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Special Meeting  
November 22, 2004

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:45 p.m.

PRESENT: Beecham, Burch, Kishimoto, Kleinberg, Morton, Mossar, Ojakian

ABSENT: Cordell, Freeman

SPECIAL ORDERS OF THE DAY

1. Resolution 8477 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Police Canine Upon His Retirement"

**MOTION:** Council Member Morton moved, seconded by Burch, to pass the resolution.

**MOTION PASSED** 7-0 Cordell, Freeman absent.

ADJOURNMENT: The meeting adjourned at 6:53 p.m.

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

PRESENT: Beecham, Burch, Cordell, Freeman, Kishimoto, Kleinberg, Morton, Mossar, Ojakian

ORAL COMMUNICATIONS

Aram James spoke regarding police oversight.

Jeff Levinsky, 1682 Hamilton Avenue, spoke regarding the Downtown library.

Rob Means, 1421 Yellowstone Avenue, Milpitas, spoke regarding the Valley Transportation Authority.

Arthur Keller, 3881 Corina Way, spoke regarding the Charleston/Arastradero Corridor.

Ellie Gioumousis spoke regarding global warming.

Mayor Beecham noted due to the young age of the following speakers, they would be allowed to speak to Agenda Item No. 2 under Oral Communications.

Joshua "Meyer" Kaplan, 1060 McGregor Way, spoke regarding the Single Stream Recycling Program.

Isakic Jamie Orduno, 220 Ventura Avenue, spoke regarding the Single Stream Recycling Program.

STUDY SESSION

1. Continued Discussion of Environmental Services Center (ESC)

City Auditor Sharon Erickson, Public Works Director Glenn Roberts, Deputy Director of Public Works Operations Michael Jackson and Planning Director Steve Emslie presented PowerPoint presentations that provided responses to questions Council had posed regarding the Environmental Services Center at the November 15, 2004 Council meeting.

Ms. Erickson discussed the Audit Report of the ESC. She responded to the assumptions and financial implications of the proposal, the detailed information on tonnages, acreages and costs the 47-page report provided, as a decision making tool, and the 12 recommendations that focused on information, land use, and contract issues. Ms. Erickson stressed the report did not include a recommendation on whether or not to build a facility, or which facility to build, rather that the decision was a policy choice of the Council.

Mr. Roberts and Mr. Jackson responded to a myriad of questions regarding the ESC, Single Stream Recycling, the Los Altos Treatment Plant site and household hazardous waste programs. Mr. Roberts provided a comparison of the Single Stream Recycling program to the SMaRT Station split cart program and cost information as to why the Single Stream program was more viable.

Planning Director Steve Emslie provided responses to questions related to the ESC and its relationship to the Baylands and Byxbee Park Master Plans and the City Comprehensive Plan.

Council commented on the presentation and Mayor Beecham reminded them the ESC topic would be returning to Council on January 18, 2005. Eleven members of the public addressed the Council on single stream recycling.

**No action required.**

AGENDA CHANGES, ADDITIONS, AND DELETIONS

**MOTION:** Council Member Morton moved, seconded by Ojakian, to hear the public comments on Item No. 2, and then move Item No. 7 forward ahead of Item No. 2 for discussion by Council.

**MOTION PASSED 9-0.**

UNFINISHED BUSINESS

2. Potential Reconsideration of May 10, 2004 City Council Action regarding "Proposed New Recycling and Solid Waste Services – Recommendation Number 1: Implementation of a Single Stream Recycling Program."

Walt Hays, 355 Parkside Drive, urged the Council to support the Single Stream Recycling Program because it made use of technology and was less costly than the current program.

Alfredo Romo, Palo Alto Sanitation Company (PASCO) District Manager, 2000 Geng Road, recommended Single Stream Recycling for Palo Alto.

Arthur Keller, 3881 Corina Way, spoke regarding the relationship between Single Stream and Dual Stream recycling programs and the Environmental Services Center (ESC). He stated the \$20 per ton revenue for Single Stream was net of transportation costs and not available in the split-cart approach.

Alex Tesler, 3731 Middlefield Road, said he was in favor of the Single Stream Program.

Jean Wilcox, 4005 Sutherland, said she was not in favor of the Single Stream Program. It was too costly to have the recyclables transported and processed in Oakland.

Karen White, 146 Walter Hays, said she was not in favor of the Single Stream Program. The four-crate recycle system was the best short-term option for economic and environmental reasons. Competitive proposals could be requested for all waste and recycling needs in 2009 when the Waste Management contract expired.

Tom Jordan, 474 Churchill Avenue, said he was not in favor of the Single Stream Program. No one would bid for the contract in 2009 because it was not feasible for the Single Stream pickups to go through a dual stream facility. The existing system was good and the three SMaRT Station partners were compatible and not experiencing any problems.

Emily Renzel, 1056 Forest Avenue, said there was no reason to adopt a new recycling program in July 2005 when it required transporting recyclables to Oakland or Castroville for four years. The City's relationship with PASCO was financially complex and convoluted with the City providing land, and Waste Management receiving revenues and crediting the City against cost. She urged Council to stay with the source-separating system until the City resolved the solid waste plans. She was in favor of the dual-stream system that offered using the SMaRT station.

Bob Wenzlau, 1409 Dana, said there was not a significant environmental difference between Single Stream and the Dual Stream recycling. The Single Stream program would minimize the neighborhood and school-safety impact. He could not see basing a decision on transporting recyclables to Oakland versus Sunnyvale since the final destination for processing would either be out-of-state or overseas.

Joy Ogawa read an article stating the Single Stream program defied logic

because mixing paper with glass contaminated the newsprint making it less valuable to paper mills. She felt Council needed more information before making a decision. Council should consider the possibility of voters rejecting the undedication of parklands and the effect it could have on cost and revenue projections if Single Stream were approved.

Toni Stein, 800 Magnolia, Menlo Park, Chair of Zero Waste Taskforce of Santa Clara and San Mateo Counties, said the City did not define the processing contract for Single Stream. The bidding process should indicate whether a portion or all recyclables should go overseas. Single or Dual Stream should be determined based on the bidding process. She said the 1999 cost benefit analysis report needed to be updated.

Mayor Beecham declared the Public Testimony was closed.

RECESS: 9:50 p.m. to 9:57 p.m.

## **COUNCIL OPENED THE DISCUSSION FOR ITEM NO. 7**

### PUBLIC HEARINGS



7. Public Hearing: Trial Traffic Calming Plan Comprising Speed Tables and Traffic Circles Recommended by the Planning and Transportation Commission for the College Terrace Neighborhood, which is Bounded by El Camino Real to the east, Stanford Avenue to the north, California Avenue to the South, and the Palo Alto City Limits to the West.

Mayor Beecham declared the Public Hearing open at 9:57 p.m.

Paula Sandas, 2140 Columbia Street, Vice President of College Terrace Association, said she supported the Traffic Calming Plan. It was a 12-month trial plan developed by hundreds of College Terrace neighbors, to determine its success. The plan was paid for by Stanford and did not compete for funds to be used in the community. She asked Council to validate any contrary opinions to the recommendations with engineers.

Susan Rosenberg, 1425 Stanford Avenue, said she supported the plan and asked Council to pass the proposal.

Alexandra McFarland, 523 Stanford Avenue, said she supported the plan. She said 48 percent of her neighborhood participated in the traffic survey in June and 70 percent voted for Plan A.

Steven Woodward, 1655 Stanford Avenue, said Stanford Avenue had two

elementary schools sites and was crossed by approximately 80,000 children per year with three million cars traveling the same route. He urged Council to approve the Traffic Calming Plan and looked forward to the safety and speed reduction the proposal would bring to the neighborhood.

Grace Liu, 2120 Hanover Street, said she supported the Plan, which would be beneficial to the safety of the children in the neighborhood.

Virginia Fergusen, 2124 Cornell Street, urged Council to support the trial Plan.

John Ciccarelli, 2065 Yale Street, spoke regarding the neighborhood's extensive efforts in establishing the Plan. The Plan included traffic calming devices used in Palo Alto and throughout the peninsula.

Greg Tanaka, 2290 Princeton Street, said Princeton Street had one of the highest percentages of traffic in all of College Terrace with many children crossing the street. As a safety measure for children, he suggested a raised crosswalk be constructed at the end of College and Princeton Streets with a speed bump at the California end.

Kathy Durham, 2039 Dartmouth Street, President of the College Terrace Residents Association (CTRA), member of the Neighborhood Topic Study Advisory Group, and representative of the elected CTRA Board of Directors, asked Council to approve all three parts of the staff recommendation, as stated on staff report (CMR:486:04). She said the proposed trial was based on physical measures that responded to identified problems that were well accepted in neighborhoods similar to College Terrace and do not induce driver frustration.

Joy Ogawa raised concern regarding the \$150,000 to be spent on the Traffic Calming plan. She said it was money that was supposed to be for mitigations that impacted the 2475 Hanover project. She had appealed the Hanover project and found the only significant traffic impact was on California Avenue, Cambridge Avenue, and 2200 and 2300 block of Yale. There were no significant impacts identified on Stanford Avenue or most of College Avenue. Stanford traffic analysis identified zero traffic impact. She did not feel the \$150,000 should be spent on Traffic Calming devices on College and Stanford Avenues.

Roswitha Remling, 2135 Columbia, said there were reports indicating that College Terrace was a training ground for the School of the Blind. She urged Council to approve the measure to keep College Terrace as a residential neighborhood instead of a highway. It would contribute to the safety of the visually impaired.

Mayor Beecham declared the Public Hearing closed at 10:22 p.m.

Chief Transportation Official Joe Kott said due to time constraints, staff preferred to answer questions instead of giving a presentation.

Planning and Transportation Commissioner Michael Griffith said the neighborhood process was outstanding and unanimously approved by the Planning and Transportation Commission (P&TC).

**MOTION:** Vice Mayor Burch moved, seconded by Morton, to approve the staff recommendation as follows:

1. Adopt the project's Mitigated Negative Declaration (Attachment H of CMR:486:04);
2. Direct staff to implement the physical traffic calming devices shown on Plan A (Attachment B): and
3. Evaluate and report on the effectiveness of Plan A within one year of completion of its construction.

Vice Mayor Burch said the project was a good example of the neighborhood and community working together.

Council Member Freeman clarified Ms. Ogawa's statement regarding 2475 Hanover funds to be used only for impacts from 2475 Hanover. She said the staff report (CMR:486:04) stated, "The applicant shall pay the City the sum of \$150,000 before commencement of new construction at 2475 Hanover Street to be used by the City to assist with traffic calming improvement in the College Terrace neighborhood." She asked if that statement encompassed more than what was impacted by Hanover Street.

Mr. Kott said yes.

Council Member Freeman asked if there were certain traffic calming criteria that need to be met for particular streets.

Mr. Kott said that was a different situation. The speeding problem on Stanford and California Avenues was solved with speed tables. The cut-through traffic patterns within the interior streets in the neighborhood were solved with traffic circles.

Council Member Freeman asked whether raised center medians versus speed tables slowed traffic and why were raised center medians not considered in the project.

Mr. Kott said raised center medians slowed traffic but not as much as speed tables. Stanford and California Avenues had a significant amount of speeding and needed more effective measures.

Council Member Freeman asked whether the traffic circles and raised medians surviving the trial would be landscaped.

Mr. Kott said there was no specific plans for landscaping but promised the neighborhood that work would be done with other City staff to identify opportunities to landscape.

**MOTION PASSED 9-0.**

**COUNCIL CONTINUED DISCUSSION OF ITEM NO. 2 AT 10:30 P.M.**

Mayor Beecham asked whether staff had further comments regarding Item No. 2.

Director of Public Works Glenn Roberts said all staff comments were covered earlier in the meeting.

**MOTION:** Council Member Morton, seconded by Burch, to approve the staff recommendation that Council reaffirm the direction to implement a Single Stream Recycling Program.

Council Member Morton felt the program was moving in the right direction. He trusted staff to return the item to Council if there was reason to revisit the item.

Vice Mayor Burch found it difficult to consider anything except Single Stream. He said a two-year test was completed in the community comparing it to the crate system. Results were that 93 percent preferred the carts instead of the crates, and 59 percent indicated the volume of material had increased and they used the carts more. Convenience was a large factor in the program. Three sites would accept Single Stream at the current time. He supported moving forward with the program.

Council Member Mossar supported the motion. She reaffirmed that staff did not go off on its own in developing the Single Stream Program. She said for as long as she had been on the Council, Council candidates and Council Members berated staff because of the old source-separating recycling method. It had been the conventional wisdom and the environmental community for years that Single Stream Recycling was the direction to go to encourage recycling. A

highly successful trial was completed and approved by Council. One significant contribution of the program was minimizing traffic impact to the neighborhood. The new trucks would enhance the recycling program and were cleaner for air quality.

Council Member Kishimoto did not support the motion. The Auditor's survey showed that 90 percent of the current recycling service was good or excellent and 89 percent of residents recycled more than 12 times a year. A high percentage of participants were happy with the current program. She suggested waiting until 2007 when SMaRT renegotiated its contract with the Green Team and to raise recycling revenues at that time to have more control over the parameters, or wait until 2009 and negotiate the best terms with Waste Management. She could not justify spending \$1.7 million and the extra \$650,000 per year when utility rates were being raised.

Council Member Kleinberg supported Single Stream. She said based on the successful trial, she was in favor of going forward with the program. It lessened the impact on the neighborhood and would use less Waste Management resources. She believed technology would develop sorting out contaminated paper products from the mixed or Dual Stream process. A zero-waste proposal currently was being studied and the Single Stream Recycling would contribute to zero-waste. Single Stream was not a solution in search of a problem. It was innovative and innovation did not require a problem, but a vision coupled with an opportunity.

Council Member Cordell said she would not support the motion. She was persuaded by the Auditor's assessment and found it to be objective and clear. Single Stream Recycling would add cost to the ESC and SMaRT alternatives. She concurred with Council Member Kishimoto's comments and concerns.

Council Member Freeman said she would not support the motion. The \$1.7 million was approximately half of the Refuse Fund, and she did not feel the City could afford to change the program at the current time when 90 percent of the household participation had high ratings. It was not advantageous to further reduce a shrinking Refuse Fund and use the remaining portion for the ESC.

Mayor Beecham said he did not understand the value of the recycled material versus the issue of glass-contaminated paper and fiber. He asked whether the revenues per ton had changed.

Mr. Roberts said the gross revenue per ton for materials alone had degraded slightly by 5 percent and there was not a significant change in the value of the material.

Mayor Beecham asked if processed material kept the same value in the Single Stream processing as in source separation.

Mr. Roberts said the value remained the same.

Mayor Beecham asked how that differed from glass-contaminated material being less valuable.

Mr. Roberts said that was part of the 5 percent degradation but not an overwhelming shift in the total value of product.

Mayor Beecham asked whether recyclers paid the same for Single Stream recycled materials as they would for source-separated raw materials.

Mr. Roberts said yes.

Mayor Beecham said he would support the motion.

**MOTION PASSED** 6-3, Cordell, Freeman, Kishimoto no.

#### CONSENT CALENDAR

**MOTION:** Council Member Morton moved, seconded by Mossar, to approve Item No. 2A and Consent Calendar Item Nos. 3-6.

Council Member Freeman asked to confirm the first reading vote for Item 2A on November 8, 2004.

City Clerk Donna Rogers said the vote was 9-0.

Council Members Mossar and Ojakian stated they would not participate in Item No. 5 due to a conflict of interest because of family holdings in telecommunications stock.

Council Member Morton said the City Attorney verified the barrier for non-participation was at the level of \$25,000. He owned Comcast stock, which was significantly below the barrier level and would participate.

City Attorney Gary Baum clarified under California Code Regulations 18705.1 (b) 2, as long as the ownership was less than \$25,000, Council Members could participate.

Council Member Mossar said she was employed by the Media Center, and chose not to participate and wanted to continue to not participate in any of the issues.

Mr. Baum said the appearance of a conflict was a legitimate reason not to participate.

Mayor Beecham asked Council Member Morton to confirm whether his motion was to move Item No. 2A into the Consent Calendar or to move both Item No. 2A and the Consent Calendar for approval.

Council Member Morton said the motion included both Item No. 2A and the Consent Calendar.

Bob Smith, 2291 Greer Road, said he was speaking from the perspective of the cable industry. In the future, the City should think of having a relationship with the cable industry. Under Federal Law, cities had the right to negotiate certain benefits as part of the franchising process. The settlement was \$975,000 on top of what had been done prior to the settlement to meet the requirement. He clarified the institutional network (I-Net) was not free, as stated in the Palo Alto Weekly. The subscriber paid all benefits. The cable industry was in strong competition with the satellite industry. Satellite companies did not have to undergo the franchising process or pay a 5 percent franchising fee or benefits.

#### LEGISLATIVE

- 2A. Ordinance 4855 entitled "Ordinance of the Council of the City of Palo Alto Approving and Adopting Plans for Parking Lot Improvements in Byxbee Park" (*1<sup>st</sup> Reading 11/08/04, Passed 9-0*)
3. Approval of Three Resolutions Fixing the Amount of the City's Contribution Under the Public Employees Medical and Hospital Care Act (PEMHCA) for IAFF, Local 1319, International Association of Firefighters (IAFF), Management and Professional Personnel and Palo Alto Fire Chiefs' Association

Resolution 8478 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act with Respect to Members of Local 1319, International Association of Fire Fighters and Rescinding Resolution No. 8369"

Resolution 8479 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act with Respect to Management and Professional Personnel and Council Appointed and Elected Officers Group and Rescinding Resolution No. 8358"

Resolution 8480 entitled "Resolution of the Council of the City of Palo Alto Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act With Respect to Members of the Palo Alto Fire Chiefs' Association and Rescinding Resolution No. 8368"

4. Award of Contracts to: Wells Fargo Bank for Banking Services and Union Bank of California for Custodial Services; and Approval of Resolution Delegating Authority to the Director of Administrative Services to Execute Agreements and Sign Documents on Behalf of the City

Resolution 8481 entitled "Resolution of the Council of the City of Palo Alto Delegating Authority to the Director of Administrative Services to Execute Agreements and Sign Documents Relating to all Banking Services of the City of Palo Alto; and Rescinding Resolution No. 7821

5. Approval of a Compromise and Settlement Agreement with Comcast of California, IX, Inc., the Cable Franchise"

Resolution 8482 entitled "Resolution of the Council of the City of Palo Alto Approving a Compromise and Settlement Agreement Between the City of Palo Alto and Comcast Of California IX, Inc., Regarding Comcast's Compliance with Certain Requirements of its Cable Franchise with the City"

#### ADMINISTRATIVE

6. Approval of a Purchase Order Between the City of Palo Alto and Valley Oil Company in an Amount Not to Exceed \$750,000 for Automotive Fuel Services

**MOTION PASSED** 9-0 for Item Nos. 2A and 3, 4 and 6.

**MOTION PASSED** 7-0 for Item No. 5, Mossar, Ojakian not participating.

#### APPROVAL OF MINUTES

**MOTION:** Council Member Mossar moved, seconded by Burch, to approve the minutes of October 18 and 25, 2004, as submitted.

**MOTION PASSED** 8-0, Kleinberg abstaining.

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Freeman commented on the profiling report of Police Chief Lynne Johnson and said she sent a letter requesting more information.

Mayor Beecham noted articles in the newspaper about "Hetch Hetchy" and recent comments from Bay Area Water Supply and Conservation Agency (BAWSCA.)

CLOSED SESSION

The meeting adjourned at 11:00 p.m. to a Closed Session

8. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION  
Subject: Jorge Eduardo Hernandez v. City of Palo Alto, et al.,  
United States District Court, Northern District of California,  
Case No.: C 03-03307 JW  
Authority: Government Code section 54956.9(a)
  
9. CONFERENCE WITH CITY ATTORNEY -- ANTICIPATED LITIGATION  
Subject: Initiation of litigation by the City of Palo Alto against MCI  
Worldcom Network Services Inc. & Subsidiaries.  
Authority: Government Code Section 54956.9(c)

The City Council met in Closed Session to discuss matters regarding existing and anticipated litigation, as described in Agenda Item Nos. 8 and 9.

**Mayor Beecham announced there was no reportable action taken.**

FINAL ADJOURNMENT: The meeting adjourned at 11:30 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  
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