

Special Meeting  
December 03, 2007

CLOSED SESSION.....	3
1. CONFERENCE WITH LABOR NEGOTIATOR .....	3
ADJOURNMENT: The meeting adjourned at 6:00 p.m. ....	3

Regular Meeting  
December 03, 2007

SPECIAL ORDERS OF THE DAY .....	3
1. Proclamation for Carroll Harrington for Palo Alto Business Goes Green .	3
2. Proclamation to Honor Acterra and its Climate Reduction Campaign.....	3
3. Announcement Regarding Palo Alto Green Goal Accomplishments.....	3
ORAL COMMUNICATIONS.....	4
CONSENT CALENDAR .....	4
4. Ordinance 4981 entitled: Ordinance of the Council of the City of Palo Alto Adding Section 9.04.040 ("Certain Social Gatherings Unlawful") to Chapter 9.04 ("Alcoholic Beverages") to Title 9 ("Public Peace Morals and Safety") to the Palo Alto Municipal Code to Prohibit Consumption of Alcohol by Minors at Gatherings of Four or More Persons" .....	4
5. Resolution 8771 entitled "Resolution of the Council of the City of Palo Alto Declaring the Results of the Consolidated General and Special Municipal Elections Held on November 6, 2007" .....	4
6. From Finance Committee: Approval of California Employer's Retiree Benefit Trust Program (CERBT) Agreement with California Public Employees' Retirement System to Prefund Retiree Medical Benefits; Resolution 8772 entitled "Resolution of the Council of the City of Palo Alto Regarding Delegation of Authority to Request Disbursements";	

Certification of Funding Policy; and Ordinance 4982 entitled "Ordinance of the Council of the City of Palo Alto Amending the Budget for the Fiscal Year 2007-08 to Authorize the Transfer of Funds in the Amount of \$30,000,000 Currently Set Aside in the Retiree Health Benefits Internal Service Fund to CalPERS to Establish an Irrevocable Trust for Retiree Benefits" .....	5
7. Resolution 8773 entitled "Resolution of the Council of the City of Palo Alto to Authorize the City Manager on Behalf of the City to Award and Sign Contracts for Solar Renewable Energy Credits Purchased from City of Palo Alto Commercial and Industrial Electric Customer Sites, Where the Term of Each Contract Does Not Exceed Twenty Years and the Amount of Each Contract Does Not Exceed \$600,000" .....	5
REPORTS OF OFFICIALS .....	5
8. Recommendation to Accept 2005 Greenhouse Gas Emissions Inventory and Climate Protection Plan with Related Goals for Carbon Emissions Reductions and to Authorize \$100,000 to Refine Cost-Benefit Analysis of Proposed Reductions and Facilitate Community Participation Plan ....	5
<del>10. Approval of Workplan and Timeline to Respond to Council Colleagues Memo Regarding Integrated Policy Discussion of Landfill Closure and Byxbee Park Phase II .....</del>	<del>12</del>
11. Policy and Services Committee Recommendation Regarding Creation of an Environmental Commission .....	13
9. Adoption of an Amended Green Building Policy for City Facilities.....	14
COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES .....	16
FINAL ADJOURNMENT: The meeting was adjourned in memory of Arthur Gleim at 10:34 p.m. ....	16

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:15 p.m.

Present: Barton, Beecham, Drekmeier, Kishimoto, Klein, Kleinberg, Mossar, Morton arrived at 5:20 p.m.

Absent: Cordell

#### CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR  
Agency Designated Representative: John Shannon  
Unrepresented Employee: City Manager Frank Benest  
Authority: Government Code Section 54957.6(a)

**No reportable action was taken.**

ADJOURNMENT: The meeting adjourned at 6:00 p.m.

Regular Meeting  
December 03, 2007

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:00 p.m.

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

#### SPECIAL ORDERS OF THE DAY

1. Proclamation for Carroll Harrington for Palo Alto Business Goes Green  
Carroll Harrington spoke regarding her thankfulness to her supporters of "Green".
2. Proclamation to Honor Acterra and its Climate Reduction Campaign  
Acterra representative spoke regarding their appreciation for the support of the Council and City staff.
3. Announcement Regarding Palo Alto Green Goal Accomplishments  
Utilities Account Representative Brian Ward stated in 2006 Palo Alto Green, a voluntary renewable energy program offered to residents and businesses, exceeded the unprecedented fifteen percent mark of participation which

included City facilities and the regional quality control plant. In 2007 the City was currently at twenty point two percent, the national average for Green Cities was two percent.

**No action required.**

ORAL COMMUNICATIONS

R.M. "Auros" Harman, 556 Cambridge Avenue, spoke regarding efficiency deployment through the City of Palo Alto Utilities.

Mark Petersen-Perez, 3088 Cowper Street, spoke regarding corruption of the Palo Alto Police Department.

CONSENT CALENDAR

City Clerk Donna Rogers stated a correction to agenda Item No. 5 for the election resolution. Correction reads section two, subsection D, stating Measure M requiring 2/3 voter approval passed with 11, 253 yes votes out of 13, 963 total votes cast. Section three, subsection D received a strike through.

Herb Borock asked for an explanation of 2/3 vote was required for General Tax measure versus a majority vote for special tax measures.

City Attorney Gary Baum stated the corrections made came from the City Attorney's office were incorrect. The General Tax measure required a fifty percent vote and a specialty tax measure required a 2/3 vote.

Ms. Rogers stated the original Resolution received in the packet was correct.

**MOTION:** Council Member Morton moved, seconded by Beecham, to approve Consent Calendar Item Nos. 4 through 7.

4. Ordinance 4981 entitled: Ordinance of the Council of the City of Palo Alto Adding Section 9.04.040 ("Certain Social Gatherings Unlawful") to Chapter 9.04 ("Alcoholic Beverages") to Title 9 ("Public Peace Morals and Safety") to the Palo Alto Municipal Code to Prohibit Consumption of Alcohol by Minors at Gatherings of Four or More Persons"
5. Resolution 8771 entitled "Resolution of the Council of the City of Palo Alto Declaring the Results of the Consolidated General and Special Municipal Elections Held on November 6, 2007"
6. From Finance Committee: Approval of California Employer's Retiree Benefit Trust Program (CERBT) Agreement with California Public Employees' Retirement System to Prefund Retiree Medical Benefits;

Resolution 8772 entitled "Resolution of the Council of the City of Palo Alto Regarding Delegation of Authority to Request Disbursements"; Certification of Funding Policy; and Ordinance 4982 entitled "Ordinance of the Council of the City of Palo Alto Amending the Budget for the Fiscal Year 2007-08 to Authorize the Transfer of Funds in the Amount of \$30,000,000 Currently Set Aside in the Retiree Health Benefits Internal Service Fund to CalPERS to Establish an Irrevocable Trust for Retiree Benefits"

7. Resolution 8773 entitled "Resolution of the Council of the City of Palo Alto to Authorize the City Manager on Behalf of the City to Award and Sign Contracts for Solar Renewable Energy Credits Purchased from City of Palo Alto Commercial and Industrial Electric Customer Sites, Where the Term of Each Contract Does Not Exceed Twenty Years and the Amount of Each Contract Does Not Exceed \$600,000"

**MOTION PASSED:** 9-0.

#### REPORTS OF OFFICIALS

41

8. Recommendation to Accept 2005 Greenhouse Gas Emissions Inventory and Climate Protection Plan with Related Goals for Carbon Emissions Reductions and to Authorize \$100,000 to Refine Cost-Benefit Analysis of Proposed Reductions and Facilitate Community Participation Plan

Senior Financial Analyst Nancy Nagel stated the first year of the program the plan was to focus on the long term goals while working on the short term ones to maximize the efficiency of time.

Environmental Specialist Julie Weiss stated to maximize the use of the incoming waste the City was using the methane gas produced by the landfill to operate the incinerator which cleans the emissions prior to release.

Energy Risk Manager Karl Van Orsdol requested the Council accept the 2005 emissions inventory, adopt the goals recommended in the climate protection plan, and approve the expenditure of one hundred thousand dollars, and requested Council to direct staff to begin implementing the short term actions that require limited budget resources.

**MOTION:** Council Member Morton moved, seconded by Beecham, to approve staff recommendation to:

- 1) Accept the 2005 emissions inventory as presented in the CPP;
- 2) Adopt the goals recommended for City and Community carbon emissions reductions;
- 3) Approve an expenditure of \$100,000 to: a) refine and complete the cost benefit analysis of short-, medium- and long-term

- actions and prioritize those that will provide maximum emissions reduction potential at a minimal cost and report back to Council by June 2008, and b) begin the public engagement process to gain public acceptance of and participation in implementing the Climate Protection Plan;
- 4) Direct City staff to begin implementing short-term actions that have budgeted resources, or are cost neutral within the fiscal year, in order to assist the City to reach its 5% reduction goal, and to report to Council in July 2008 on which actions are being implemented and the projected reductions in greenhouse gases;
  - 5) Direct the City Manager to submit to Council the list of short-term actions to pursue as part of the 2008-09 budget and report on the short-term actions being carried out which have already been budgeted as part of recommendation 4 (above).

Council Member Morton stated his support for moving forward with the project.

Council Member Beecham stated the report had intelligently detailed objectives and the first step of where the City was and where it needed to go.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the recommendation: 6) Direct staff to create an on-line annual green report card that tracks actions and outcomes based on baselines and goals identified in the Climate Protection Plan (CPP).

Council Member Kleinberg stated her delight that an annual on-line report was added to the Motion.

Council Member Morton asked staff whether the addition of the annual on-line report was feasible without much additional expenditures.

Assistant City Manager Emily Harrison stated staff would return to Council with a response.

Council Member Kleinberg asked whether staff was reporting back to the Council on status as it occurred.

Ms. Harrison stated yes.

Council Member Kleinberg stated her objective was an on-line report to be available for residents.

Ms. Harrison stated all projects and progress to projects were posted on-line in the City web site.

Council Member Kleinberg stated her request was for a report card type report to be accessible to the public.

Ms. Harrison stated research would be done to determine the IT staff availability for a project of that magnitude.

Council Member Kleinberg requested to direct staff to return with ideas and answers to the availability to produce an on-line status update report card.

Council Member Morton stated the format might include the report being on the back of the utility bills or as inserts.

Vice Mayor Klein asked about the staff recommendation 3B, what was the process to gain public acceptance.

Recycling Coordinator Wendy Hediger stated chapter eight spoke of engagement and motivation.

Vice Mayor Klein asked where the numbers came from regarding goals, staff recommendation number 2 on page four.

Ms. Nagel stated the reason for fifteen percent was a scientific consensus as to the number needed to reduce the carbon dioxide concentration by the year 2020.

Vice Mayor Klein stated the numbers seemed inconsistent with the Intergovernmental Panel on Climate Change (IPCC) numbers.

Ms. Nagel stated she was interested in any specifics he had to share.

Vice Mayor Klein stated the IPCC trend was the world had to stop growing within the next five years with each report more extreme than the last.

Council Member Morton asked whether it would be a friendly amendment to change the language by adding "by at least".

Vice Mayor Klein stated no.

Mr. Van Orsdol stated the goals were set due to the ability of the City to achieve a minimum of five percent within a twelve to eighteen month time.

Vice Mayor Klein asked for clarification on the City goal of five percent by the year 2009. It seemed that once the City reached the five percent goal it could stop.

Mr. Van Orsdol stated the City would not need to reduce further given the community reached the goal of reduction of a minimum of thirty five metric tons.

Vice Mayor Klein stated the City was only eight percent of the total emissions.

Ms. Harrison stated yes, the community would be required to really increase its reduction of emissions.

**AMENDMENT:** Vice Mayor Klein moved, seconded by Drekmeier to change the medium term goals to reduce the city by an additional 5% of 2005 level, the community to reduce by an additional 7.5% of 2005 levels and by 2020 20% for both.

Council Member Morton stated a minimum threshold without a set percent was preferred by the Maker and Secoder of the Motion.

Council Member Beecham stated negotiating further without actual numbers to review would not be substantiated use of time.

Council Member Mossar stated her support to move forward with the staff recommendation noting the targets could be changed over time.

Council Member Drekmeier stated he supported the Amendment to minimize the potential future damage by being aggressive now.

Council Member Kleinberg asked whether the plan needed to be revised if the stated percentage goals were increased.

Ms. Nagel stated the cost benefit analysis will inform staff the cost for each action.

Council Member Kleinberg asked whether there would be a budget burden for the incoming Council.

Ms. Harrison stated the cost benefit analysis would give the Council the choice to utilize the resources the best way possible with the budget available.

City Manager Frank Benest stated the public safety building which was a top priority was a sixty million dollar project that the Council requested be self funded and this project was a top priority. All of the strategies were fund based therefore the most cost effective strategies were needed to be put into place.

Council Member Kleinberg stated her support for the Amendment.



Council Member Morton stated he did not support the Amendment.

Mark Sabin spoke on the annual emissions exhibited by vehicle use in the report seemed low.

Ms. Harrison stated there was a correction to the vehicle emissions chart referred to by Mr. Sabin.

Walt Hays, 355 Parkside Drive spoke on the Council support for the report.

Steve Van Zant, 262 Whitclem spoke regarding the lack of Palo Alto public transit.

Carroll Harrington, 830 Melville spoke regarding her support for the Motion.

Jim Baer, 172 University Avenue, spoke regarding his support for the Motion.

David Coale, 766 Josina Avenue, spoke regarding the Green Building process.

Arthur Keller, 3881 Corina Way, spoke regarding vehicle emissions.

Council Member Cordell stated she would not support the Motion as stated.

Mayor Kishimoto asked whether staff had impact numbers for a five percent load for City reduction, the Palo Alto green version for renewable gas, and work vehicles, trucks and an idle policy.

Ms. Harrison stated the major expense was the vehicle policies and would involve the community which involved a more aggressive commute coordinator position, the renewable gas program was a re-direct of staff time.

Mayor Kishimoto asked whether that would assist the City in reaching the seven percent goal.

Ms. Harrison stated without it the City wouldn't reach it.

Mayor Kishimoto stated the Climate Protection Program was a high budget priority during this next budget year.

Vice Mayor Klein stated the cost to do less now would be very costly in the future.

**AMENDMENT FAILED:** 4-5, Klein, Drekmeier, Kleinberg, Kishimoto yes.

Council Member Mossar left the meeting at 8:55 p.m.

Mayor Kishimoto asked whether the annual service efforts survey report included the sustainability indicators.

Ms. Weiss stated the current indicators in the report referenced an out of date document due to staff shortage.

Mayor Kishimoto asked about the status of controlling plastic bags.

Ms. Weiss stated there had been discussions with the City Attorney regarding possible ban procedures and staff will return to the Council with recommendations.

Mayor Kishimoto asked whether the research from other Cities had been taken into account.

Ms. Hediger stated all research possibilities had been taken into consideration.

Mayor Kishimoto asked whether bags could be charged for.

Ms. Hediger stated AB2449 did not allow any restrictions on stores or taxes for bags.

Mayor Kishimoto asked whether utilizing property tax to return investment funds on renewables had been considered.

Mr. Van Orsdol stated there had not been research on the use of property tax income.

Mayor Kishimoto asked where the City of Berkeley was receiving the funding upfront to fund their model.

Ms. Nagel stated they created an Assessment District.

Mayor Kishimoto asked for Council support in directing staff to research the funding possibilities to include public/private partnerships.

Ms. Harrison stated staff would continue to pursue all opportunities to maximize the use of resources.

Council Member Drekmeier stated the idea would be to use the language of proposals for projects that can reduce carbon at a cost per ton less than the current cost.

Ms. Harrison asked for approval to incorporate a cost benefit goal into the next phase.

Mayor Kishimoto asked staff to return to Council on or before July 2008.

Council Member Barton stated the staff recommendation was the beginning of the sustainability process and had been written with growth potential.

Vice Mayor Klein asked for explanation on the development methodology to turn reimbursement to the generating department.

Senior Resource Planner Karl Knapp stated the shared saving concept between the Utilities Department and the City facilities was a way to fund different pieces of the sustainability project.

Mr. Baum stated there were possible limitations to those types of transfers.

Ms. Harrison stated the plausibility was to extend the various rebate and incentive programs to maximize the ability to take advantage of those programs.

Vice Mayor Klein asked what the department would use the funds for.

Ms. Harrison stated the funds were to be used for innovative programs assisting in conservation.

Vice Mayor Klein suggested returning to the Architectural Review Board standard (ARB) on City building and retrofitting of gold and certified by LEEDs and not an equivalent.

Ms. Harrison stated the discussion will be brought up in Item 9 and the plan will be changed in congruence.

Council Member Drekmeier stated reduction of air travel in Palo Alto would reduce green house gases.

Mayor Kishimoto asked for clarification on the proposed free employee parking.

Ms. Harrison stated conversations needed to begin early 2008 prior to union negotiations.

Ms. Nagel stated the proposition was to implement a cash-out program and not to take away the parking. If the employee does not use the parking stall they would get reimbursed by the City as a positive incentive.

Mayor Kishimoto stated the free parking was a large incentive of the transportation policy.

Vice Mayor Klein asked whether a Motion was necessary to create the Citizens Committee to create the standards for commercial and residential buildings.

Planning Manager Amy French stated the committee did not require a Council Motion.

Vice Mayor Klein stated his concern for enough community awareness to the committee that all views had been heard.

**MOTION PASSED:** 8-0, Mossar absent.

Council Member Beecham left the meeting at 9:20 p.m.

Council took a break at 9:20 p.m.

**MOTION:** Mayor Kishimoto moved, seconded by Drekmeier to move Item 10 to December 10, 2007.

**MOTION PASSED:** 7-0, Beecham, Mossar absent.

~~10. Approval of Workplan and Timeline to Respond to Council Colleagues Memo Regarding Integrated Policy Discussion of Landfill Closure and Byxbee Park Phase II~~

**MOTION:** Mayor Kishimoto moved, seconded by Drekmeier to continue Item 11 to January 2008.

Council Member Barton stated moving the Item within the 2007 dates was preferred.

Council Member Drekmeier did not feel hearing the Item in 2008 caused conflict.

Council Member Kleinberg asked for an explanation for the Motion.

Mayor Kishimoto stated moving the Item to 2008 was streamlining the inevitable return.

Council Member Kleinberg stated her support for hearing the Item in 2007.

**SUBSTITUTE MOTION:** Council Member Morton moved, seconded by Cordell to move Item 11 up for discussion.

# 11. Policy and Services Committee Recommendation Regarding Creation of an Environmental Commission

**SUBSTITUTE MOTION PASSED:** 7-0, Beecham, Mossar absent.

**MOTION:** Council Member Morton moved, seconded by Barton to adopt the Policy and Services Committee recommendation that Council not go forward with creating an Environmental Commission and instead suggests that staff put together an environmental group with the support of the community.

Council Member Morton stated environmental impact was a fundamental value and not the responsibility of a core group of individuals on a committee.

Council Member Barton stated the staff desired value for the committee was not consistent with the Council appointed committee.

Council Member Cordell stated the Item had been brought forward from staff and thoroughly reviewed by Policy and Services. To dismiss the outcome of that discussion in hopes of the incoming Council having a different view was discouraging.

Council Member Drekmeier stated there needed to be a mechanism in place to collect and utilize the ideas available to the City and Council.

Council Member Kleinberg stated the subject matter was not in question; the format of how to go about achieving the goal was the purpose for the creation of a commission or committee.

Robert Moss, 4010 Orme, spoke regarding the effectiveness of a Community Task Force.

Michael Closson spoke regarding his support for a commission.

David Coale, 766 Josina Avenue, spoke regarding his support for continuous funding for environmental programs.

Herb Borock, P.O. Box 632, spoke regarding Policy and Services recommendation.

Vice Mayor Klein asked the City Attorney whether the Motion on the floor required five votes to pass or four.

City Attorney Gary Baum stated the Charter required five votes for an Ordinance, Resolution or the expenditure of finances.

**SUBSTITUTE MOTION:** Vice Mayor Klein moved, seconded by Cordell to move discussion to December 10, 1007.

**MOTION PASSED:** 6-1, Kleinberg no, Beecham, Mossar absent.

Council Member Kleinberg asked whether public testimony was closed on the issue.

Mr. Baum stated according to the Brown Act any item on the agenda the public had the right to testify.

9. Adoption of an Amended Green Building Policy for City Facilities

Assistant Director of Planning and Community Environment Curtis Williams stated the policy on City Green Building had been revised in the LEED certification area to Silver and the threshold for consideration was changed to five thousand from ten thousand square feet.

Council Member Drekmeier asked the impact economically and environmentally for the City to be Gold certified opposed to Silver.

Mr. Williams stated there was no current quantified benefit to Gold over Silver certification.

Assistant Director of Public Works Mike Sartor stated the incremental increase from going from LEED certified Silver to Gold to Platinum needed to be based on a cost benefit analysis and undertaken on a case by case basis.

Arthur Keller, 3881 Corina Way, spoke regarding his support for LEED certification.

Vice Mayor Klein asked the significance for changing the square footage from ten thousand to five thousand.

Mr. Sartor stated the current buildings on the docket are over ten thousand square feet, however there are smaller buildings of twenty five hundred square feet.

Vice Mayor Klein asked the rational for not wanting them to be at LEED certified or Gold.

Mr. Sartor stated they are targeted to be at five thousand square feet and therefore would follow the standard.

**MOTION:** Vice Mayor Klein moved, seconded by Drekmeier, that 1) the LEED certification standard be applied to any City buildings over 1,000

square feet; 2) certification be at the LEED's Gold standard and 3) certification be from LEED, not an equivalent.

Vice Mayor Klein stated the upfront costs in the long run was going to be more economical for the community.

Council Member Drekmeier stated he supported the Motion.

**AMENDMENT:** Council Member Morton moved, seconded by Cordell that the requirement be at least LEED Silver and the threshold be 5,000 square feet.

City Manager Frank Benest stated the standard of one thousand square feet was a very small variance.

Assistant City Manager Emily Harrison stated staff was including all City facilities such as utility pump stations and storage facilities.

Council Member Barton stated his support for five thousand square feet and at least LEED Silver was a significant change to the policy.

Mayor Kishimoto asked the Maker to clarify whether the Motion would remove paragraph three of the Green Policy.

Vice Mayor Klein stated paragraph three remained and changed his Motion from the requirement of 1,000 square feet to 2,500 square feet.

Council Member Kleinberg stated her support for the Amendment.

Council Member Morton stated the current procedures indicate throughout the project the status of the LEED certification.

Mayor Kishimoto asked whether there were analysis completed on the financial recovery time for Silver versus Gold.

Ms. Harrison stated staff was comfortable attaining the goal of Gold with the Council understanding that staff would be returning for exceptions.

Mayor Kishimoto stated Silver was standard at the state level for buildings.

Ms. Harrison cautioned that not all green innovation building saved money in the long term.

**AMENDMENT FAILED:** 4-3: Drekmeier, Kishimoto, Klein, no, Beecham, Mossar absent.

**MOTION:** Council Member Kleinberg moved, seconded by Cordell and Morton to continue this item to December 10, 2007.

**MOTION PASSED:** 7-0, Beecham, Mossar absent.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Drekmeier stated when he got married, his wife was no longer working for Stanford, but at the Palo Alto Medical Foundation; therefore he did not have a conflict on Stanford issues.

Mayor Kishimoto announced a reminder to her colleagues of the Public Art Commission interviews on Wednesday, December 5, 2007 at 6:30 p.m. She also noted on Thursday, December 13, 2007, the Bay Conservation and Development Commission (BCDC) Brown Bag lunch would be held.

FINAL ADJOURNMENT: The meeting was adjourned in memory of Arthur Gleim at 10:34 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

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