Resolution No. 9195
Resolution of the Council of the City of Palo Alto Calling a Special Election for November 8, 2011 for Submittal to the Qualified Electors of the City an Initiative to Undedicate Ten Acres of Existing Parkland in Byxbee Park for Use as a Compost Facility

WHEREAS, an initiative petition to amend the Palo Alto Comprehensive Plan, Municipal Code and Baylands Master Plan to undedicate approximately 10-acres of existing parkland in the Palo Alto Baylands has been submitted to the City in accordance with the requirements of Article VIII of the Charter of the City of Palo Alto; and

WHEREAS, elections will be held on November 8, 2011, in certain school districts and certain special districts in Santa Clara County; and

WHEREAS, pursuant to Education Code section 5342 and Part 3 of Division 10 of the Elections Code commencing at section 10400, such elections may be partially or completely consolidated.

NOW, THEREFORE, the City Council of the City of Palo Alto does hereby RESOLVES as follows:

SECTION 1. Special Election. Pursuant to Elections Code sections 1405 and 9255 there is called and ordered to be held in the City of Palo Alto, California, on Tuesday, November 8, 2011 a special municipal election. Pursuant to Article IX of the Charter of the City of Palo Alto, this Council orders the following question to be submitted to the voters at the Election:

CITY OF PALO ALTO INITIATIVE MEASURE 

<table>
<thead>
<tr>
<th>Shall ten acres of existing parkland in Byxbee Park be undedicated for the exclusive purpose of building a processing facility for yard trimmings, food waste and other organic materials?</th>
<th>YES</th>
<th>NO</th>
</tr>
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SECTION 2. Adoption of Measure. The measure to be submitted to the voters is attached to this Resolution as Exhibit “A” and incorporated herein by this reference. If a majority of qualified electors voting on such measure shall vote in favor of City of Palo Alto Initiative Measure “___”, it shall be deemed ratified and shall read as provided in Exhibit “A” attached hereto.
SECTION 3. Notice of Election. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election in time, form, and manner as required by law.

SECTION 4. Impartial Analysis. Pursuant to California Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk on or before August 23, 2011.

SECTION 5. Ballot Arguments. Pursuant to Elections Code section 9286 et seq., August 16, 2011 at 5:30 p.m. shall be the deadline for submission of arguments in favor of, and arguments against, any local measures on the ballot. If more than one argument for and/or against is received, the priorities established by Elections Code section 9287 shall control.

SECTION 6. Rebuttal Arguments. The provisions of Elections Code section 9285 shall control the submission of any rebuttal arguments. The deadline for filing rebuttal arguments shall be August 23, 2011, at 5:30 p.m.

SECTION 7. Consolidation Request. The Council of the City of Palo Alto requests the Governing Body of any such other political subdivision, or any officers otherwise authorized by law, to partially or completely consolidate such elections and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, except that in accordance with Article III, section 4, of the Palo Alto Charter, the City Council must meet and declare the results of said elections; and that this City Council consents to such consolidation.

SECTION 8. Request for County Services. Pursuant to section 10002 of the California Elections Code, the Council of the City of Palo Alto hereby requests the Board of Supervisors of Santa Clara County to permit the Registrar of Voters to render services to the City of Palo Alto relating to the conduct of Palo Alto’s General Municipal and Special Elections which are called to be held on Tuesday, November 8, 2011.

The services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections including, but not limited to, checking registrations, mailing ballots, hiring election officers and arranging for polling places, receiving absent voter ballot applications, mailing and receiving absent voter ballots and opening and counting same, providing and distributing election supplies, and furnishing voting machines.

Subject to approval of the Board of Supervisors of Santa Clara County of the foregoing request, the City Clerk is hereby authorized to engage the services of the Registrar of Voters of the County of Santa Clara to aid in the conduct of said elections including canvassing the returns of said election. Further, the Director of Administrative Services is authorized and directed to pay the cost of said services provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

SECTION 9. Transmittal of Resolution. The City Clerk is directed to submit a certified copy of this resolution to the Board of Supervisors of the County of Santa Clara and to the Registrar of Voters.
SECTION 10. The Council finds that this is not a project under the California Environmental Quality Act and, therefore, no environmental impact assessment is necessary.

INTRODUCED AND PASSED: August 1, 2011

AYES: BURT, ESPINOSA, HOLMAN, KLEIN, SCHMID, SHEPHERD, YEH

NOES:

ABSENT: PRICE, SCHARFF

ABSTENTION:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Senior Asst. City Attorney

APPROVED:

City Manager

Director of Public Works
Petition for Submission to Voters of the City of Palo Alto

The proposed ordinance reads as follows:

**PALO ALTO GREEN ENERGY AND COMPOST INITIATIVE**

The people of the City of Palo Alto do ORDAIN as follows:

**SECTION 1. Findings.** The people find and declare that:

(a) The 126-acre Palo Alto Landfill is scheduled to close in 2012, and is currently dedicated as Byxbee Park.

(b) The closing will terminate the current composting operation at the landfill. Ceasing local composting will cause significant environmental impacts, as Palo Alto ("the City" herein) will have to haul yard trimmings and food waste to locations outside the City for disposal or composting, thereby generating greenhouse gases and depriving Palo Altons of both yard trimming drop-off and local compost.

(c) The incineration of sewage sludge residues at Palo Alto’s regional wastewater treatment plant also generates significant greenhouse gases and creates a hazardous ash residue now disposed of in the Central Valley.

(d) These adverse environmental impacts can be substantially reduced by a facility converting organic wastes by biological or other equally environmentally protective means.

(e) Such technologies would also generate renewable energy and high-quality compost, as well as achieve substantial savings by avoiding the cost of natural gas to operate the incinerator.

(f) Revenue for the City could be generated through the sale of renewable energy and compost, fees for receipt of organic materials, and savings in fuel purchases. Funding for construction could come from sources other than the General Fund.

(g) Locating the facility next to the wastewater treatment plant, as recommended by Palo Alto’s Compost Blue Ribbon Task Force, would avoid transport of sewage sludge and allow other savings. There is no other suitable location in the City.

(h) The facility would require that a small portion of the former landfill not yet developed as usable parkland, approximately ten acres, be removed from park dedication.

(i) Other areas of equal or greater acreage are available to be converted to parkland at the Council’s discretion.

(j) No funding currently exists for development of Byxbee Park. The Council could use the revenue generated as described in Finding (f) for that purpose.

**SECTION 2. Amendment of Comprehensive Plan.**

The land-use designation of the property described below (the “Property” herein) in the Comprehensive Plan shall be changed from Public Parks to Major Institutions/Public facilities:

“All that certain real property situated in the City of Palo Alto, County of Santa Clara, State of California and more particularly described as follows: commencing at a four by four fence post as shown on that Record of Survey filed with the Santa Clara County Recorder in book 238 page 4 and 5 on August 15th 1969; thence from said four by four fence post, South 88° 58’ 50” East 415.54 feet; to a point on the southerly line of the Sewage Treatment Plant Parkland exclusion as said exclusion is shown on Exhibit A-2 of Section 22.08.020 of the Palo Alto Municipal Code, said point also being the True Point of Beginning for this description; thence from said True Point of Beginning the following four (4) courses and distances; south 36° 42’ 20” East 209.06 feet; south 41° 31’ 45” East 276.48 feet; south 53° 12’ 33” East 180.61 feet; north 50° 22’ 18” East 652.20 feet; thence

**EXHIBIT "A"**
INITIATIVE TO BE VOTED ON BY THE VOTERS OF PALO ALTO

North 41° 35' 41" West 633.72 feet to a point on said southerly line of the Sewage Treatment Plant Parkland exclusion; thence along said Sewage Treatment Plant Parkland exclusion, South 52° 42' 10" West 671.94 feet, to the True Point of Beginning.

SECTION 3. Amendment of Baylands Master Plan.
The current language in the Section on page 78 of the Baylands Master Plan entitled “Composting Operation” is amended as follows:
(a) The second and third paragraphs under “Background and Function” are deleted.
(b) The section entitled “Future of the Composting Operation” is amended to read as follows:
   “Like the Recycling Center, the original composting operation was located in the Landfill Area and must vacate its current site to accommodate the landfill’s final grading and conversion to (1) a 10-acre site for conversion of organic wastes by biological and/or other equally environmentally protective technology; and (2) pastoral park in the remaining area.”
(c) Page 71 of the Plan is amended to add the following immediately above ‘Mayfield Slough Remnant Marsh’: ‘Revision of the final grading plan may be required to accommodate the new facility referenced on page 78.’
(d) Any language elsewhere in the Plan inconsistent with this ordinance shall be inoperative.

SECTION 4. Amendment of Zoning Ordinance.
The last line of the first box under PUBLIC/QUASI-PUBLIC FACILITY USES in Table 1 of Section 18.28.040 of the Zoning Ordinance is amended to read as follows:
   “...other government agency, or leased by any such agency to another party.”

SECTION 5. Removal from Parkland.
The Property shall be removed from dedication as parkland, for the exclusive purpose of building a facility (“Facility” herein) for converting yard trimmings, food waste, other municipal organics and/or sewage sludge from the regional wastewater treatment plant by biological and/or other environmentally equally protective technology. An illustration of the Property in relation to Byxbee Park is attached as Exhibit “A.”

SECTION 6. Mitigation.
(a) The Facility shall include all feasible methods for mitigating any significant environmental impacts identified during environmental review, including visual, sound and odor.
(b) To avoid impacts on Byxbee Park, access to the Facility shall be by Embarcadero Way.

SECTION 7. Reversion.
Ten years from the passage of this Initiative, the City Council may rededicate any portion of the Property not utilized for the purposes of this Initiative to parkland.

If the required signatures are obtained, petitioners request that this Initiative be submitted to the voters in 2011.

If any section of this initiative ordinance or part hereof is held by a court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such section or part hereof shall be deemed severable from the remaining sections and shall in no way affect the validity of the remaining sections.