community, Eleanor Jaglin, Joseph Erlich.

ADJOURNMENT: The meeting was adjourned in memory of Marg Collins, Eleanor Jaglin, and Joseph Erlich at 11:42 p.m.