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December 15, 2008

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ADJOURNMENT: The meeting adjourned in memory of Phyllis Seidman at 12:52 a.m. 109

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

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

Absent: Barton

STUDY SESSION

1. Annual Joint Meeting with the Architectural Review Board Discussing Palo Alto Architectural Issues.

The Architectural Review Board (ARB) and the City Council held a joint study session to discuss the development review process for multifamily housing in Palo Alto. They discussed the role of the ARB as it relates to the role of the Planning and Transportation Commission (P&TC) and the City Council as well as ways to improve coordination between each of the boards and commissions. They discussed the entitlement process and possible ways to improve the dissemination of public information. This included ideas to improve the public's understanding of the review process and ways to improve the access to and clarity of project information.

Herb Borock, P.O. Box 362, spoke on the history of the Architectural Review Board (ARB) and the Environmental Quality Act, Negative Declarations, and Environmental Impact Reports.

Council adjourned from the Study Session at 7:05 p.m. A break was taken from 7:05 p.m. to 7:15 p.m.

SPECIAL ORDERS OF THE DAY

2. Resolution 8887 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to William Fellman Upon His Retirement."

MOTION: Council Member Morton moved, seconded by Vice Mayor Drekmeier to adopt the Resolution expressing appreciation to William Fellman upon his retirement.

Council Member Morton spoke on behalf of the community in appreciation for Mr. Fellman's work through the years in preserving and improving the City.

Vice Mayor Drekmeier expressed his pleasure over the years in working with Mr. Fellman.

Lisa Hendrickson, Avenidas, thanked Mr. Fellman for all his help and work over the years.

Director of Administrative Services, Lalo Perez, acknowledged Mr. Fellman's 23 years of outstanding service for the City of Palo Alto.

Council Member Kishimoto thanked Mr. Fellman for his years of service.

Manager of Real Property for Administrative Services, William Fellman, expressed his appreciation to the City and the Staff.

MOTION PASSED: 8-0 Barton Absent

CITY MANAGERS COMMENT

City Manager, James Keene, clarified the schedule for the Library/Community Center Bond issuance. He announced Council Member Kishimoto achieved second place in the Thanksgiving morning Turkey Trot in the women's 5 kilometer race in her age group.

Mayor Klein made remarks as his last meeting as Mayor of the City of Palo Alto. He thanked everyone for an exceptional year of patience and forbearance. He gave an overview of the year's accomplishments.

ORAL COMMUNICATIONS

Robin Welles, 459 Oregon Avenue, spoke regarding the Palo Alto Art Center Foundation, news of nearly \$40,000 in grant money being issued to the City to fund children's programs.

Lois Salo, 3178 Ross Road, spoke regarding the Nuclear Test Ban Treaty. She asked for the City of Palo Alto to join Mayors For Peace in pushing for this treaty to pass. She also spoke in support of Senate Bill No. 840 and the Single Payer Health Plan.

Dana M. St. George, 278 Camposino Avenue, spoke regarding reconsideration of the use of tasers in the city. She cited articles where tasers have caused injury and/or death as well as their reliability issues.

Mark Petersen-Perez, 434 Addison Avenue, spoke regarding First Amendment rights.

Aram James, spoke regarding the taser issue and potential various issues in the Fire Department. He discussed an article he sent to Council on the questionable voltage of tasers.

MINUTES

MOTION: Council Member Morton moved, seconded by Council Member Espinosa to approve the minutes of November 3, 2008.

MOTION PASSED: 8-0 Barton absent

CONSENT CALENDAR

City Attorney, Gary Baum, stated that Consent Item No. 9 was being pulled and there was a correction on Agenda Item No. 10.

MOTION: Council Member Morton moved, seconded by Council Member Kishimoto to approve Consent Calendar Item Nos. 3-8, 10-12.

3. Resolution 8888 entitled "Resolution of the Council of the City of Palo Alto Declaring Weeds to be a Nuisance and Setting January 12, 2009 for a Public Hearing for Objections to Proposed Weed Abatement."
4. Approval of Amendment to Contract No. TC08125124 for Municipal Services Center (MSC) Warehouse Stock Items with HD Supply Utilities, LTD. From the Current Maximum of \$250,000 to a Not-to-Exceed Amount of \$475,000 for the Acquisition of Electrical Utility Parts on an As-Needed-Basis.
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MOTION PASSED for Item Nos. 3-8, 10-12: 8-0 Barton absent

REPORTS OF OFFICIALS

13. Discussion of Police Department Action Plan for Outreach to Diverse Communities.

Police Chief, Lynne Johnson stated she had been working over the last six weeks with the Assistant Police Chief and the command staff on the Action Plan for Outreach to Diverse Communities. She stated that many meetings were held with community members and groups. She stated implementation of a number of items on the ambitious plan had already begun.

Assistant Police Chief, Dennis Burns presented the Police Department's Action Plan for Outreach to Diverse Communities. He stated numerous subject matter experts were consulted in formulating the Plan as well as community members, community groups and the command staff. He stated the plan consisted of three components: 1) enhancement in minority community relationships within Palo Alto and beyond; 2) strengthening of training within the Police Department in application of constitutional law, cultural diversity and race relations; and 3) close work with the Police Department and the independent Police Auditor on improvement of policies and procedures applicable to demographic data collection, racial profiling and other practices. He reviewed actions which have already been undertaken, which will continue, with regard to accountability, transparency and trust. These included the following: 1) mobile audio video systems installed in all patrol cars, activated at any time there is enforcement action;

2) close work with the independent Police Auditor on review of citizen complaints and Internal Affairs investigations; and 3) collection of demographic data from all vehicle and pedestrian stops with these reports submitted to the Human Relations Commission (HRC) and posted on the Department's website. He stated Attachment A to the City Manager's Report contained a complete list of the current and ongoing community outreach activities applicable to transparency and community relations. He gave an overview of the Plan, which included the Police Department's engagement with area communities to keep an open dialogue. He went over the following elements of the Plan: 1) meetings with the Chief of Police held in churches and community centers, open to the public, for discussion of current issues, police practices and concerns. The Police Department will also present crime prevention information and other information at these meetings. The first meeting was slated for January or early February of 2009; 2) the Community Advisory Committee will create a diverse cross-section of the community to meet with the Police Chief and command staff to discuss issues and educate the community; 3) engagement of the United States Department of Justice's Mediation Program for assistance in contacting the minority community for long-term discussions for development of increased trust and a stronger working relationship; 4) command staff will attend the course, "Tools for Tolerance," an executive leadership class; 5) implementation of "Daily Briefing Training" modules to include everyday training on a variety of policy, procedure and constitutional law subjects; 6) the Field Training Officer Program will include increased training in race relations, crisis communication and cultural issues; 7) continued professional training for members of the Police force including five days of training per year applicable to cultural, constitutional and racial demographics; 8) command staff will work closely with the independent Police Auditor to review current practices and policies; 9) outreach meetings with Stanford University minority groups in race and police practices discussions; and 10) work with the faith-based community as a critical component in keeping a meaningful dialogue open among the minority groups and implementation of a chaplaincy program to serve as a liaison between the Police Department and the diverse community. Discussions have also been held with Professor Lori Fridell, an expert in racial profiling, with sponsorship of a class held in Palo Alto for Police Officers throughout the Bay area. He stressed there are a variety of other issues under consideration to include anything that applies to training, outreach, review and improvement of policies and procedures. He stated the men and women of the force held an absolute commitment towards fair and impartial policing.

Mayor Klein reminded Council this was an information-only item, with no action taken. He stated Staff would likely welcome comments from Council.

John K. Abraham, 736 Ellsworth Place, stated the Police Department was in full denial that any discrimination had occurred, despite making this Plan. He urged Council to add a citizen panel for additional recommendations.

Mark Peterson-Perez, 434 Addison Avenue, spoke on his accounting experience with business plans. He applied this experience to the Palo Alto Police Department Policy No. 308, Controlled Device and Techniques.

Aram James, discussed the leadership and game plan of the Police Department's Action Plan.

Shauna Mora, Commissioner Human Relations Commission spoke to her positive past relations with the retiring Police Chief and the command staff. She stated Staff has always been open and accommodating.

Robert Moss, 4010 Orme Street, suggested periodic checks on the implementation and progress of the Action Plan. He stressed the need for outreach in other communities.

Council Member Espinosa stated the Police Department was moving in the right direction. He supported an additional component to include periodic updates and progress reports to the Council. Regarding leadership, he applauded the retiring Police Chief's work for the City.

Council Member Yeh asked if training with regard to online predatory behavior and ID theft were areas where they would be working with other jurisdictions.

Mr. Burns stated those were appropriate topics in addition to any specific issues that might arise from the meetings.

Council Member Yeh stated these issues were relevant in area communities. He hoped, however, that in communicating with other communities, there was a definite prioritization of issues. He applauded the efforts to involve the community, from youth and students onward, and also involvement of the faith-based community.

Council Member Schmid stressed the ongoing dilemma of protecting a community without also abusing this power. He asked how successful implementation of this Plan would be measured.

Mr. Burns stated the Plan was meant to be implemented and measured across the board.

Council Member Schmid asked if they intended to reach out to areas of the community such as young people, students and other communities who do not normally deal with the Police Department and City Staff.

Mr. Burns asked if he was suggesting they also include homeless advocacy groups and other generally unrepresented individuals and groups.

Council Member Schmid asked if the Advisory Committee would include the same type of people who made up the Human Relations Commission, or the same type of people who regularly attend Council meetings. He asked if they would make an attempt to reach out to people who normally do not participate in these activities.

Mr. Burns stated yes there would be a broad outreach.

Ms. Johnson stated over the last 1-1/2 years extensive outreach had been done. A program is currently in place with a focus on homeless issues and those caught between law enforcement and social services. The County has taken a lead in the area of mental health issues. All Police Officers will receive critical incident training specific to mental health issues. Social Service Worker ride-alongs with the Police Officers have also been discussed. The Action Plan did not exclude these population groups, but the real focus was on members of the diverse communities.

Council Member Schmid asked how the activities of the Action Plan and the Community Advisory group would be integrated with the HRC so that information would flow back to Council.

Mr. Burns stated the Department would be reporting back quarterly to the HRC.

Council Member Schmid suggested that Council think of additional ways to participate with the HRC and the Police Department.

Council Member Kishimoto shared the Department's feeling that participation by all was an important component of the plan. She stated this would lead to a closer network across cities and all groups. She stressed the need for the early warning aspects of a Plan to prevent further negative relations.

Council Member Burt stated the real measure of success will be maintenance of these efforts over the long term. He suggested some additional components in supplementation to the proposed Plan: 1) a strong and consistent clarification to the community that racial profiling is not necessary in order to achieve outstanding policing; 2) second benefit to the program

would be to build a more united community; and 3) consideration of annual reporting over the long-term. He stressed the importance of the three-city interrelationship between Palo Alto, East Palo Alto and Menlo Park with Stanford as an additional community.

Mayor Klein stated the Plan was an ambitious but a necessary task. Success will be measured by the absence of the problem. Broader community education with regard to what constitutes racial profiling was an important component in the Plan as well.

Council Member Morton gave an overview of the incidents and comments leading to the Action Plan. The current Plan was an extensive partnership with area communities. He stressed that the Vehicle Code required Police Officers to stop motorists with moving violations and the unfortunate negative focus on these stops. He hoped protection and law enforcement were not lost in this process.

No action required by Council.

Break taken at 8:58 p.m. and returned at 9:05 p.m.

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

City Manager, James Keene, stated the feasibility Study was a perfect example of good public policy discussion. The study offered options ranging from composting within the City, localized recycling and/or the desire to remove the composting aspect from the Baylands. He addressed issues in the media with regard to reports of landfill and composting violations. He explained the hierarchy of violations, from the low-level violations to high-level fineable offenses and how landfill and composting violations fit into this spectrum. He had discussed these violations, and their reporting, with the Director of Public Works. He stated they would be taking additional steps on this issue: 1) he will directly review all of the inspection reports personally every month; 2) he will get a monthly information summary report and make this available to other city departments. Council would be informed in a timely manner of issues and violations. The Public Works Director was reorganizing the functions at the landfill facility in such a way to ensure stronger management oversight and coordination.

Director of Public Works, Glenn Roberts, spoke regarding the issues with regard to inspections and violations. He spoke to the greenhouse gas reduction issues, economic comparisons and what the next steps would be in this regard.

Vice Mayor Drekmeier asked what would happen to the green waste if they chose the option of the Sunnyvale Materials Recovery and Transfer (SMaRT) Station and the Z Best Composting Facility.

Mr. Roberts stated there were scenarios where this green waste can end up in a variety of different places, discarded along creeks and roadsides. It can also be combined with the all-waste refuse. Some of it also ends up in landfills in other areas which would involve a longer driving distance.

Vice Mayor Drekmeier asked if this had a negative impact on the City's Zero Waste plan.

Mr. Roberts stated it was his belief that it does.

Vice Mayor Drekmeier stated there were two options involved with in-vessel, green waste and food waste. He asked if the City went with in-vessel, would both leave the same carbon footprint, even though 14,000 metric tons would be processed.

Mr. Roberts stated these left essentially the same carbon footprint. There were mechanical processing differences but no significant total acreage differences.

Vice Mayor Drekmeier asked if there is potential for reimbursement if the green waste was trucked to Z Best such as the City had received in their contract with the Palo Alto Sanitation Company (PASCO).

Mr. Roberts stated the proposed \$41/ton was an estimate based on their best view of 2010-2011 costs from the SMaRT Station. The City's cost arose with GreenWaste of Palo Alto taking this to the SMaRT Station. Whether the green waste is hauled to the City's own facility or to the SMaRT Station, this cost likely remained the same. Potential increases arise in taking the green waste from the SMaRT Station to the Z Best facility resulting in longer distance and significant fuel costs. Additional costs would not be paid to Z Best, but to the SMaRT Station in set charges and tipping fees. Rising fuel costs result in higher tipping fees.

Vice Mayor Drekmeier stated compost discontinuation would result in the loss of \$750,000 from the Refuse Fund to the General Fund. He asked how that would affect the budget.

Mr. Keene stated the Finance Committee would be discussing this as they enter a period of budget deficits. The rent charge arising from the Refuse Fund, which is an Enterprise Fund, is paid to the General Fund yearly. The

loss of that funding to the General Fund would put additional pressure on the ability of the City to provide services.

Council Member Schmid asked if both green waste alternatives included a Blue Ribbon Task Force group and would this look at whether composting should continue at Bixby Park.

Mr. Roberts stated the Task Force would be in charge of looking at a variety of issues including alternative sites and technologies.

Council Member Schmid stated last year the Blue Ribbon Task Force was in consensus that future composting should be in a regional facility. The Baylands Master Plan clearly stated that the Bixby hills was parkland. The Parks & Recreation Commission unanimously voted that composting was incompatible with park use. The Planning & Transportation Commission concluded that composting was incompatible with parks use. He asked where they can find a Blue Ribbon Task Force that will not agree that composting is not a compatible use of this parkland.

Mr. Roberts stated the Task Force would represent a variety of interest groups. A number of people would serve, for and against composting in the City. It is policy choice for the Council to decide upon. Prior voting and documents were prepared in consistency with prior Council policy directions. The question remained whether or not alternatives existed. If Council wished to proceed, he believed they could find balanced constituency.

Planning and Transportation Commission Member, Samir Tuma, stated it was important to consider the discussions already taken place. It was not the Planning and Transportation Commission's (P&TC) conclusion that under no circumstances would any type of technology at any scale of composting occur on a parkland. The discussion was solely around looking at alternatives. The P&TC was fairly specific in that composting at the scale needed for this project and location would be inappropriate. Alternatives need further examination of different technologies and impacts. It was not the conclusion of the P&TC that it was impossible to compost within parklands, but rather that the current situation at the magnitude and the types of technologies being used were not appropriate for this specific parkland.

Council Member Schmid looked for comments from the Parks & Recreation Commission (PARC). He asked if the Blue Ribbon Task Force would be looking credibly at these issues.

Parks & Recreation Commissioner, Deidre Crommie, stated the PARC reviewed the Staff report carefully in considering the alternative proposals. They were not experts in the area of composting but they were confident in their review of the documents.

Council Member Morton asked if composting was closed to commercial services what was included in this category. He asked if this included local gardeners.

Mr. Roberts clarified that the issue is not about closing or restricting the composting operation. The issue is about the landfill.

Council Member Morton asked if the quoted \$554,000 annual operation costs had already factored in the reduction of this cost based on revenues.

Mr. Roberts stated the \$554,000 was the pure cost for operations.

Council Member Morton asked if this meant they would not only lose \$750,000 in rent, but also the \$150,000 in composting revenue.

Assistant Director of Operations, Paul Dornell, stated the \$550,000 does include approximately \$175,000 for the sale of the composting.

Council Member Burt did not understand why they were being presented with the alternatives if the Blue Ribbon Task Force would also be reviewing and studying these alternatives.

Mr. Roberts stated the main objective was finding out if Council was interested in having the question studied further.

Council Member Burt stated it was difficult to have a meaningful discussion when objectives were not laid out yet. He stated, in particular, there was 1000-foot radius of impact from a windrow facility, and he was not aware of where this came from. He asked if this was an established point of reference on where particulate, odor, and noise impacts reach from the windrow facility.

Mr. Roberts stated he was not familiar with the windrow facility logistics and would get back to him on that information.

Council Member Burt asked why proposed transportation between the Z Best facility and the SMaRT Station involved full trucks going to the facility, but empty trucks returning. He asked why there has not been a coordination of

truck deliveries so they can return with finished composting product after dropping off green waste.

Mr. Roberts stated there were different contractual operations involved between the SMaRT Station and the Z Best facility. He stated right now coordination between the two does not exist, but it could be investigated.

Council Member Burt stated it was commonsense to investigate this and implement better trip planning rather than paying extra trucks to travel empty. He stressed the CO2 impacts of these empty trip loads.

Mr. Roberts stated this was not within Palo Alto's full control. Once the materials arrive at the SMaRT Station it is out of their control due to management by the City of Sunnyvale through the SMaRT Station. They may be able to effectively renegotiate load backs on return of delivering trucks.

Council Member Burt asked what Sunnyvale does when they have compost material that requires a return from the SMaRT Station to Z Best.

Mr. Roberts stated they ship their raw material down to Z Best and then purchase material to bring back. They do not own it. It is out of their control once it goes to Z Best.

Council Member Burt asked if he was aware whether or not they were using separate trucks to go down empty to pick up that material, or were they simply doing what he suggested.

Mr. Roberts stated it was his understanding that they have separate operations for this endeavor.

Council Member Espinosa stated there had already been a study done, and a group of citizens had looked at the issue during the Zero Waste operation planning. He stated it was a consensus that a regional approach made the most sense based on their conclusions. He asked how that is reconciled in Staff's analysis since they have come to different conclusions which does not reference back to prior studies and conclusions.

Mr. Roberts stated the work that was done by the Zero Waste Task Force took into consideration that composting in Palo Alto was not a future option. The decision was made five years ago when Staff considered whether any solid waste programs would continue at Bixby Park after the landfill closed. Ending composting came to the Task Force for consideration by Council direction.

Council Member Espinosa stated Staff was to provide Council with the pros and cons of maintaining composting facilities in Palo Alto. He questioned the weighting of the issues and whether or not the CO2 emission factors were the overriding decision-making factor.

Mr. Roberts stated that it was not Staff's intent to weight any of the issues. A number of equally legitimate questions, concerns and values on both sides of this issue were brought to the table. Staff's intent was to present Council with the information and allow Council to make decisions.

Council Member Kishimoto asked if there was an estimated idea on the number of trips taken in shipping the recycling.

Mr. Roberts stated recycling has never gone to the SMaRT Station. He stated recycling was previously processed and bailed and shipped to distribution points. Single-stream materials go to San Leandro for processing. Green waste has never gone to the SMaRT Station.

Council Member Kishimoto suggested a look at the number of truck trips to San Leandro as compared to the number of truck trips to Palo Alto. She asked if bio-diesel would be used for the trucks in the most recent contract with GreenWaste of Palo Alto.

Mr. Roberts stated that there were discussions with GreenWaste of Palo Alto regarding their obligation to power their compressed natural gas (CNG) trucks using bio-diesel fuels. He stated that this was a different question with regard to the trips from the SMaRT Station to Z Best. To his knowledge, bio-diesel fuels are not being used.

Council Member Kishimoto stressed that as one of the partners, they could negotiate greater use of the bio-diesel options.

Council Member Yeh asked if there was an indication of the fleet's management strategy for Z Best. He asked if they were moving towards low carbon emission vehicles at some point.

Solid Waste Program Manager, Russ Reiser, stated he did not know the type of fuel Z Best used.

Council Member Yeh asked what each alternative meant with regard to the number of elections that would need to be held.

Mr. Roberts deferred to the City Attorney on the legal perspectives. Staff's procedural understanding was one election would take place for any

permanent facility located on Bixby Park with voter approval required for a change in land use. If the landfill extended for a couple of years, under the first proposed alternative, landfilling and composting permits were co-vested and would not require a vote for a change in use.

Mr. Baum stated a permanent site for the composting at the landfill site required an election. Moving the present site for any length of time required an election. Extending the site for longer than currently anticipated may require an election which could be combined with the second election.

Council Member Yeh stated alternative one included discontinuation of commercial refuse drop-offs. He asked how many of this commercial refuse came from outside the City.

Mr. Roberts stated that commercial refuse came from both inside and outside the city. They try to limit the external refuse by asking for some proof of residency, which is difficult, making a full ban the easier route to enforcement. Legitimate commercial waste from Palo Alto could certainly use the SMaRT Station. Commercial waste from Menlo Park or San Mateo County areas would have to go to the transfer center and then ultimately to Ox Mountain in San Mateo County.

Council Member Yeh asked if there was any sense on the numbers or levels of CO2 emissions associated with discontinuing the commercial operations.

Mr. Roberts stated he did not have those actual figures.

Council Member Morton asked Staff to revisit the previously calculated operating costs.

Council Member Burt asked why current composting would cease if they opted for alternative two.

Mr. Roberts stated the landfill will close in approximately two years. This is not enough time for a Blue Ribbon Task Force, an environmental review and/or obtaining new permits.

Council Member Burt asked what the shortest termed extension was that they could seek for the landfill.

Mr. Roberts stated the landfill permit was not time-constrained but capacity, volume and grading plan-constrained. He stated once the landfill is filled up, the permit is done. It is a question of inflow volume to the landfill as to when it will be finished.

Council Member Burt asked how far out the landfill trends would extend if they prohibited waste from outside Palo Alto.

Mr. Roberts stated their belief was this would extend things for two years, although it becomes an imprecise science in estimating the window.

Council Member Burt stated this gave them anywhere from two to four years to figure out what they were going to do.

Mr. Roberts agreed this was the case.

Council Member Burt stated the City Attorney said that if they were to extend the life of the landfill for any lengthy period, this would require an election. He asked for some sense of what he meant by lengthy.

Mr. Baum stated if composting were to be permanently placed on park land, then an election would be required.

Council Member Burt asked whether the extended use of the landfill required an election.

Mr. Baum stated if the composting is going to be extended for two years or more than originally planned, this may require an election.

Council Member Burt stated that what he was hearing was less than two years use would not require an election.

Mr. Baum stated it is very difficult to answer the question without the Court Orders on this. The continued use of the landfill is okay as long as it is under the existing permit. Extending use by any means, the Court considers this to be a permanent use. He stated no Court has made a determination on this question.

Council Member Burt reiterated that what he was asking was if an election was not required if the life of the landfill was extended by not accepting certain waste materials from outside Palo Alto.

Mr. Baum stated that in all likelihood it would not.

Bryan Long, 1413 Dana Avenue, spoke on keeping Palo Alto green and the need for compost in the City's ecosystem.

Walt Hays, 755 Parkside Drive, spoke in support of preserving the landfill option with the hopes of keeping local composting.

Jeremy Eddy, 1521 Milvia Street Berkeley, was interested in seeing a study of the greenhouse gas and environmental consequences with composting kept in the city. He spoke also of the educational benefits of composting.

Bob Wenzlau, 1429 Dana, was in support of keeping composting in Palo Alto. He spoke on his participation on the Zero Waste Task Force.

Enid Pearson asked for Council to consider alternative three and stopping the industrial compost operation in Bixby Park.

Kirsten Essenmache, 1524 Channing Avenue, spoke on keeping composting in the Baylands. She spoke of its educational aspects in teaching children about the waste stream in Palo Alto.

Mary Carlstead, 147 Walter Hays, spoke on the Baylands Master Plan, the closing of the landfill and completion of the park after years of planning.

Lennie Roberts, 339 La Cuesta, Portola Valley urged the Council to terminate the composting site, close the landfill and complete the plans for Bixby Park.

Emily Renzel, 1056 Forest Avenue spoke on the tipping costs for the SMaRT Station. She asked Council to reaffirm past Council's decisions to close the landfill in 2010 and begin the process of finishing the park.

Tom Jordan, 474 Churchill Avenue, spoke on title materials he had read which stated the Baylands must be kept for public recreational use.

Bob Niederman, 554 Kelly Way, Steering Committee for the Common Ground Garden Center, suggested a solution to the compost issue in creating bio-char, a charcoal product produced by biomass.

Council Member Burt asked if there were any existing operations that used this technology.

Mr. Niederman stated there are six projects in the United States presently with several in Canada.

Council Member Burt asked if the scale of these operations was comparable to Palo Alto.

Mr. Niederman stated this was the case.

Drew Harwell, 2238 Wellesley, was in support of keeping composting in the City of Palo Alto. He spoke on the City's many innovative programs and their impacts over the years.

Karen Harwell, 1335 Dana Avenue, spoke on her experience over the years educating youth in the area on recycling. She spoke on her work in direct experience teaching in gardening and the importance of local composting.

Susan Stansbury, 741 Josina Avenue, urged Council to keep composting in Palo Alto.

Debbie Mytels, 2824 Louis Road, spoke in support for keeping composting in Palo Alto and putting the Task Force into action.

Cedric de La Beaujardiere, 791 Josina Avenue, urge Council to support keeping composting in Palo Alto and the Task Force for fact finding.

Aseem Das, 2081 Grinell Street, founder of World Centric, stated Palo Alto was becoming a community that cannot manage its own waste. He spoke to looking into composting food waste along with green waste.

Mary Gordon, 16 Roosevelt Circle, agreed that zero waste was the way to go, and hoped for a win-win situation. She was, however, in strong support of closing the landfill, using the SMaRT Station and completing Bixby Park.

David Coale, 766 Josina Avenue, was supportive of keeping composting within Palo Alto.

Winter Dellenbach, Barron Park, stressed the importance of looking at the real facts and figures of what is going on. She hoped for a rational decision based on these real figures.

Kalen Gans, 3529 Ramona Street, spoke on many levels about his work in recycling and solid waste over the years. He stressed the fact that the composting facility in Palo Alto was a great community resource.

Council Member Burt asked Mr. Gans what timeframe he expected for these emerging technologies to become commercially viable for a city like Palo Alto.

Mr. Gans stated that there were emerging technologies being considered presently. The City of Gilroy has an ethanol plant under consideration for the use of green waste and agricultural waste. There is a facility in Los Banos that uses agricultural waste. East Bay Municipal Utility District and the City of Oakland wastewater treatment plant are considering taking the food waste and running it through their digester plant to generate electricity for their own plant use. He stated all were realistic technologies which were presently operating. He stated the volume that Palo Alto would generate is

small, and technologies existed to operate the volumes the City would generate. He stated composting is an interim measure until those processes could be implemented within the city.

Parks & Recreation Commissioner, Deirdre Crommie, spoke on their findings and recommendations that composting is incompatible with park use.

Joel Davidson, 504 Thain Way, spoke on the win-win option of using in-vessel composting versus windrow composting which would keep composting in the Palo Alto and use less parkland.

Herb Borock, P.O. Box 632, supported the City's current policy. He spoke on the pros, cons, and costs of the proposed options. He indicated that an Environmental Impact Report should be performed before moving forward with a ballot measure.

Penny Proctor, 758 Greer Road, spoke to the benefits of Bixby Park including the fact that her mother walked there well into her latter years. She supported completing the park as planned.

Council Member Kishimoto wished to add that Ms. Proctor's mother was Helen Proctor, a woman who was instrumental in doing the Baylands Native Plants Plan.

Jeb Eddy, 2579 Cowper Street, stated he and his son would volunteer to be part of a new Commission regarding keeping composting within Palo Alto.

Ellie Gioumousis, 992 Loma Verde Avenue, spoke on the noise, dust and odors arising from the machinery used for composting, along with the fire hazards. She did not support keeping composting in the Baylands.

MOTION: Vice Mayor Drekmeier moved, seconded by Council Member Morton to: Direct Staff to implement composting Alternative 1 allowing continuous composting in Palo Alto and providing for the formation of a "Blue Ribbon" Task Force to study long-term composting solutions including material types that could be included in the composting stream, composting methodologies and site alternatives. Furthermore, direct Staff to cease acceptance of commercial refuse at the City's landfill thereby extending the landfill's life by two years.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that the Blue Ribbon Task Force is to be appointed by the Mayor.

Vice Mayor Drekmeier acknowledged the challenges in keeping the composting where it was, including the impacts on Bixby Park and conformance issues with the Baylands Master Plan. He stressed the need to work towards independence and not always depending on food being trucked in since this is not a sustainable option in the long-run. He remarked on greenhouse gas considerations, population growth and economic issues. He hoped his colleagues would support him in approving alternative one.

Council Member asked colleagues to join him in supporting alternative one.

SUBSTITUTE MOTION: Council Member Schmid moved, seconded by Council Member Espinosa to direct Staff to follow current policy on Bixby Park, Council to appoint an independent Task Force composed of nine members to be appointed by each council member, to look at non-parkland alternatives as well as study alternate technologies to windrow operations.

Council Member Schmid spoke to what it means to be green. He gave information on his own tour of Bixby Park, and 100 acres of fenced off land that should be for parkland use. He stressed composting was an important element in local sustainability with the future hope of residential yard composting. He stated continued composting at Bixby Park was a barrier to reform.

Council Member Espinosa supported the Substitute Motion due to three important components: 1) industrial composting is not appropriate for Bixby Park 2) there should be an independent Task Force looking at alternatives, and 3) the speed at which technology is changing.

Council Member Burt talked about the speech by Thomas Friedman with the central theme around new, innovative and clean technologies as being a key to the future. He did not wish to divide the community over a false choice. He stated it did not make sense to use dedicated parklands for outdated windrow technology.

SUBSTITUTE MOTION: Council Member Burt moved, seconded by Council Member Yeh to direct Staff to; 1) allow continued windrow composting at current location, 2) form a new Blue Ribbon Task Force composed of nine members to be appointed by each council member, and 3) authorize the Task Force to evaluate long-term composting including material types in the composting stream, composting technologies, and site alternatives other than Bixby Park. Furthermore, to cease acceptance of commercial refuse at the City's landfill thereby extending the landfills life by one year beyond the two years, and 50 percent of the revenue from the compost land lease will be earmarked for the Bixby Park restoration.

Council Member Burt stated his Substitute Motion brought a compromise that would move them forward and does not focus on an antiquated approach. Two years is unfortunately too aggressive a timeline for a Task Force to explore and identify new technologies and/or locations.

Mr. Keene asked a clarifying question. His understanding was that the Substitute Motion was an effort to impose a shorter timeframe.

Council Member Burt stated this was correct.

Council Member Yeh stated he had also walked through the Bixby parklands, and it was clear that the composting area and the fence covered far greater area than he had expected. He did not realize it was 100 acres, but it did block this access off to the public. Hopefully Staff, with the additional three years, can find practical ways to move forward.

Mr. Keene stated the Substitute Motion is essentially designed to have some sufficient time to maintain composting but to also explore alternative non-windrow technology. There could be alternative technologies in composting still taking place at the Baylands as one of multiple possibilities.

Council Member Burt stated it was characterized as not merely exploring but to pursue alternative sites other than Bixby Park in anticipation of less acreage loss to the parklands.

Mr. Keene stated, if the Substitute Motion passed, Council could technically extend the timeframe to the limits of the landfill life with up to an additional potential year.

Mayor Klein asked if Staff wanted to respond to exactly how much land is involved in the windrow composting at the present site.

Mr. Roberts stated 7.5 acres are involved in the composting operation. He stated odors and other issues extend past this acreage footprint. He stressed that the large fenced off area, is not the result of the composting operation, but is landfill area previously closed and awaiting completion.

Mayor Klein asked why it is fenced.

Mr. Roberts stated it is fenced off because it has not yet been developed as parkland.

Mr. Keene added that the conversion of capped landfills and closed landfills to parkland will require additional funding which they do not have at this time.

He asked if the Substitute Motion was intended to discontinue composting at the site, after studying newer technologies and locations, why not let it close in any event at the end 2010.

Council Member Burt stated it would take three years to get our long-term solution in order. Closing the landfill activities in 2010 meant a year where nothing was being composted while they made a decision.

Vice Mayor Drekmeier stated the existing composting permit was extremely valuable since they are hard to come by these days. He asked what the likelihood would be of getting a composting permit at a different location.

Mr. Roberts stated this would be very problematic. Having an existing permit renewed or extended is one thing, getting an entirely new permit after an old one expires is very different. His knowledge on this was that this was a very rare occasion in urbanized areas.

Vice Mayor Drekmeier asked if the permit was renewed, could they create a small footprint and move the location over next to the water treatment plant as an example.

Mr. Roberts stated that was a gray area in the middle that he thought that if they were in continuous operation and moved to a contiguous area that, yes, this might be possible.

Vice Mayor Drekmeier encouraged Council Colleagues to keep that option on the table. He stated if they ruled out Bixby Park, they may not be able to retain another site. He asked if the maker of the Motion might reconsider that point.

Council Member Kishimoto stated the majority seemed to be saying that that Bixby Park is off limits to this composting facility but were supportive of a Task Force to look at alternatives. She agreed with exploration of potential new technologies. She supported Council Member Schmid's Substitute Motion because they have heard that it was the unanimous recommendation of the two commissions. She made additional comments on greenhouse gas emissions, parkland dedications, industrial composting, residential composting and the Parkland Dedication Ordinance.

Mayor Klein stated he would be voting against both Substitute Motions. He felt the timeframes on either were way too short and that they were kidding themselves that they would have anything in place when they closed down the present composting facility. He said his overriding concern is to reduce

the CO2 emissions. He stated alternative one presented them with the best opportunities.

Council Member Burt responded to Vice Mayor Drekmeier's request that the land, two acres or so, immediately adjacent to the wastewater treatment plant be allowed to be considered for composting. He was willing to change his Substitute Motion if it received Council Member support.

Council Member Burt stated he was willing to change it if he heard from another Council Member indicating that it has a chance of passing.

Council Member Morton stated if they want more information, from a commission, we have to give them as wide a latitude as possible without excluding possibilities. Either one of these Substitute Motions is too restrictive. He stated the ideal solution was alternative one.

Council Member Espinosa spoke to parklands being taken off the table for consideration and the timelines for further study as being the two areas of concern by Council comments.

Council Member Schmid stated they wanted to make a good choice but asked if during the additional consideration time it was right to continue using the parklands.

Mayor Klein stated another criticism from his standpoint of the Substitute Motion was that this included looking at other parklands which was basically a non-starter.

Council Member Burt stated he should have clarified this as other than parkland.

Mayor Klein stated he found the idea of earmarking 50 percent of the revenue from the compost land lease to be used to develop Bixby Park to be a bad financial policy. They had not discussed at all where Bixby Park development fits with regard to other priorities. For no other reason than that he would vote no on the Substitute Motion.

Vice Mayor Drekmeier gave corrected figures on the City's goal for municipal greenhouse gas reduction. If they voted for alternative one, they are giving themselves more time on this and gave the Task Force time to look at the permitting issues. He stressed the exact nature of the Park Dedication Ordinance in that it does not make parkland exclusively parkland forever, but keeps negotiations open into the future regarding this land use.

Council Member Yeh asked Staff what kind of signals Council would receive along the way if they opted for this longer processing of alternatives.

Mr. Keene stated there would be the need to get a new permit to continue the windrow operation for an interim period of time. He honestly felt that the timeframe in alternative one was the most realistic when considering the different variables that are at play, or option three which is just saying to push forward and forget it.

Mr. Roberts remarked on touchstones along the way in which Council could track the process and develop some level of confidence or not. He stated that they would obviously ask for the Council to appoint a liaison to the Blue Ribbon Task Force and to track that process with reports back to Council.

Mr. Keene stated alternative one extended things to 2012 and allowed three years' time to explore alternative technology possibilities.

MOTION: Council Member Morton moved, seconded by Council Member Schmid to Call the Question.

MOTION PASSED: 5-3 Burt, Espinosa, Yeh, no Barton absent

SUBSTITUTE MOTION FAILED (Burt): 2-6 Burt, Yeh yes, Barton absent

MOTION: Mayor Klein moved, seconded by Council Member Morton to Call the Question

MOTION PASSED: 6-2 Espinosa, Yeh no, Barton absent

Mayor Klein asked how and who would appoint the independent commission.

Council Member stated that each Council Member would appoint one citizen to the Task Force.

SUBSTITUTE MOTION FAILED (Schmid): 3-5 Espinosa, Kishimoto, Schmid, yes, Barton absent

MOTION FAILED: 3-5 Drekmeier, Klein, Morton yes, Barton absent

MOTION: Council Member Morton moved, seconded by Council Member XXX to adjourn the meeting.

MOTION FAILED FOR LACK OF A SECOND.

MOTION: Mayor Klein moved, seconded by Vice Mayor Drekmeier to continue Agenda Item No. 14 to January 12, 2009.

Council Member Kishimoto recommended that since they settled on no action, that they at least take the action to appoint the Task Force.

MOTION PASSED: 5-3 Espinosa, Kishimoto, Schmid no, Barton absent

COUNCIL MATTERS

15. Colleague's Memo from Council Member's Barton, Espinosa and Kishimoto Requesting Report on High Speed Rail Station in Palo Alto

Council Member Espinosa spoke on high-speed rail coming to the City. He gave an overview of the issues raised in these discussions, positive and negative. The goal of the memo was to get the policy issues on the table and begin discussions. He hoped for support of the memo.

MOTION: Council Member Espinosa moved, seconded by Council Member Kishimoto to have Staff answer the following questions within 60 days:

- 1) What criteria and time frame will the High Speed Rail Authority use to select final station locations?
- 2) What are the potential cost impacts to the City should Palo Alto be designated as an HSR station?
- 3) What impact will HSR have on existing Caltrain Service?
- 4) What are the anticipated land use, infrastructure and environmental impacts of an HSR station?
- 5) How and when will decisions be made on how HSR and Caltrain will pass through Palo Alto (trench raised, underground, ground level) and how options might be financed since existing bond financing will not be sufficient?
- 6) What are the potential economic development impacts to Palo Alto?
- 7) What are the options for how HSR operates on the Peninsula such as speed and frequency and what mitigations are envisioned?
- 8) What are the potential economic benefits of HSR access in Palo Alto? What are the potential impacts if the station were located in Redwood City?

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to return in January with an update on the Caltrain electrification status and funding strategies.

Mr. Baum asked if this was to be an Informational Item in the Packet or on the Council Agenda.

Council Member Kishimoto stated the Caltrain issue would be informational at this point.

Council Member Morton stated that the 60-day timeframe makes it a priority. He doesn't think it belongs at that timeframe since there are significant other issues. This will not be funded in the short-term.

Council Member Espinosa stated that Redwood City is having discussions on this, and the Council should keep up to speed on this.

Council Member Schmid asked if there were alternate routes along Highway 101 that might be cheaper than going through the City.

Council Member Kishimoto stated there may be the possibility that it stops in San Jose, and then uses the Baby Bullet into San Francisco.

MOTION PASSED: 7-1 Morton no, Barton absent

Morton left the meeting at 12:50 p.m.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Vice Mayor Drekmeier announced he is working with former Council Member LaDoris Cordell and Deputy City Manager Kelly Morariu in planning a Martin Luther King Day observance for Monday, January 19, 2009.

Council Member Kishimoto spoke about the Santa Clara Valley Transportation (VTA) Board minutes put at places tonight.

Council Member Espinosa spoke about the life of Phyllis Seidman, her recent passing and requested the meeting be closed in her memory.

ADJOURNMENT: The meeting adjourned in memory of Phyllis Seidman at 12:52 a.m.

ATTEST:

APPROVED:

City Clerk

Mayor

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