

Special Meeting  
March 13, 2007

Chairperson Cordell called the meeting to order at 6:05 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Barton, Cordell, Drekmeier, Kleinberg

1. Oral Communications

None.

2. Addition to the Council Protocols of Guidelines for Telephonic Appearances at the City Council Meetings.

City Attorney Gary Baum said staff was discouraging telephonic appearances. Holding a telephonic meeting was difficult from the practical standpoint and from the ability of the public to participate. In order to hold a telephonic meeting, speakers were needed in the Council Chambers, and the Council Member's location had to be accessible under the Americans with Disabilities Act (ADA) and open to the public.

Council Member Kleinberg said she recalled situations in the past where Council Members called in from South Africa or, in her case, an airport terminal. Discouraging telephonic appearances was rational and necessary.

**MOTION:** Council Member Kleinberg moved, seconded by Cordell, that the Policy and Services Committee recommends to the City Council approval of the recommended criteria noted in the March 7, 2007, Joint Report from the City Attorney and City Clerk.

Mr. Baum said the March 7, 2007 Joint Report from the City Attorney and City Clerk included the new protocol, which would be coordinated with the policy.

Emily Renzel, 1056 Forest Avenue, agreed with the proposal to discourage telephonic participation.

## **MOTION PASSED 4-0.**

Chairperson Barton said the item would come to Council on the Consent Calendar.

### **3. Conceptual Review of a Zero Waste Operational Plan**

Director of Public Works Glenn Roberts said in November 2004, the Council directed staff to develop a Zero Waste Policy as an alternative future direction for solid waste in Palo Alto. In January 2005, the Council appointed a Zero Waste Task Force and, in October 2005, the Zero Waste policy was presented to the Council. At that time, the Council directed staff to adopt the policy goals. The goal, in the short term, was to develop a 73 percent diversion by 2011 and to strive for zero waste by 2021. Staff was directed to prepare the Operational Plan which was currently being presented. A number of related activities were going on in the solid waste area. The existing Collection Contract with Waste Management would expire on June 31, 2009. Staff was beginning the process to prepare for a new contractor. At last evening's meeting, the Council approved the consultant contract to develop a Request for Proposals (RFP). Staff would strive to award the new collection contract in June 2008. The mid-to-long term activities included the projection of the closure of landfill in 2011. The City had two long-term contracts for processing and disposal of solid waste that ran through 2021.

Solid Waste Manager Russ Reiserer said in October 2005, the Council directed staff to improve the Strategic Plan to develop the Zero Waste Operational Plan (ZWOP). One of the first charges of developing the ZWOP was to conduct a waste composition study. In November and December 2005, a detailed waste composition study was prepared. Approximately 72 percent of the waste stream was reusable, recyclable, or compostable. Three percent was potentially recyclable, and 25 percent was problem materials. Potentially recyclable materials that did not have markets included window glass, hard back books, and carpets. Problem materials that did not have markets included treated wood, some plastics, diapers, and composite materials.

Mr. Roberts said the short term measures for 2008 represented a more aggressive marketing outreach and informational effort associated with the current programs. Staff was not really optimistic about being able to negotiate additional programs under the end of the current hauling contract. The focus was on the new contract. Significant policy issues would go before the Council. The Council would need to decide on rate increases associated with the programs. Recent case law history associated with Proposition 218 (Prop 218) indicated that the refuse fund was subject to base levels of Prop 218, review

and approval by the electorate, which required the City to allow a mail ballot protest procedure for any proposed rate increases. A 50 percent protest was needed to overturn a rate increase. The Council needed to decide whether it wanted mandatory recycling associated with inspection of the contents of the individual totes and penalties or fines for not recycling.

Council Member Kleinberg asked whether the City could get to 70 percent by the end of the following year by focusing on business and medical.

Mr. Roberts said the implementation of new programs focused on many of the market segments that were low attainment.

Mr. Reiserer said the City was trying to expand what it had for residential out to commercial and multi-family.

Ruth Abbe, Vice President, HDR/BVA Consultants, said the commercial and industrial sectors were the main focus. Residential did its fair share.

Council Member Drekmeier said the City currently generated approximately 184,000 tons of waste with approximately 62 percent being recycled. Staff was asked whether the 184,000 tons was constant or increasing.

Mr. Reiserer said the amount of waste had decreased. In the 1980s, the waste was up to 300,000 tons.

Michael Greenberg, Vice President, HDR/BVA Consultants, said the escalation rate used in the study was .58 of a percent, averaged over the last 10 years.

Mr. Roberts said there was a high participation rate of recycling in the residential areas. The focus needed to be on multi-family residential.

Mr. Reiserer said the ZWOP recommended a regional approach, which meant utilizing existing regional facilities. The study looked within an 80 mile radius of regional facilities and capacities. The recommendation was to continue using the SMART station to remove recyclables from the waste stream, continue using the curbside regional processing and start processing organics regionally, continue using the regional C&D Debris. The ZWOP recommended keeping a Recycling Drop-Off recycling location with a permanent Household Hazardous Waste (HHW) facility locally. The ZWOP policies are to continue to expand efforts in waste prevention through legislation, policies, ordinances, outreach, and technical assistance; seek to reduce the amount and toxicity of consumer product waste through measures that place the appropriate level of responsibility on manufactures for the end-of-life of their products; encourage innovative services to be added by the private sector and nonprofit groups so

the City does not have to invest in those activities; work with residents, businesses, community organizations, Bay Area Product Stewardship Council, Bay Area Zero Waste Communities group to further the City's zero waste efforts; and establish, support and incorporate environmentally preferable purchasing standards.

Mr. Roberts said staff was not asking the Policy and Services (P&S) Committee to approve or make recommendations to the Council. The matter was before the P&S Committee for conceptual review and discussion with the final program to go to the Council in late spring or early summer for adoption. With regard to regional facilities, staff was not looking at engaging in major capital expenditures. With regard to local facilities, the recommendation was that the Drop Off Center and the HHW facility would ultimately be replaced, but further study was needed. Staff wanted the P&S Committee's input and discussion on the desired modifications to the plan and direction in order to get input into the development for the RFPs.

Council Member Drekmeier asked whether there were demands from other groups for landfill space and whether Palo Alto could sell its rights.

Mr. Roberts said the answer was probably no. The City of San Jose used to do one collection and hauling contract for the entire City. When the landfill was developed, the corporate thought at the time was that all the refuse would go to Kirby Canyon. The City of San Jose looked at the market and decided to split the collection contract into multiple parts. The demand anticipated for Kirby Canyon never materialized.

Mr. Reiserer said the City of San Jose charged a tax of \$13 a ton, which hampered marketing to other agencies.

Council Member Drekmeier clarified the SMaRT Station did not accept C&D materials.

Mr. Roberts said the SMaRT Station accepted C&D materials but did not have a processing line to process the materials. The City of Sunnyvale had a C&D program, and their facility at the current time would not meet Palo Alto's need for attainment of diversion. Sunnyvale awarded a new contract for the operator of the SMaRT Station. Sunnyvale's Council gave direction to its staff to negotiate with the new operator to try to figure out a way to include a C&D processing line into the next remodel and upgrade of the SMaRT Station.

Council Member Drekmeier asked what type of people used the Drop Off Center and the legality of household hazardous waste curbside pick up.

Mr. Roberts said household hazardous waste was a tightly regulated process under State law. Material had to be accepted, stored in certain conditions, inventoried, manifested, and shipped to licensed processors. Decentralizing household hazardous waste operations was difficult and expensive. Palo Alto had the best household hazardous waste program in Santa Clara County.

Mr. Reiserer said more and more items were becoming hazardous and pulled out of the waste stream, such as electronic devices and prescription drugs.

Council Member Kleinberg questioned how much focus was on the upstream strategies as opposed to the downstream challenges, which was where the real cost went back to the City.

Mr. Roberts said there needed to be a balance of both, although there may not have been enough discussion about the upstream end. Staff tried to mention the educational aspects. Legislative advocacy and consumer responsibility components would have to be discussed.

Council Member Kleinberg referred to the staff report (CMR:123:07) and noted that one of the policies was to place the appropriate level of responsibility on manufacturers. Staff was asked how Palo Alto could have an effect on that policy.

Mr. Roberts said Palo Alto had a level of influence and control in other areas such as water quality and storm water programs. Palo Alto, over a period of two decades, influenced policy changes at the national level. Stencils on catch basins that said "No Dumping Close to Bay" and "No Dumping Close to a (specific) creek" were invented in Palo Alto and was a national standard by the USEPA. Palo Alto worked with a national coalition and manufacturers to change the composition of original equipment brake pads which had contained copper.

Mr. Reiserer said Palo Alto had been active with the Bay Area Zero Waste Communities group, working with San Francisco, Oakland, Sonoma, and Santa Cruz to look at resolutions supporting legislations.

Council Member Kleinberg asked whether Palo Alto was waiting for the State to give directions.

Mr. Reiserer said staff was currently looking at resolutions.

Mr. Roberts said the City needed to lead by example and already had some purchasing practices in place.

Council Member Kleinberg said she was trying to understand the focus and was looking for what Palo Alto could do in the short term to get results. Leading by example by expanding recycling services, increasing education, and requiring accountability did not sound aggressive enough. The City and business community could join hands to be more aggressive. More aggressive policies or programs in other cities should be reviewed.

Mr. Roberts clarified Council Member Kleinberg wanted to see more specificity on some of the programs.

Council Member Kleinberg said that was correct.

Emily Renzel, 1056 Forest Avenue, expressed concern that attention was being focused on facilities that dealt with a relatively small part of the waste stream when there were major opportunities that could get more immediate results. The P&S Committee was urged to proceed with caution particularly with respect to any proposed facilities and urged to look closely at the recommendation to keep a recycling drop off center with a permanent household hazardous waste facility. The P&S Committee was urged to recommend that the Council revisit the proposal to spend \$1 million to temporarily relocate the recycling drop off center at Byxbee Park.

Karen Holman, 725 Homer Avenue, said the Zero Waste Task Force talked about the viability of continuing a drop off center versus curbside. The City needed to consider more incentives for people to recycle.

Bob Wenzlau, 1409 Dana Avenue, expressed concern that the P&S Committee had more of a catalog and not a plan. Expanding single stream would help reduce global warming. Palo Alto was doing great but needed to recognize more strongly the reduction and the social demand components.

Walt Hays, Parkside Drive, agreed with comments about being more aggressive. Palo Alto had an outstanding facility for household hazardous waste.

City Auditor Sharon Erickson said she strongly supported the goal of zero waste but pointed out the City had an open audit recommendation from the November 2004 report, which indicated the City should request additional information about the benefits of a permanent household hazardous waste facility prior to committing to building a new facility. The Auditor's Office found, during its review, that Palo Alto had an extraordinary program that was operating at more expense than the County program but was getting a tremendous return. Palo Alto diverted more hazardous waste than any other city in the County. Her

question was whether or not a permanent facility with accompanying staffing was required or whether the existing system could be built upon.

Council Member Drekmeier said it was his understanding the City did not charge the Palo Alto Unified School District (PAUSD) for landfill use.

Mr. Reiserer said the current Palo Alto Municipal Code (PAMC) allowed the PAUSD to dump free.

Council Member Drekmeier said there was a policy for C&D that nonmixed materials could be hauled away by a private contractor. Mixed materials had to be hauled away by the Palo Alto Sanitary District (PASCO) which cost more.

Mr. Reiserer said that was correct.

Council Member Drekmeier suggested taking away the provision of having to use PASCO.

Mr. Reiserer said part of the problem was the City would lose control. There were cases where things ended up at landfill rather than recyclers.

Council Member Drekmeier asked whether people who showed up at the landfill with recyclables would be told they were not welcome.

Mr. Reiserer said the mandate required in the ZWOP happened at the curbside. The City of Santa Cruz implemented a plan with an educational program the first year, a warning period during the second year where residents are informed they are throwing yard waste or recyclables in their garbage, and enforcement began in the third year where individuals could be cited for not throwing materials in the correct bins.

Council Member Cordell said Emily Renzel raised an alternative No. 4, which had to do with no new facilities but rather maintaining new policies and programs. Feedback was requested.

Mr. Roberts said staff would get back to the P&S Committee but asked for further clarification.

Council Member Cordell asked about the cost of collection pods throughout the City as mentioned by Mr. Hays.

Mr. Roberts agreed as well as looking at recyclables and decentralized household hazardous waste.

Council Member Cordell said she wanted to see less of an emphasis on what the City could do to continue recycling. There were other things, such as upstream/downstream to look at. The City needed to keep looking at the zero waste and look at things before they became waste.

Council Member Drekmeier said it was important to think in terms of not just reducing waste but also in conserving resources. The overall goal would be conserving resources which needed to be coordinated closely with the goal of climate protection. One goal should be to reduce transportation and miles driven. Another issue worth discussing was home composting and local composting in Palo Alto. Educating the public/private partnerships was necessary and could be combined with the Green Ribbon Task Force. People could be required, when designing a house, to create a design that could be dismantled and reused.

Mr. Roberts said the Palo Alto composting program would go away because there was no site to continue it on. The materials would become green waste and sent to the SMaRT Station in Sunnyvale.

Council Member Kleinberg asked what could be done to not create a health hazard in terms of attracting rats to the recycling cans and how the yard waste program could be expanded to include completely biodegradable, organic waste.

Mr. Roberts said dealing with organics and food waste was a major challenge for zero waste. The biggest issue was with restaurants and commercial uses.

Mr. Reiserer said Palo Alto's yard waste increased approximately 30 percent with the new program and new containers and, also, collected almost as much as the cities of Sunnyvale and Mountain View put together in organics. In developing the plan, it was discussed that the weekly collection of yard waste would be continued and food waste and other rich organics would added.

Council Member Kleinberg said Palo Alto did not put food waste in with the yard waste.

Mr. Reiserer said the plan would include food waste with the new collection. Food waste would not be included at the present time because of permitting.

Ms. Abbe pointed out that the largest component of the disposed waste stream in Palo Alto was organic/compostable material. The waste characterization study found that Palo Altans had very little yard trimmings. Some communities were doing curbside pick up of household hazardous waste, which was very expensive. The existing Drop Off facility allowed for multiple materials to be



recycled. Pods around town would be difficult to duplicate in terms of all the multiple materials recycled at the Palo Alto Drop Off Center.

Council Member Kleinberg suggested providing for periodic convenient curbside pickups of hazardous household waste. The suggestion was that staff and technology gurus discuss what could be done using technology for upstream reduction. Demolition debris was a major issue in disaster planning. As the City tried to align its goals and strategies with the Green Ribbon Task Force and the Climate Protection goals, the City should align the strategies with disaster planning.

Chairperson Barton said he wanted policies to be explicit about recycling within reasonable costs. He shared the comments with his colleagues about the upstream versus downstream components. Active Task Force feedback would make sense before the issue returned to the P&S Committee.

Council Member Kleinberg wanted to identify problems before getting to the solutions.

Council Member Drekmeier recommended working with grocery stores to discourage plastic bags.

Council Member Kleinberg suggested banning plastic bags and encouraging the use of non toxic products in Palo Alto.

Assistant to the City Manager Kelly Morariu clarified the issue would return to the P&S Committee.

Mr. Roberts said staff would take the feedback and propose appropriate modifications to the plan and get feedback from the Task Force and come back to the P&S Committee in late spring or summer.

Council Member Cordell asked for a definitive statement that there will be no development on dedicated lands.

Mr. Roberts said staff would do that.

#### 4. Discussion for Future Meeting Schedules and Agendas

Assistant to the City Manager Kelly Morariu said the next regular meeting was April 10, 2007. The Public/Private Partnership policy would not be ready to come back at that time. The suggestion was that the P&S Committee meet on April 24 and May 8.

**MOTION:** Council Member Drekmeier moved, seconded by Cordell, to cancel the April 10 meeting and reschedule to April 24.

**MOTION PASSED** 4-0.

ADJOURNMENT: Meeting adjourned at 8:15 p.m.

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