



# POLICY AND SERVICES COMMITTEE TRANSCRIPT

Special Meeting  
December 01, 2015

Chairperson Burt called the meeting to order at 6:07 P.M. in the Council Chambers, 250 Hamilton Avenue, Palo Alto, California.

Present: Berman, Burt (Chair), DuBois, Wolbach

Absent:

## Oral Communications

Chair Burt: Our first item is an opportunity for the public to speak on any items that are not otherwise on the agenda. I don't have any speaker cards.

## Agenda Items

1. Consider Tentative Staff Recommendations on Further Requirements for Basement Construction Dewatering Program for 2016.

Chair Burt: We'll move on to Agenda Item Number 1 which is consideration of tentative Staff recommendations on further requirements for basement construction dewatering program for 2016. Welcome, Mike.

Mike Sartor, Public Works Director: Good evening, Chair Burt and members of the Policy and Services Committee. I'm Mike Sartor, Public Works Director. Up here with me at the table is Assistant Director of our Environmental Services Division, Phil Bobel, and Kirsten Struve and Elise Sbarbori, who work on our watershed protection issues. They have become expert researchers on this issue. You'll be hearing from Phil and them tonight. With that, I'll turn it over to Phil.

Phil Bobel, Public Works Assistant Director: I'll just immediately turn it over to Kirsten with just the note that before we get into the details, just to sort of remind you what we're asking of the Policy and Services Committee tonight. We're not asking you to at the end vote on these recommendations or formally pass them onto Council just now. What we're asking is that you direct us to continue to work on these, and then you'll decide whether they should come back to you or back to the full Council in a couple of months, after we do a little more research and we follow up on any of your suggestions and ideas tonight. Kirsten Struve will start us off.

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Kirsten Struve, Environmental Control Program Manager: Kirsten Struve with Public Works Watershed Protection. Just an overview of what we're going to go over today. We'll give you some background about groundwater in general and how dewatering occurs, the public concerns that we're trying to address, current policies for dewatering, our recommendations and next steps. With that, I'll turn it over to Elise.

Elise Sbarbori, Environmental Specialist: Thank you, Kirsten. With these first few slides, I'll be defining some terms and reviewing some concepts that'll be used throughout this presentation and discussion. This first slide shows the water cycle and shows the interactions between atmospheric water, groundwater and surface water. Now, this is a generic diagram. This is not Palo Alto. Like Palo Alto, you'll notice we have a gently sloping topography that terminates at a surface water body. In this graphic, it shows a river, but in the case of Palo Alto that would be the San Francisco Bay. Similarly, we have an upland surface water body. The lake in the center of the diagram, for our purposes we could imagine San Francisquito Creek. There are a couple of processes going on in this diagram that I'd like to highlight. First, the upper left-hand corner of the diagram shows some rain clouds. As rain falls to the ground surface, it can flow along the surface as surface runoff or it can infiltrate the ground surface. As it infiltrates, it flows vertically through the soil column and recharges groundwater. Once in the subsurface, groundwater flows from areas of high pressure to low pressure in the direction of the prevailing groundwater gradient. Along the way, shallow groundwater can interact with surface water bodies. This graphic shows groundwater discharging to the lake and it shows surface water from the lake recharging the groundwater. Groundwater continuing along in the down gradient direction and eventually discharging to the wetlands or the river. Again, in our case this would be the San Francisco Bay. With this slide, I'd like to look in closer detail at what is happening underground with shallow and deeper groundwater. This slide illustrates a couple of hydro-geologic concepts and shows two different types of aquifer. An aquifer is a geologic unit that stores and transmits water. These are units of high permeability and high porosity such as a gravel bed or a sand layer or a silty sand. This graphic shows two types of aquifers. It shows a confined aquifer and an unconfined aquifer. The shallow, unconfined aquifer is shown as the uppermost, blue area in the right-hand side of the drawing. Water in a well screened in the shallow, unconfined aquifer like the well shown on the right-hand side of the diagram rises to the level of the water table. For reference, construction dewatering, the topic of this discussion, occurs in a shallow, unconfined aquifer. Beneath the shallow, unconfined aquifer is this gray, confining layer. That's going to be a layer of lower permeability such as a clay, that impedes water flowing through it. The deeper aquifer is this blue layer that sort of starts in the upper left-hand

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corner of the graphic and swoops down to the bottom right-hand corner. This type of aquifer is known as a confined aquifer because it has a confining layer above and below it. Water in this aquifer is under pressure. Water in wells screened within this aquifer will rise to the level in accordance with the pressure in the confined aquifer. Most drinking water supply wells including Palo Alto's emergency supply wells are screened in a deeper, confined aquifer. This is a map from a USGS report that was put out in 2004 in collaboration with the Santa Clara Valley Water District. The red dashed line that's in the wedge shape shows the extent of the confined aquifer zone in our groundwater sub-basin. As you can see, most of Palo Alto in the upper left there lies within this zone which means that most of Palo Alto, as we saw in the last slide, has a shallow aquifer, a confining layer and a deeper aquifer.

Ms. Struve: Thanks Elise. Last summer, just this past summer, we had 14 dewatering sites that were building residential basements. Most of these also built second stories. This map also shows where our emergency wells are located. The reason we had dewatering in that—the confining layer, you can see Junipero Serra up here. That's about to where it extends on this map. This map shows the level of the groundwater table underground and explains why we saw dewatering sites in this general area that's right here within the 10 to 15 feet below ground level. The area closer to the Bay has 5 to 10 feet, but it's also in a flood zone, so there are no basements permitted. That's why we saw a lot of the dewatering areas in here. Just to illustrate how dewatering works. A typical basement dewatering site will draw down the groundwater to allow for the construction of the basement and keep the excavation dry. There are usually perimeter wells that pump down the groundwater, and then pump the water to a settlement tank where all the soil settles out and then it is directed to the closest storm drain. This can take up to three to six months, because enough of the structure has to be built to weigh down the basement and not have it float again after the pumps are turned off. This illustrates how the cone of depression which is basically the cone-shaped area that is formed around a well when it starts pumping groundwater. The size of this cone depends on the pump rate and the surrounding soils. The way it works is the well draws down the water and, when you have a series of wells as in the bottom of the picture, it allows for a dry area to then construct the excavation. The flow of a dewatering well can be up to 100 gallons per minute. With that, I'll turn it over to Phil.

Mr. Bobel: Thanks, Kirsten. The public concerns that we've received about this operation are four and listed here. First, we started hearing about the concern that water was being wasted by pumping it to the storm drain system. These well systems typically have pumped it in years past

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exclusively to the storm drain system. The next concern we heard was about the effect on the groundwater, both the upper aquifer and the potentially the lower aquifer, that maybe this activity of pumping these basements was causing the groundwater to be depleted. The third we heard was the potential impacts, effects on structures. The fourth, impacts on vegetation. How does our current policy deal with these concerns? Let's go over that. We have always required as part of the building process a geotechnical investigation. Mostly, this was to support the foundation that was being planned and the building that was being planned. It was not for the purpose of evaluating the impacts on the previous slide. We have issued street work permits for dewatering when dewatering was required. That is, as Kirsten explained, when the basement or substructure was going to go to such an extent that it was running into groundwater, then we would issue a street work permit to discharge that groundwater. First we would check and make sure that it wasn't contaminated above our levels. If it was, they'd have to go to the sanitary sewer or make some other arrangement. For the most part, a street work permit has been issued when necessary and the geotechnical report nor the street work permit required an investigation of effects or impacts. I wanted to make that clear. The third bullet on this slide talks about the fact that Palo Alto—it's one of the very few communities that has done that—has required that these buildings be constructed such that they're watertight and that after construction they wouldn't be pumping any longer. Only during construction does Palo Alto permit dewatering. After construction, no more dewatering. Another restriction has been for a number of years now, we've restricted this dewatering so that it can't occur after October 31st and before April 1st. That's to protect the capacity of our storm drain system to handle real storms. Starting last year, we began to require fill stations at these sites, these groundwater pumping sites. We've got Mike Nafziger with us in the audience, and he'll participate as your questions come up. Mike was the one who originated this idea a summer ago, of requiring these fill stations. When we started to get these complaints about wasting water, Mike said, "Why don't we require the developer to put in a pump and fixtures so that we could pull up a decent-sized truck, they could hook up or neighbors could hook up with a hose." We have to really thank Mike for that idea. We have augmented that with use plans that we'll get into a little later. Outreach. One of the principle ways we've been doing outreach is with door hangers this last summer to try to make people realize that this water was available and to try to get it used. The next slide just shows you a picture of one of Mike's fill stations and shows on the right-hand side the larger connection for trucks and the smaller connection for hose bibs or the hose bib connection for hoses. The signage that we've put up to try to make people understand what was going on there in connection with our door hangers. The next slide shows the other types of outreach that we've used to try to increase use this last

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summer. The next slide starts our recommendations. Our first four recommendations all have to do with this complaint we've been receiving of the appearance of the waste of water. The first one is encouraging the greater use of fill stations by our own signage and this door hanger program. That has not been controversial. We've discussed it with a few people. Increasing our outreach is important, but not controversial. The second one is, again, an outreach move specifically to educate folks on the water cycle that Elise was talking about, so that there was a greater understanding of how the pumping fit into the water cycle and that this water is on its way to San Francisco Bay. Pumping it out and returning it to our storm drain system actually gets it to the Bay in a different sequence, but fundamentally ending up in the same place. More outreach on that point so that people can understand what we're up to here. The third recommendations is to strengthen our requirements for these use plans of the contractor. Right now, it's a little bit nebulous. We've put some more specifics in this use plan requirements. Specifically, we'd say that the contractor/owner has to hire a truck at least one day a week and deliver the water wherever the City needs it, most likely trees, parks. We're not currently making that a requirement; that would be new. That would cost roughly \$1,000 a week if we required that be done one day per week which is what our suggestion is. The fourth is to increase our attention to the details of the fill station so that there's greater pressure for the neighbors. The complaint we've had—it was perfectly valid—was that there wasn't enough pressure to actually get the houses that were several hundred feet away to receive the water. We'd correct that with increased guidance on the fill station requirements. Those four deal with the wasting of water. The fifth one and probably more controversial tries to deal with the complaints we've had about the effects or impacts on neighboring properties, both vegetation, structures, infrastructure. There we'd say that we'd again increase the requirements on the contractor/owner so that a study was required identifying what those impacts are and how to avoid them. We're not currently requiring that. As I said, the permit that we issue is not an indication that there are no impacts. It is addressing our requirements on the street, not addressing potential impacts. This would be a major new feature, the contractor/owner would have to engage a third-party expert to evaluate the impacts and effects on neighboring properties and avoid those impacts. Those are our recommendations. The next steps that we're suggesting are, first of all, receiving direction from you tonight, and then doing more analysis over the next several months. As I said, we have not fully vetted these five recommendations, and we need to go back to all the stakeholders, touch base with them. We need to collaborate with the Water District, USGS who's very knowledgeable in this area, and other local experts. We need to do that over the next two, three months, and then before the spring, before we start issuing the next round of permits for basement dewatering for next

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construction season, we need to either return to you or to Council, as you direct us tonight. Those are our next steps. With that, we'll stop.

Chair Burt: Thank you. We have a number of speakers, but I just wanted to give the Committee a chance to ask any technical questions for clarification, not discussion, at this time. If there are follow-up questions to the Staff Report before we hear from members of the public.

Council Member Berman: I have a lot of questions, but I might almost prefer to wait.

Chair Burt: Okay, you can hold yours.

Council Member Berman: If we're going to do another round of questions after public comment.

Chair Burt: We will, yeah. I have a couple that I'd like to ask at this time. We're talking about having an analysis of adjacent impacts. This would be a third party that the applicant for the pumping would engage with?

Mr. Bobel: That's right.

Chair Burt: Do we have a sense of the criteria that would be used? Would we develop the criteria that would determine what's acceptable in terms of impacts and what is not? Would they? What would be the (inaudible)?

Mr. Bobel: That's an excellent question. We'd develop a description of a scope of the study. I don't know that we could have criteria on exactly what constitutes a significant enough impact to avoid it. I think we would use language like "any impact" to make sure that all impacts essentially were avoided.

Chair Burt: The expanded fill station concept, what portion of the pumped water would be recaptured under the new expanded approach?

Mr. Bobel: I don't think we're going to be able to specify a percentage that has to be reused; although, that could be one approach. We were thinking more along the lines of specifying the activities that they'd have to do. The two principle examples we had thought of was hiring a water truck for a certain amount of time. The second one is investigating nearby parks or anyone else that could use the water that was close by. This will be less frequent, but it could be that within a block or two there's a park where they could actually pipe the water and take a very significant amount there.

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Chair Burt: Within Number 5, is there any sense that whether we're in a drought period or a normal period or a wet period would influence what is acceptable in terms of what impacts would occur and what would be acceptable in terms of what could be done?

Mr. Bobel: Yes. I believe that when we're in a drought period as we are now, the study would have to take that into account. For example, the groundwater table may be lower. The information we have today suggests that in times of drought the water table can be a couple of feet below what it was prior. They'd have to take that into account. That would sort of exacerbate the situation, and they'd have to account for that.

Chair Burt: You mentioned engaging with stakeholders. What stakeholders were you thinking of?

Mr. Bobel: We've got a number of interested people that you're going to hear from tonight; certainly them. Probably you're not going to hear from the contractor community tonight, but we need to reach out to them and see what do they feel is feasible and workable. Then there's the hydrogeologists that would be doing these studies. We need to reach out to a few of them with some draft language about what this study would involve, so that they can help us fine tune the scope of that study.

Chair Burt: I didn't see anything about consideration of any Building Code changes. Is that within what is being considered? I know we're Public Works Staff here, and that would certainly involve both Planning and Building Departments. Is that being considered as well?

Mr. Bobel: We had talked about that, but we're trying to stay focused on the groundwater pumping issue. We think we can address the groundwater pumping issue without making Building Code changes.

Chair Burt: Tom.

Council Member DuBois: You said something during the presentation that requiring delivery of water one day a week would cost about \$1,000. Is that cost to the City? What was that cost?

Mr. Bobel: That would be the cost to the contractor. They would hire the truck and a driver and deliver the water. That's a cost to the contractor/owner.

Council Member DuBois: The other question. I've heard it before, and I have to admit I just never understood it. In the hanger you showed you, it says creeks would ultimately receive this same water if not pumped first.

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How does that work when we're talking about concrete creeks, culverts? What's the message we're trying to get across there?

Ms. Struve: During a drought the Bay, which is an estuarian system that is a mix of fresh and salt water, is also water starved, fresh water starved in particular. The water is going to the Bay and the creeks. It's true that the concrete land channels don't provide very much habitat, but they do provide some for fish. It's mostly the Bay actually that needs this water also during a drought to maintain the type of habitat we have there now, which relies on a mixture of salt and fresh water.

Council Member DuBois: If we weren't pumping, not all that water would make it to the Bay. It would be absorbed through the ground and through plants and various things, right?

Ms. Struve: That's correct. I went to a scientific symposium, and they said right now the Bay is fresh water starved.

Council Member DuBois: Thanks.

Council Member Wolbach: Two questions. The first, this one day a week transporting of a tank or whatever of water to where we need it in the City, would it be collected during the week and then transported once per week or would it be taking one day per week's water and transporting that and then doing the same things we've done in the past with the other six days worth of water?

Mr. Bobel: It'd be the latter. The amount of water these sites produce is far greater than what could be stored for even a few days.

Council Member Wolbach: Thanks for clarifying that. Also, on your presentation, you listed several public concerns, on Slide 10 of the presentation. I just want to make sure—there was another one that I've heard raised. I'm not sure if you guys have gotten this one as well or maybe it was encapsulated and I just didn't catch it here. A concern about how—this is a larger related question that ties into the question of Building Codes. What impacts does a large number of basements in the area have on the ability of the ground to absorb water and flow water, particularly during a time of deluge and a risk of flood?

Mr. Bobel: We kind of folded that into the second bullet, the impact on the flow volume.

Council Member Wolbach: I thought that might be it, but I wanted to double check. Thanks a lot. I just wanted to make sure you guys were hearing the



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same stuff that we were hearing in our conversations with the public. Thank you.

Chair Burt: Marc.

Council Member Berman: You mentioned it was \$1,000 a day to rent the truck, that was my question.

Council Member Wolbach: A week.

Council Member Berman: Yeah. That's \$1,000 each time, correct? That's not \$1,000 ...

Mr. Bobel: Each day. For a day ...

Council Member Berman: It would be one day a week?

Mr. Bobel: It costs roughly \$1,000 to hire a truck and a driver for a day. That truck and driver would go back and forth to the site and water trees and parks at the City's ...

Council Member Berman: We currently have that in place or that's a prospective requirement?

Mr. Bobel: We are currently using our own water truck, and we're hiring with City money more truck time. We're currently doing that under the drought. This would be even further.

Council Member Berman: Got it.

Mr. Bobel: We can always use more water; we've always got more trees.

Council Member Berman: I imagine it's different based on the size of the basement, but approximately how long does a dewatering normally last for?

Mr. Bobel: Three to six months.

Council Member Berman: Thanks.

Chair Burt: I had one other question. We had Slide 4 that showed kind of an example of a shallow water aquifer and a deep water aquifer. Did you discuss what is the physical reality in our City on the relationship of these aquifers and confining layers?

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Ms. Sbarbori: This slide shows the extent of the confining layer in the Santa Clara Valley groundwater basin. It does stop at the county line. It doesn't stop ...

Chair Burt: Water respects county lines.

Ms. Sbarbori: Right.

Mr. Sartor: No, it doesn't.

Ms. Sbarbori: The line stops at the county line, because this was a Santa Clara County centric report.

Chair Burt: That red line is trying to represent ours? Where a confining layer begins?

Ms. Sbarbori: Yes. The first gray layer in this diagram is represented by the red dashed line in the second map.

Chair Burt: Can you explain on that picture where that is in Palo Alto?

Mr. Bobel: Let's pull up the slide of the depth to groundwater, just because that's a slide of Palo Alto. Basically, it's where Junipero Serra/Foothill Expressway is, is the simple way to describe it. That's where the recharge area begins. That's where that confined layer surfaces so that it can be recharged. If you think of everything on the east side of the Junipero Serra/Foothill Expressway being the unconfined layer below it, and then below that the confined layer. Pull up your slide again that shows the confined layer.

Chair Burt: Let me just add part of why I'm asking. Mr. Bennett had provided—I think he provided it to the whole Council and Staff. There's an '02 USGS study. Do you know this one?

Mr. Bobel: Mm-hmm.

Chair Burt: I'm looking at—it's an odd numbering. I think it's the second report. In any event ...

Mr. Bobel: We think we have that one.

Chair Burt: It was this slide, Phil.

Mr. Bobel: She's going to try to get it up.

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Chair Burt: That seems to indicate that the confining layer begins a lot further downstream than we had historically understood.

Mr. Bobel: It does. You'll see differences in different reports on that. If you look at the map that the Water District has given us, it shows this transition to the unconfined occurring at about Junipero Serra/Foothill Expressway. If you look at this Metzger study in 2002, it shows it at about where Nordstrom's is. It shows down that far. In any case, I think the safe thing to say is it's at least a couple thousand feet west of Alma. Somewhere between that point where San Mateo Drive would hit Sand Hill, somewhere between there and Foothill is where this recharge area begins. This is a good time just to mention that we've had a number of discussions now—Elise has too—with the Santa Clara Valley Water District. They've even got little question mark signs by that red line that Elise showed you, because in our area it's not well studied. I think the best way you can say is all the reports say it's at least as far west as a couple thousand feet from Alma. Sure.

Ms. Struve: For this picture, it is actually a transect of San Francisquito Creek. San Francisquito Creek itself is a recharge area. It does intersect with the groundwater. Most of the area of dewatering, if you were looking south of San Francisquito Creek, is in this C transect where there is a confining layer and a lower and an upper aquifer.

Chair Burt: My final question at this time. We have the approximate area where the confining layer begins which appears to be different from what I had learned for many, many years, had been told for many, many years of where this really happened and the separation that existed between those. That goes to when I served on the County Wellhead Protection Committee. Where we are downstream of the confining layer, do we understand what's the impact of water drawn in the shallow aquifer essentially back upstream? Does it or does it not potentially impact the deep aquifer as that water is connected? If it's not being forced in flowing downhill, it seems that it may.

Mr. Bobel: You're going to hear different testimony on that. The studies that we've looked at suggest, as we've said, that that confining layer is intact at least up to, let's say, that Nordstrom's area. Because the groundwater is moving toward the Bay and because it's under pressure underneath the confining layer, you wouldn't expect that you'd get transmissivity down. The pressure is actually the other way. What you'd be asking water to do is kind of swim upstream, hook around the confining layer, and come back down. That doesn't seem to be what's probably occurring.

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Chair Burt: Do we have from the several decades of monitoring groundwater contaminants—is that informative? By tracking these trace elements—I should say volatile organics, not elements—can we see and have a clearer answer as to whether what you just posited is the way it happens? Do we ever see those surface toxic organics move upstream?

Mr. Bobel: I don't believe we have. I'm trying to think. First of all, that's just in the surface, upper aquifer.

Chair Burt: That essentially is probably—it's pretty hard for us to track a water molecule and where it moves, especially if it's not flowing at a measureable rate. We can track contaminants. If we don't know these answers, I suspect that that sheds a great deal of light on what's actually happening there. That's several decades of watching the movement of that aqueous material that's been contaminated by toxic organics. You can think of the toxic organics as markers, and we've got great data on that.

Mr. Bobel: Yeah. We know that you draw the plume, and then you redraw it and you redraw it. Unfortunately, for the downstream people, we know that those plumes are basically moving toward the Bay, as you know. I don't think we've ever done careful studies at the upstream extremity of the plume to say, "Is it also moving slightly in that direction?" There's another phenomena though, as you know, of diffusion. You're going to get not just flow, but these contaminants are going to be diffusing outward, even going against the flow. They're going to diffuse in the direction 180 degrees to the flow. I don't think that would answer your question completely either. It would just raise the question is that diffusion or is that actual flow of these contaminants. The marker thing is tough.

Chair Burt: I'd just say that I think that's a whole other data set that would be informative. Thank you. At this time, we'd like to move on to members of the public. We have our first speaker. I realize I don't know to—is it Vrhel? Where are we? After that, sorry. Then we have a request by five speakers to allow Mr. Bennett to speak. At our Committee meetings, we have a less formal setting, and there's more discretion. I will do that. What we do at a Council meeting, I think we allow five speakers to aggregate to ten minutes. Mr. Bennett, does that cover you?

Keith Bennett: That's fine.

Chair Burt: Welcome.

Rita Vrhel: Thank you for discussing this important topic tonight. Would everyone in the audience who is here to support Save Palo Alto's Groundwater concerned and Zero Waste management policies for our

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groundwater please stand? Thank you. I joined savepaloaltosgroundwater.org because I just got tired of seeing all the (crosstalk) pumped groundwater ...

Chair Burt: Rita, can you just pipe it out more?

Ms. Vrhel: Can I start again? Can I have more time?

Chair Bennett: Go right ahead.

Ms. Vrhel: I joined savepaloaltosgroundwater.org because I just got tired of walking around in the community center area and seeing all the pumped groundwater going directly into the storm drain. Luckily, Canopy introduced me to Mr. Bennett. Once I joined their organization, I was really actually astounded to find out the complex role that groundwater plays in Palo Alto. Savepaloaltosgroundwater.org has compiled an impressive amount of scientific data which they have discovered and posted on their impressive website. Some of these studies have been sent to you. Likewise, we've reached out to the community and to the City Council and appreciate your time in meeting with us. I would just like to say that it is important to remember that this groundwater serves as an emergency water system for Palo Alto. Even though it is not potable at this time, it could be treated. In periods of continued drought, it could be a significant resource to us all. I maintain that pumping it to the storm drain is not practical. I'm going to give you a copy of our response to the five recommendations. I just wanted to point out that the recommendations involving fill station extension basically place the burden on neighbors to carry gallons of water that weighs 8 pounds each to their yards. We spoke yesterday about how this 126 million gallons equals 40 gallons of water every day for 2,958 households times 1.02 days. This would be that each residential household needs to carry 320 pounds of water to recapture this groundwater. I personally think there is a better way, and that should be the responsibility of the contractor. Also, our Sister City in the Netherlands can show us how to build basements without extensive dewatering. All we need to do is ask them for that information. Thank you very much.

Chair Burt: Thank you. Our next speaker is Keith Bennett, who will have ten minutes speaking on behalf of himself, Irene Kane, I believe it is, Patrick Lui, Andrei Sarna-Wojcicki, sorry if I misspeak, and Mary Ellen White. Welcome.

Mr. Bennett: Thank you for giving me the time. Am I suitably audible here? How about that?

Chair Burt: That's better yet.

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Mr. Bennett: You've got to get really close to this. The press always asks me why I got involved in this in the first place. It was basically a simple observation that I noticed changes in my house that correlated with nearby dewatering. In fact, when I went back and looked, retrospectively, even though I had no knowledge of the dewatering when I learned about what dewatering projects were going on, say a block or so away, in retrospect several years later and when I made repairs like broken windows, I found out that there was a pretty good correlation. Correlation is not proof, but it is a little bit like a canary in the coal mine. It alerted me that perhaps this dewatering had impacts that were further than a couple of tens of feet from the property line. Then I began looking into how much water is being taken out of the soil, where could that water come from, all this stuff about cones of depression and on and on and on. When I got into it, it seemed like the amount of water that was being pumped is substantial, as you've heard before. It's enough water to justify a municipal well in East Palo Alto. 400 acre feet is a lot of water. We're talking about municipal-scale pumping from the shallow aquifer in a fairly concentrated region. When cities go to put in municipal-scale wells, they do very careful studies to try to determine the impacts on the dewatering before such wells are permitted. In fact, Todd Engineering in the city of East Palo Alto have been working on a project over the last close to a decade regarding refurbishment of wells. It's also, if you do a simple arithmetic, 400 acre feet of water, over 8,000 acres, is 1/20th of a foot of water. Typical absorption of rainwater, at least per this study and Todd Engineering, is 10 percent. That means that we're taking out enough water from the soils to correspond to taking out 6 inches of annual rain, the water we could collect in 6 inches of annual rain. To me, that is a significant impact. Whether or not it goes to the deep aquifer, reducing the—taking 6 ounces of rain that would get into soils and putting it in the storm drains year after year is significant. I think we would all agree that water is a valuable resource. Whether it is potable or not potable, this water is clearly useable for irrigation, and it is clearly a valuable resource. Our opinion is that this water should be managed first and foremost as a valuable resource. We should understand that clearly before we continue this practice. There's been discussion about the connection between the deep aquifer and the shallow aquifer. My background is physics, and I'm fairly familiar with the concepts of mass balance. The Todd Engineering report—I sent Council Members a presentation on that—has their estimate of the mass balance of water. They call it a water budget, inflow minus outflow. There's a big discrepancy between those two numbers, but the bottom line is that the inflow in Palo Alto is assumed to be primarily through the surface aquifer. Therefore, our claim to water in the deep aquifer, whether or not the water in the surface aquifer flows into Palo Alto or Menlo Park or Sunnyvale or Mountain View or however it flows, is to some extent related to the amount of water that we actually capture. I think this needs

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to be understood. It's a complicated problem. I reached out to one retired USGS geologist. His name is Allen Moench; he lives in Menlo Park. I asked him about this coupling of the aquifers and sent him—I didn't send him the Todd Engineering report because I didn't have it at the time. He said it is a matter of willful denial that shallow, i.e., water table aquifers, are totally disconnected from deep-seated aquifers. No geological materials are completely impermeable. Interlayered fine and coarse-grained materials deposited by meandering streams on an alluvial fans provide connections through the sedimentary profile. In addition, interleaving low permeability materials like plate layers are often breached by deep wells that have been improperly abandoned. This, of course, leads to a short circuiting between deep and shallow aquifers. If you look at that 2002 USGS report, you'll notice this slide up here. You look closely at the direction of the impermeable layer and you look at the direction of the water surface in that cross-section, which is fairly accurately measured, you will see that it flows towards Nordstrom's or Alma or Sharon Heights Drive. It flows in that direction on the slope. You'll notice that the high point of the slope of the water table, which is that dashed line, is roughly at Middlefield Road. This confining layer, you can also look in the Todd Engineering report which is a long document, these confining layers are very complicated and they have structures. They're likely to have trapped internal ponds. They're likely to have leaky places. It's not simple. Treating it as a newly built basement, I think, is fundamentally incorrect. Mass balance indicates that we're missing about half of the water. Either this rainwater flows to the Bay or it flows into the deep aquifer or it gets pumped out, but it doesn't do all three. I think this needs to be understood. I have sent Council Members quite a bit of information. I don't want to get into a debate here on geohydrology. I think I can highlight the questions that should be answered. I think they can be answered. You sent our request to the Policy and Services Committee. We strongly agree that—what I think Public Works said is having a moratorium on issuing of new permits until we figure some of this out, we strongly agree with that. We are not saying don't issue dewatering permits next year or in the future. We're saying take a break, understand what's going on and develop policies and best practices. I don't think we need to cry if it costs \$50,000 more for someone to build a basement for a \$10 million house, if it affects public good. People bid up the price of the land for it by several hundred thousand dollars. If they're using a public trust resource like water to build a basement, then they should pay for that water. Delivering water one day a week from a site that fills up, maybe the truck can make—you tell me—eight or ten trips in that eight-hour period or ten-hour period. That is maybe 10 percent, maybe 20 percent of the water that that site produces if they were to do it for six days. For one day a week, it's about 1 or 2 percent. Public Works here can do some calculations, but I believe that all of these suggestions should be valued in the context of not how they look,

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but what kind of effects they will actually make in terms of meeting policy objectives, which is to say using groundwater efficiently and effectively, Palo Alto is a leader in the local area. People follow Palo Alto's policies. In particular, Atherton and Menlo Park are also engaged in this same dewatering process, which affects this same aquifer. I believe that they would be interested. I believe that East Palo Alto, since they are working on these wells, will be highly interested in understanding the connection between the deep and the shallow aquifers in the San Francisquito Creek sub-basin because that is where the water comes from. Aquifers do not make water. They store and they transport; that's all they do. If we want to have water there for our emergency wells, we better make sure that we have the policies there to do that. One of the most important things is to develop a Groundwater Management Plan. Palo Alto is required to update its Urban Water Management Plan. The next update is July 2016, so the timing is good. There's been regulations issued as part of the drought by the State, in September 2014. I'm not a legal eagle; I don't have the numbers. I think these provide good guidance on things to do. As I mentioned, water does not respect county lines. Working with San Mateo County is a relevant thing to do. I believe San Mateo County does have activities in mind. This Groundwater Plan should create and implement a sustainable groundwater budget for Palo Alto, taking into account that this is a shared resource. It should consider the prospects of climate change. It should integrate the groundwater management policies with Palo Alto's sustainability goals. It should protect the groundwater levels and quality in both the deep and the surface components of the aquifer. As I said, this discussion of groundwater is not distinct from sustainability. Palo Alto is redoing its Comprehensive Plan. There's N-18 and other applicable policies that I think should be considered. Once we have a water budget, then we can decide how to spend or how to use that water. In fact, it probably should be adapted; it should change with changes in climate, and it should change perhaps even seasonally. Until we understand something about how that works and where this water is coming and going, it's hard to do. If we have extra water and we want to use it for the construction of basements, that's fine. I think we should charge for it. It shouldn't be treated as a free resource. If it is treated as a free resource, it won't be respected. There's other things here. I've sent them. People can discuss them. I'm more than happy to work with Public Works and the City and outside experts to develop a reasonable policy that is practical.

Chair Burt: Thank you. Our next speaker is Marilyn Keller, to be followed by Judd and—Judith, I'm sorry. I can't make out the last name.

Marilyn Keller: I'm Marilyn Keller; I'm a Palo Alto resident, but I'm here today representing Canopy as a long-term volunteer and a board member.



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Although Canopy is not aware of any studies showing tree damage due to basement dewatering, Canopy very much supports having more research done in this area. Based on what I've learned from various experts—I have a background somewhat in this area—I'm somewhat echoing what was just said before. There are site-specific variables that need to be taken into account. We very much support of having more site-specific analysis to see how much water and the location of water that is to be drained. I don't think it's quite as simple as that brief diagram shows it to be. This in turn determines what the potential impact on trees can be during construction, which is when they're most sensitive. For these reasons, Canopy very much supports more site-specific analysis to assess and to address what the potential impacts on trees might be. Thank you.

Chair Burt: Thank you. Our next speaker is Judith and F-I and then I lose. Maybe she's not here. Our next speaker is Joseph Rahn, to be followed by Steve Broadbent.

Joseph Rahn: Hi, how are you? My name's Joseph Rahn, and I started a business called Purple Pipe Water Services about six months ago. We deliver recycled water and reclaimed groundwater to people in Palo Alto. We're pretty neutral on the whole issue with the groundwater pumping. I've talked to a lot of different people about this issue. I've talked to the contractors, the neighbors, the people pumping the water. The opinions, they vary across the board. It seems like the water does come back into the local water table, but it takes a while to do that. There are those cones of depression. I think that what could be done is the water—what is happening is the water is being depleted at that local site where it is being dewatered. What could be done—we delivered probably 50,000 gallons of groundwater last month. To answer Keith's question, we could probably deliver eight to ten truckloads per day. That'd be about 20,000 gallons per site. We could deliver it, if you set like a hydrology expert that set a radius in the perimeter of maybe a quarter mile or something like that, per site, we could deliver the water to neighborhood residents for free having the contractor foot the bill. The contractor would also set aside some sort of a fund to compensate neighbors that might have problems with their house. I don't know how you would determine that. Maybe you'd have to have, like, an arbitrator come in and figure out what went wrong. Another thing that we could do is if a groundwater site is next door to a school or a park is we could set up and build a temporary pipeline where we could pipe the water directly to the site next door, and then take down that pipeline a couple of months later. We could have pumps and various ball valves that would distribute the water out. As for a percentage, I don't know how much each site is doing per day. My guess is maybe 100,000 gallons a day. If we could take 20,000 gallons a day, that'd be 20 percent. Really we'd just be delivering the water right to

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the local neighbors. Hopefully some of that water would find its way right back into the local water table immediately. I think that was about it. Thank you.

Chair Burt: Thank you.

Mr. Rahn: I had one other point. Last year I went to about 15 of these groundwater stations, and only two of them were compliant, meaning that they had a 2 1/2 inch national standard thread out port and a pump that actually was powerful enough to fill up a truck. If you could just enforce that, that'd be great.

Chair Burt: Thank you. Our next speaker is Steve Broadbent, to be followed by Jody Davidson.

Steve Broadbent: Thank you. My name is Steve Broadbent from Old Palo Alto. Seven and a half years ago, I stood at this very podium talking about this issue. I'm glad to see it hasn't died. In fact, I'm glad to see it's progressed to the point that it is with some real, substantive recommendations now by Staff. Seven and a half years ago, there was some discussion, but there was not a lot of action that came out of that. I want to refer to what was Attachment H in your packet, which is my letter from 2008. I'm going to reference a few points from that that highlight, I think, what is the most significant recommendation of Staff; that's Item Number 5 around looking at some of the localization effects of the groundwater pumping. The mechanical removal of millions of gallons of groundwater from a construction site has detrimental environmental impacts. It is disingenuous for a construction project to be considered green when it builds a basement in an aquifer. One so-called green project in Old Palo Alto pulled an estimated 100,000 gallons of water per day from an underground aquifer for a period of over six months. Some of the studies that have been referenced in earlier reviews said that in areas adjacent to the site being dewatered, the rate and flow direction to the groundwater would be altered by the dewatering process. Groundwater in the influenced area would move toward the base of the excavation. This effect could extend from several feet to several tens of feet beyond the excavation. Now, think about that for a minute. Several tens of feet goes beyond the property line of the people that are doing the groundwater extraction. It's moving into the adjacent properties including mine. The prolonged extraction of groundwater from a project near my home in 2008 certainly sucked the groundwater from underneath neighboring properties including mine. The foundation engineering handbook by Fang in 1991 confirmed that the process of dewatering can have side effects that are harmful to projects under construction and facilities nearby. Dewatering can cause damage to

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structures being built or to adjacent structures. The drawdown of groundwater under adjacent properties can and does cause localized subsidence, depending upon the soil properties in the area. I'll just conclude by saying after 75 years, my home should not be settling any more. It's been sitting for 75 years, yet cracks in the plaster and cracks in the pavement developed through an extended groundwater extraction in my area. I very much encourage the Committee to review with great urgency the recommendations of Staff and the broader Save our Groundwater organization. Thank you.

Chair Burt. Thank you. Jody Davidson to be followed by Jack Morton.

Jody Davidson: Good evening. My name is Jody Davidson. I've been working on this really since 2008. I'm just going to get right down to this, not even reading this. I've been wanting to tell everybody this. The consultant who wrote the EIP report never knew the volume nor the length of time on these sites. He never, never knew. I spoke with him on three occasions in 2008. I mentioned all the impacts that were noted by residents. He told me that all of those can occur. He was not told how long that this pumping would occur, nor the volume. He suggested that I tell our Council—our City Manager at that time was Mr. Benest—and to have him hire him back or another consultant to relook at this issue. Now, this is Parsons. That would be Parsons Brinkerhoff. It's no longer EIP. The consultant's name was George Burwasser. Yes, all of the impacts that the residents are telling you guys can happen. Subsidence, compaction, consolidation, cracking of adjacent buildings. All of these are noted as collateral damage in dewatering, which is actually a construction technique which is used in large-scale developments and not on small, postage-stamp, residential homes, which is why Staff and a lot of people can't find stuff. It is there in the engineering manuals about impacts. Because we have compressible clay soils here and our homes were originally built on a certain level moisture, the moisture is needed to make the soils resilient. When you remove the moisture, it causes desiccation and cracking. When you put a basement, a structure into the ground, there's no place for water to go to the neighbors except laterally, because it's all concrete underneath and only a few feet between one house to the other. When the aquifer levels resume their heights and you get a slight rain and the down fall there, it can't reabsorb into the ground. It goes laterally. Then over time it creates kind of a compression. That isn't going to happen right away; it's going to take time. The other homes are going to start sloping. Right now we're in the cracking part of it, because we're in drought and we're still pulling out water which is drying the soils. It cause not only our landscaping to dry, but our homes. I appreciate that Staff is going to look into this and possibly call in a consultant to relook at this again. Thank you.

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Chair Burt: Thank you. Former Vice Mayor Jack Morton to be followed by Ted Halper.

Jack Morton: Ted has conceded his time to me just in case I go over. Good evening, Committee Members, Staff. To understand the community's request for thoughtful, insightful regulation, ask yourself this question. Would you permit—I use the word in a double sense—a developer to pump millions of gallons of a public resource without adequate regulation if that were oil? I think the answer is for sure no. Water, as we learned from the central Valley, is becoming more important than oil for the survival of the world in general. If not, then why do we permit this with millions of gallons of water? Enough water to keep every tree and park in Palo Alto healthy. I don't understand that we haven't taken action before now. If this were oil, we would have frozen (inaudible) or basements until appropriate regulation was adopted, regulation that would control the stealing of a public resource. For me at least, I would suggest that you add to your proposals to make changes, add back the basement square footage to the allowable build-out. We took that away; we should never have done that. Fill stations are not an answer. They transfer the burden of the beneficial use of water away from the developer onto the community. Ask yourself would the City be willing to spend \$1,000 a day for a second day of beneficial use of the water. I doubt it. Why do we leave six days for the community somehow to solve. That cost should be fully borne by the developer. Don't let the developers tell you that the Bay needs them to steal a community resource. The groundwater is a community resource, and it should be regulated by us as a community. Thank you.

Chair Burt: Ted Halper, did you need to speak or you've ceded that? Okay. The next speaker is Peter Drekmeier, Former Mayor Peter Drekmeier, to be followed by Esther Nigenda.

Peter Drekmeier: Good evening, Council Members and Staff. Thank you for revisiting this issue. I think it's important and probably going to be important for many, many years to come. My biggest concern is the loss of our most precious natural resource. I forwarded to you earlier in the day, sent to you this memo from the UAC on water resource alternatives. There's a great chart on Figure 1 which shows the cost of our SFPUC water from the Tuolumne by way of Hetch Hetchy. It was less than \$400 an acre foot in 2000. It's currently up to 1,300 an acre foot and will climb up to over 2,000 an acre foot to pay for the seismic upgrades. This was compared to the cost of water from the Santa Clara Valley Water District including groundwater, which is about \$900 an acre foot. That's for the potable, deep groundwater. There was talk at the time about possibly blending the groundwater in to bring down the cost, so that people weren't seeing this 10 or 15 percent

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increase each year. It is an important resource. We're talking about the non-potable water in the shallow aquifer, but it's very close to being potable. For trees, there's really no difference. I hate to see that just go down the drain. I think the problem is that we do encourage, incentivize basements by not including square footage in the floor area ratio. That might be something you want to revisit, at least a percentage of it. What it does is it privatizes gains at the expense of the community. It socializes some of the costs. The water isn't paid for. If it were being consumed, it would be. It's seen as problem versus a resource. The disposal of it through the storm drain isn't being paid for either. I think that could be very problematic when the City goes back to the voters to renew the storm drain fee. If they see that they're subsidizing dewatering, that could be problematic. I also just wanted to mention that there's a lot happening in San Mateo County. The Santa Clara basin extends all the way up to Burlingame. It's called the Santa Clara sub-basin on our side, and the San Mateo plain on the north side. They're looking at water in general, sea level rise, Bay level rise, flooding and groundwater. They're working on a groundwater basin assessment that Palo Alto might want to participate in. We are the closest neighbor along with Stanford. Bay Area Water Supply and Conservation Agency is working on a groundwater reliability partnership. I think there's a lot of opportunity to get more information and answer some of the questions that on all of our minds. Thank you again. We have a great Council. We have great Staff. We're going to make it through this.

Chair Burt: Thank you. Our next speaker is Esther Nigenda, to be followed by Skip Shapiro. Welcome.

Esther Nigenda: Good afternoon. Groundwater is an extremely precious resource, being the key source of sustenance for humanity and the ecosystems we inhabit. A new study published in Nature Geoscience has for the first time estimated the total volume of groundwater present on the Earth. The results show that we're using up the groundwater supply quicker than it can be naturally replaced and that less than 6 percent of the groundwater located up to 2 kilometers deep in the Earth is renewable within a single human lifetime. Future research will seek to determine exactly how long it will be until modern groundwater runs dry. Groundwater like all our other resources is not an infinite supply. From Zero Waste to carbon neutrality, Palo Alto has long been considered a leader in sustainability. Let us take the lead in protecting and preserving our groundwater. We hear that Public Works wants more time to study the issue. We strongly agree with this position, and we suggest that the City use this time and prioritize engaging a consultant such as Todd Engineering or Carollo Engineers to create a sustainable Groundwater Management Plan for Palo Alto. The Groundwater Management Plan should be part of Palo

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Alto's Urban Water Master Plan next update which is due in 2016. Additionally, reference to the Groundwater Management Plan needs to be incorporated in the update to Palo Alto's Comprehensive Plan, specifically Policy N-18 which states protect Palo Alto's groundwater from the adverse impacts of urban uses and all other applicable policies in Palo Alto Comprehensive Plan. Thank you for your attention.

Chair Burt: Thank you. Skip Shapiro to be followed by Herb Borock.

Skip Shapiro: Good evening. I appreciate the Committee having this meeting. If you could bring up the slide with the recommendations, I would appreciate that. I want to comment on the next steps. Maybe it is the recommendations. Anyway, there's two comments that I'd like to make. One is the suggestion that one of the things that's important is an outreach to tell people that the water makes its way to the Bay either way, whether it goes through the storm drain or whether it finds its way through the soil I think is disingenuous and naive and, frankly, insulting. It assumes that the water does nothing while it's in the ground. It goes down the storm drain and that's just as valuable. It's obviously serving to water the trees within our community. Removing that water is a disservice to that. Secondly, the recommendation to do intensive and complex assessments of what the impact of (inaudible) seems to be excessively complex and costly. It seems to me that what would be better is to look at zoning. If building basements in areas, residential areas, where extensive dewatering is required, perhaps that's not an appropriate place to have basements. This idea that houses need basements because the value of the property is so high people have bought their lots, torn down the single-story homes, they are putting up two-story homes and they need a basement too is a positive feedback cycle. They've paid a lot for their property, and now they're increasing the value incredibly by putting all this square footage in there. Maybe that's not the right thing for these areas in Palo Alto. Do we need these megastructures within our residential areas? Thank you.

Chair Burt: Thank you. Herb Borock to be followed our final speaker, Dan Garber.

Herb Borock: Chair Burt and Council, Committee Members, I have been listening to speakers last night and tonight. Listening both nights, it seems that only on the public microphone has the volume been much lower than it's ever been before. Your microphones are just fine. I support the groundwater proposal for a moratorium. I also support including basements in the calculation of floor area without changing the total floor area ratio. I think of what's going on—to make an analogy and also compare and contrast with the prior project. You may recall the Arrillaga project near the

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train station where I couldn't tell if Mr. Emslie and Mr. Garber, who was paying them and who they were working for, where Former Mayor Rosenbaum referred to the insatiable desire of developers for more. I guess the sense of having basements as floor area is similar to that. The different is it's not something new that's being asked for. It's something that's there and that people who benefit financially from that will fight harder to retain it than they would fight to get something in the first place. When the current FAR formulas were put in of .45 for the first 5,000 square foot and .3 for additional square foot, for a 6,000 square foot lot, that's .425 FAR. In south Palo Alto, the typical FAR was .29. It would seem that that would be a great increase to use the new FAR to demolish a .29 and get a .425 or around that for larger lots. In fact, adding the basement and not counting it, that's a lot of money for developers, contractors, architects, a mortgage, bankers loaning money, so they're going to fight hard to retain it. I think that we should do away with that exemption. In terms of the dewatering, buildings (inaudible) will be allowed to dewater but not have continuous flows of water coming out after buildings are built. We don't notice it now but, when we had normal rainfall, there were many houses that had basements that had been built had continuous flow of water out during rainy season. We don't notice it now but, when the rains come back if they do, we'll see that again. It's hard to distinguish between which homes we should allow to have the basements and which not, because it's depending upon the level of rain and the level of the aquifer from year to year as to whether or not you have an effect. If it would be allowed anywhere, would it be above that line around Foothill Expressway? Anything above that might be places to have the basements but not below it. Thank you.

Chair Burt: Our file speaker is Dan Garber.

Dan Garber: I'm a architect, but mostly I am speaking to you as a resident. I've been particularly keen on groundwater issues. This year I've lost four trees, and I have a backdoor that doesn't open. I have not seen any third-party confirmations of adverse impacts of groundwater issues. I've called several professionals to ask if they had. I called arborists, Urban Tree Management, Ray Morneau, Barrie Coate's office as well as Dave Dockter. Excluding Dave, these professionals represent over 500 projects and thousands of trees in Palo Alto over 35 years. None of them reported seeing any adverse impacts. As I learned, this is largely because regardless of the type of tree, 90 percent of the water a tree needs is absorbed by roots that are less than 1 foot from the surface. In fact, the roots of even the largest oaks and the tallest redwoods are not more than 5 feet deep in Palo Alto. With very few exceptions, trees get their water from above, not below. I also called Schaaf and Wheeler and two geotechnical companies, Murray Engineering and Romig Engineer, who probably do about 70 percent of the

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geotechnical reports for the residential homeowners and represent over 400 projects over approximately 35 years. Like the arborists, they reported no impacts resulting from dewatering. As I understand this, it's largely because Palo Alto east of 280 is composed entirely of very stiff, highly consolidated clays and cannot compress any further, even when the water level below them is temporarily lowered for basement construction. The dewatering of 140 million gallons a year is a very scary number. That scary number is about .1 or .2 of a single percent of the 114 billion gallons according to the 2009 report of our aquifer below. Let's say that the City finds that that .1 or .2 of a single percent is too much. Should the burden of the fix come from the residential homeowner? 184 million gallons has been pumped from the Oregon Expressway underpass each year for the last 59 years. That's a quarter more than annually for the homeowner. The pumping of the University Avenue and Homer underpasses very likely doubles that number. When you add in the other permanent pumping that goes on in the many commercial basements, the parking garages and other places, the amount of water the residential homeowner contributes quickly becomes very fractional. All this pumping has been going on for decades with no apparent adverse impacts. Our surface water is very valuable to us and should be actively managed. I find it very difficult to make a convincing argument that supports the banning or moratorium of residential homeowner dewatering based on what appears to be a lack of any empirical data from the last four or five decades. If the City wants to spend more money on these issues despite the lack of empirical evidence and ignoring the 2003 and 2009 reports that fail to predict impacts, the City should take a much more holistic view of our responsibility rather than looking only at the residential homeowner dewatering and engage local professionals. I support the five recommendations in the Staff Report, but the City should not penalize the residential homeowner for their de minimis dewatering.

Chair Burt: Thank you, everyone, for your comments. Let's return to the Committee for additional questions and comments. Who would like to go first?

Council Member DuBois: I'll go first.

Chair Burt: Tom.

Council Member DuBois: This is a really important issue. I appreciate everyone coming here. We do have three other items tonight. I wonder if we could, say, wrap this up by 8:15 as a target.

Council Member Berman: I'm fine with that.



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Council Member DuBois: A couple of questions. We've heard a couple of people talk about damage to homes. When we issue a dewatering permit, does the City get involved in any way in terms of insurance or anything regarding damage to nearby homes?

Mr. Bobel: No. At the moment, those permits don't involve an analysis that we've done of damage.

Council Member DuBois: Do we require the contractor to have insurance that would cover damage like that?

Mr. Bobel: Not in that permit, no.

Council Member DuBois: When do we start issuing permits for next spring?

Mr. Bobel: We don't have any, Mike tells me, in the immediate offing for issuance. It could start at any time. We need to aggressively figure out what we're going to do.

Council Member DuBois: My assumption was that the amount of water we're talking about capturing with a truck once a week was a relatively small percentage. I think Keith Bennett said 1 to 2 percent. Does that sound about right?

Mr. Bobel: That's approximately right.

Council Member DuBois: I'm really glad we took this up and responding to concerns we're hearing. I think a little bit—I'm trying to think how to say this. I think the response is kind of inadequate. I think there's kind of different things going on here. Part of it's really we're asking people to cut back on water. We're saying that this is very high quality water that's suitable for irrigation, and we have that image of it going down the drain. I appreciate the recommendations, but I also think we should maybe approach it with a different mindset of what do we do around water capture and more from a sustainability perspective. We do have a sustainability summit coming up. It seems like groundwater could be a good topic. Also, Council Member Burt and I are on this water recycling committee, as you know Phil. I think there's funding there for reuse and capture of groundwater. I think we should be thinking bigger in terms of how do we capture and use this kind of water. Are these recommendations basically because you guys thought about that and it's just too costly using the tools that we have today to capture this water?

Mr. Bobel: We wanted to give you a few guideposts. That's why we threw out the idea that if we did require trucking one day a week, that would be

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\$1,000 a week. You can multiply that. What if you did it all five working days of the week? That'd be \$5,000 a week. We gave you some touchpoints there. We're looking for guidance back on frankly what do you think the cost should be required of owners/contractor.

James Keene, City Manager: If I just might add, Council Members. I think it's a pretty simple addition, if you're interested in that, to give us some directives. Half of what we'd be doing is just simple math, then it'd be in many ways ultimately up to the Council for you to sort of have a judgment as to what extent are we mitigating the impact or reusing the water in a way that's effective. That's pretty simple for us to do. I think Phil's point is that in many ways we were just generating a coefficient for comparison. We can go beyond that if you're interested.

Council Member DuBois: Still, the 1 to 2 percent, the image of 50 trucks or whatever it would be. I mean, that's (crosstalk).

Mr. Bobel: That is another point, if I could just break in. We got complaints that we were wasting water, and then we started having trucks go by and pick it up. Then we got complaints from neighbors of the truck traffic. It's real. These trucks, when they back up, they make that required horrible beeping noise. A lot of this work is best done in the very early morning or at night because that's when we can get access to the street trees.

Council Member DuBois: I think we need to look at other ideas. We did have some signatures and the idea of a moratorium which Staff didn't really talk about. I think, again, with the idea that people could apply for a permit at any time, maybe a short-term moratorium until we get some immediate changes in place, before next spring, makes sense. People won't be able to pump until April anyway. With a goal of figuring this out by April. I think there needs to be some context sensitivity in terms of, I think, what we require. If we're in year 3 of a drought, maybe the requirements are different than if we have a couple of rainy seasons. Do we have any way to measure kind of saturation of the ground or what's the shallow water aquifer level at any time or not really?

Mr. Bobel: We have a pretty good sense of that. Kirsten, you want to put up that depth to groundwater thing again? That might not have registered.

Council Member DuBois: On an ongoing basis?

Mr. Bobel: What we're told is that it really only varies by a couple of feet a year, even in these rather dramatic drought situations. In the area, the line that you see, that's a 10-foot right here were Kirsten's got the cursor. That's your 10-foot line. The 15-foot line, just move over to that one so we

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can get a sense. Most of the pumping that we're seeing is in that area where the groundwater table is above the 15-foot level.

Council Member DuBois: I should know, but I don't. When we grant permits for a basement, do we differentiate between if you're in the 10-foot or 15-foot? I know you can't have a basement in the flood zone. If the water table's at 5 feet, does that make a difference versus 15 feet for that location?

Mr. Bobel: We don't have a rule against basements in any particular location except the floodplain. If you're in the floodplain, you can't do it. If you're outside the flood basin, there's no Palo Alto rule that prevents it. It just makes it more expensive for the builder. At the moment, that's the only restriction.

Council Member DuBois: I'm just going to throw out kind of options. Again, I think considering number of years of drought or severity of drought, I think the concentration of basements in a particular area and, again, this idea of maybe serializing pumping, so it's one at a time rather than having maybe multiple houses next to each other pumping at the same time. I am intrigued by this idea from the Netherlands of kind of water-based construction techniques. We could say you can make a basement, but you can't do any pumping and you have to use this other construction technique. I don't know how feasible that is, but it sounds interesting.

Mr. Bobel: We don't have to look to the Netherlands to see the type of construction where you prevent ... It's done in this country as well. It's just more expensive.

Council Member DuBois: Again, I think the message here is the idea that groundwater is valuable and how can we capture it and how do we assign value to it. Again, if you say we can't pump it, I think our lots are too small to say you have to use the water on the property. I think some other cities do that, but they probably have much larger lots. Charging for the water at some rate, I think again says that it has value. This idea about counting a portion of the FAR, again I think, is assigning value to that water. Again, maybe it's too complicated, but the idea of adjusting the depth according to the water table, it would be easier to do a basement where the water is 15 feet below ground than 5 feet. It was a little bit troubling to hear that most of the filling stations weren't compliant. Maybe we need to have some fines or something if the guy shows up with a truck and the pump's not sufficient or the hook up is not there. The last question I had. I think it was mentioned in the Staff Report this idea of pumping into the sewage system instead of the storm water system. Again with the drought, I understand we have less

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water going through that. Is that something that would actually be helpful, that we might do occasionally? Not for all basements.

Mr. Bobel: No, it's not really helpful. We're doing it because our community needs it, not because the sewage treatment plant needs it.

Council Member DuBois: I thought the amount of water in the sewage system was getting low and it was causing potential problems.

Mr. Bobel: It's true that our concentrations are increasing, but this amount of water is not going to—first of all, this water also has a reasonably high total dissolved solids content. It's not exactly the kind of water we're looking for.

Council Member DuBois: It wouldn't lower the need to buy the chemicals we need to buy to make the water suitable to discharge into the Bay?

Mr. Bobel: We wouldn't have to—it increases pumping costs at the sewage treatment plant and other treatment costs. It introduces more salinity into the water. It's not really helpful for us to have that water. We're taking it when the concentration of contaminants is too great to go to the storm water.

Council Member DuBois: Anyways, this is kind of my general comments. I'll listen to my colleagues, but again I think we just need to think kind of much bigger. Again, if we have some ideas, we can go to the Santa Clara reuse thing and see if we can get some funds from there.

Council Member Berman: Thank you. I absolutely agree that this is an important issue. I think that's kind of borne out by how many folks have come out tonight and the correspondence we've gotten over the past six months. Also, it sounds like seven or eight years. It's also a very complicated issue. I want to make sure that we're not doing things to feel good about them, that might have unintended consequences or extraordinary costs. I want to make sure that there's actually rationale to the actions that we take, and that they're making the situation better. It sounds like there's going to be some research that's necessary to be done before I'm going to get comfortable with that. We've heard some contradictory comments tonight about the impact on street trees and whether or not this is actually a factor or if that's more a factor of just the drought in general, and some other comments. I just want to make that we base our decisions in fact and not in things that we see but that might not necessarily be as simple as they appear. A couple of questions. Tom kind of asked a couple of questions that I had. One question that I had was just in the Staff Report. I mean, on page 3, it says contractors advised Staff of the

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uniqueness of Palo Alto in imposing standards on dewatering and requiring use of the pumped groundwater, believed the requirements increased pumping duration and project costs. One contractor stressed users could be injured at the fill stations, leading to potential liability. There are two issues there. One is potential liability which is serious and should be taken into account. The other is are we actually making the situation worse by requiring this pumping. Is the pumping duration longer? This seems to say that might be the case. There's no real discussion about that beyond this statement. Can Staff add a little bit on whether they agree with those contractors or not?

Mr. Bobel: It does take longer to meet our requirements than if they were not to meet our requirement. The requirement they're primarily talking about is the requirement that after construction we have a watertight basement and we don't need pumping to go on in the future. That's the requirement that costs them. You have to increase the weight of the building; that's the main thing.

Council Member Berman: That increases the cost. Does that increase the time necessary to dewater?

Mr. Bobel: It also increases the amount of time to build the thing, because you've got now a more extensive structure, a larger structure, a more robust structure. You're making something watertight that you weren't making watertight before. It's a more involved construction process for them. They have to build it like a boat.

Council Member Berman: Got it.

Mr. Bobel: We're told in almost every other community that those requirements do not exist. They can build things faster in the other communities. I'm sure that's true.

Council Member Berman: But they have continued dewatering in the other communities.

Mr. Bobel: Correct.

Council Member Berman: This is a situation where maybe there's increased dewatering on the short term, but much less dewatering on the long term in Palo Alto. Correct?

Mr. Bobel: Right.

Council Member Berman: That I support.

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Mr. Bobel: We're trying to prevent that long-term dewatering from (crosstalk).

Council Member Berman: That brings up another question or something I noticed you made in your comments. Other communities allow—am I understanding this correctly, that other communities allow permanent dewatering after they build basements?

Mr. Bobel: Yes. As near as we can tell, there's very few that require the buildings to be built like a boat.

Council Member Berman: In the Palo Alto report that Former Mayor Drekmeier sent us earlier this afternoon, that I probably read more than I needed to in hindsight, it says somewhere that the emergency demand pumpage shall be limited to 1,500 acre feet in one year. Following this level of pumpage, groundwater production shall be restricted until groundwater levels recover to pre-pumping levels. In the Carollo report that we received, my understanding was that that report suggested that there should be a maximum amount of dewatering of 500 acre feet per year.

Mr. Bobel: Both numbers are correct. In the Carollo report, you'll find both those numbers. The suggestion by the consultant, Carollo, to our Utilities Department was to in any one year limit it to the 1,500. On a continuing basis, year after year, you should limit it to 500. In other words, it would be okay to pump 1,500 acre feet per year in a particular year, but not to do that on an ongoing basis. The number that they were comfortable with on an ongoing basis was the 500 acre feet per year.

Council Member Berman: In an extraordinary emergency, you can go ...

Mr. Bobel: An emergency situation that might last for three or four months, you might take 1,500 acre feet out. They thought that would be okay. It would rebound. You shouldn't do that year after year.

Council Member Berman: It would be helpful—I might have missed it. I mean, it would be helpful as Mr. Garber mentioned in his comments to get a sense of the context and the scale of what we're talking about in terms of the amount of water that's being dewatered, the amount of water that's available, the amount of water that flows into the Bay on an annual basis on its own. If we know this, the amount of water that goes down from the shallow aquifer to the deeper aquifer on an annual basis, some of this stuff could be helpful in just understanding what we're talking about in terms of the impacts really of this dewatering that's going on in Palo Alto and how that fits into the bigger picture would be helpful.

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Mr. Bobel: That's what that 2012 study by Todd attempted to do. That's what Mr. Bennett was referring to as a water budget. They attempted to do that with the existing data. The budget—I would call it more of a flow balance, the in versus out. They were 100 percent off.

Council Member Berman: That's very comforting.

Mr. Bobel: It was not—yeah, it's not very comforting. In our part of the world, like I said, we've had conversations with the Water District. They're the first to admit that our northern county groundwater situation is not well studied enough to answer the kind of questions that you'd like answered. We can tell you a little bit about the first question, I think, that you asked which is what's the scale of this. Now that you're sort of comfortable that the safe yield in that Carollo report was determined to be 500 acre feet per year, I can tell you that that is the same scale as this groundwater pumping. Mr. Bennett referred to it as 400. I think that's putting too fine a point on it, but it is somewhere around 500 acre feet per year that's being pumped out. That is the same scale as what Carollo determined the safe yield was. That kind of number we can give you. What the experts haven't been able to do, therefore we can't do, is give you this water budget figure any better. Exactly how much is going to the Bay, that's where they tried to do it. Like I say, they were 100 percent off. I don't have any confidence in it. They don't either. They say right in the report this should be redone and you should try again. We don't have enough data. Blah, blah, blah. This outflow to the Bay and trying to predict how much water goes from the upper aquifer to the lower aquifer based on subtracting the amount that goes from the Bay, you shouldn't try to do it based on existing data.

Council Member Berman: One more question. You mentioned that the amount that's currently being extracted is essentially at what that limit should be, of 500 acre feet per year. We can if necessary in a single year increase that to 1,500 in an emergency. What would that emergency be? I mean, I know this happened, I guess, in the late '80s where, I guess, there was all of a sudden a spike in water extraction. Why was that?

Mr. Bobel: The Hetch Hetchy system could be down. There could be an earthquake, and the Hetch Hetchy system could be down for months on end. That's the most easy to understand. Before you move on, though, I do have to say if our Utilities Department were here, they'd want you to know that that Carollo report, that 500 and that 1,500 isn't something they would hang their hat on today either.

Council Member Berman: You've got a lot of confidence in the numbers in these reports, Phil. You're killing me. Got it.

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Mr. Bobel: That's what our Utilities folks would say. One should not have a whole lot of confidence in those numbers either, the 500, the 1,500. At most you could say they're probably very conservative. At best, you could probably say that.

Council Member Berman: Got it. Thanks.

Chair Burt: Cory.

Council Member Wolbach: First, let me say thank you to Staff and everybody in the public who came and spoke tonight. Those who have been doing a lot of work for very many weeks to keep us focused on this issue, to meet with us prior to tonight to provide us with information, I really appreciate it. Thank you for that involvement from the community. Thank you, again, to Staff for engaging with the community and with us and for spending a lot of time on this issue. I think it is very important. I guess the big concerns that I really want to make sure we're focused on. As Council Member Berman said, we don't want to do something just because—we don't want a knee jerk reaction. We want to be data driven. Before we decide what to do, let's really think about what are the goals we're trying to achieve, what are the problems we're trying to solve. The problems I'm trying to solve that I think we should be worried about are this potential for flood impacts, this question about how water flows around basements. This isn't just about dewatering, but it's raised by this question of how do a large number of basements in a particular area potentially impact the flow of water in time of a deluge. It sounds like it's still kind of an open question about what the impact is on our trees. I'm concerned, but it sounds like we need more information about that. I am concerned about the potential for impact on our trees and other foliage in the City. I'm definitely concerned about the potential for damage to private and public structures and infrastructure from dewatering resulting in subsidence and then cracking, etc. That's definitely a concern that I want to make sure we study very carefully. For me, I think the biggest one is the water security issue, the local supply, long-term stability of our water supply. Keeping in mind a couple of things that we've heard mentioned tonight. One is in the context of a potentially very long drought and in the context of climate change and also in the context, as was just referred to, if there was damage done or for any political reason we lost access to some or all of our Hetch Hetchy water, it really changes our calculus for what we need to do locally. I guess the things I'm leaning towards are—I'm open to the question of a moratorium since we already have a delay on when dewatering can start. I'm not sure that we need that right now, but I could be convinced of that. I want to hear from my colleagues on that one. I have a question which is how can we get better studies of our groundwater and how do our shallow and deep



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aquifers in north Santa Clara County interact with each other. This is an open question. Do we do it ourselves? Do we hire consultants? Do we partner with the work being done in San Mateo County as was mentioned by a speaker earlier? We do push the Santa Clara Valley Water District to do it? However we get the information, I think it's useful to have a clear understanding of what's beneath of our feet. As we're considering water security, I guess we could call it aquifer to agriculture and aquifer to tap. How much does it take to get the water that's in our aquifers and make it useable either for agricultural uses or for protecting our tree canopy and that as well, and also to make it potable? I want to make sure we're really thoughtful about that if the need arises, and also that we're prepared for it when the need arises. I think we should definitely explore requiring construction techniques. I'm not ready to say we need to do it, but I want to find out what it would mean to require construction techniques that would be less intensive in their dewatering. We've heard from Staff that this is done not just in other countries, but here in the United States, but it's just more expensive. I'm not sure what the next steps are to find out how much more expensive would it be, what would it look like if we implemented that in Palo Alto. That's something I'd like to find out. A real quick question for Staff right now. I have a couple more comments and questions. Is that encompassed in the language in Recommendation 5?

Mr. Bobel: The construction cost?

Council Member Wolbach: In Staff Recommendation 5 on page 4 of the packet, it talks about broadening the City's basement pumping guidelines to specifically require determination, yada, yada. Avoidance measures would be required. Would the avoidance measures be (crosstalk)?

Mr. Bobel: Yeah. An avoidance measure could be constructing without pumping.

Council Member Wolbach: I definitely want to support that. I'm also intrigued by this concept of a Groundwater Management Plan that we've heard several speakers discuss. I think that might be useful. I'd like to explore—maybe at this point just say we'd like Staff to explore. What would that mean? What would that take? What would the Staff impacts be of putting together a Groundwater Management Plan? As I'm going through the Staff recommendations, Recommendation 1 about encouraging greater fill station use, I've mixed feelings about that. I'm not sure that that's—maybe in the short term that might be useful until we get some of this other stuff done. Recommendation 2, I think that the people who are concerned about this already have heard the message from the City about this. I'm not sure that Recommendation 2 on more outreach about the water cycle is

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necessary at this point. We might skip that or not spend a whole lot more resources on that. I think that people have been informed of what we're doing. Sometimes their reaction is more negative than positive. I don't know that that's worth that. Recommendation 3, I do like the idea of shifting the burden away from socialized costs onto the contractor or the entity doing the construction. I'm not sure that one day a week of trucking is the right way to go, but I like the direction that Recommendation 3 is going. Recommendation 4, again this is kind of long term. In the short term, fill stations, improving that and making sure that they're actually functioning like we require, that we're enforcing that is important. In the long term, I'd rather see us shift towards techniques and systems where it's not just about a fill station that somebody could walk up to and use. Recommendation 5 I think is really important, especially looking at those avoidance measures. On top of that, again, the Groundwater Management Plan concept, I think that that's very much worth exploring. That would probably include getting better data about what our hydrogeology looks like in our particular area. I guess I'd be happy to put that into a motion, but I'll wait for Council Member Burt to make his comments or let others if they have a motion (crosstalk).

Mr. Bobel: Could I just offer a little bit of good news with respect to your list of points? On trees, this is a solvable problem, a very easily solvable problem. What we would envision with Recommendation 5 as one of the things they'd investigate is impact on vegetation/trees. If there were even a chance of it, we'd tell the contractor, "Water the damn thing." That's a very easy one to fix. Just to make you feel like there is some good news here. With respect to the Groundwater Management Plan, we haven't talked much about the Water District role, but we do have to remember that we've sort of been relying on them in the past at least to be the groundwater manager for the County. We're in the peculiar situation where we're right at the county border. They would be the first to admit they haven't studied our groundwater to the extent where they had the major subsidence in San Jose and all the issues and the whole history. It hasn't been done here. We have the added complication of crossing the county line and the political—not political—the jurisdictional issues associated with that. That is a tough issue for us. We'd need strong Council direction that you actually wanted us to do something that historically we've assumed was the Water District role.

Council Member Wolbach: Thanks.

Chair Burt: Before I go into some of the specifics, let me take on that last issue of how do we get a better understanding of our groundwater system, the shallow and the deep aquifers and all the things that impact it and what information would lead into a new Groundwater Management Plan. There's

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no current agenda by the Water District to do a comprehensive study on this in the nearer term. Is that correct?

Mr. Bobel: As you know as Chair of our Recycled Water Committee, we have in the last six months sort of jointly all realized that as we consider the further use of our recycled water, we need to at the same time and in tandem with that understand what's going on with the groundwater. One thing that they're doing now in San Jose, of course, is to recharge the groundwater with highly treated recycled water. We need to consider whether that makes sense here or not. In order to consider it even, we need a better understanding of the groundwater than we currently have. Since we talked to you and others at the last meeting, we've had more talks with the Water District, and that's going well. They recognize the need to do more on our local groundwater, not because of this groundwater pumping but because of the potential augmentation with heavily treated recycled water. Back to Council Member DuBois' point, we are going to see more than a willingness of them to fund work in this area. They recognize that it's their primary responsibility and more needs to be done. I'm very encouraged about that. I think we're going to see—Elise has the lead on doing a task as part of a larger study on recycled water. A task just solely to better understand both our shallow and deep water aquifers in our area with an eye on determining whether indirect potable reuse makes sense.

Chair Burt: That's great news. You're a step ahead of what I was going to be asking. We have this committee of the Santa Clara Valley Water District, two Palo Alto City Council Members, Council Member DuBois and myself, and no it's been expanded to include a representative from both Mountain View and East Palo Alto. Our representative to the Water District, Gary Kremen, got the District to allocate up to \$3 million for this fiscal year for uses around principally expanding recycled water. The problem was that we didn't have ways to expend those dollars immediately. We were looking for ways to do so. Do you have an idea—has it gone far enough to have a very rough estimate, a budgetary cost, of doing a thorough study that might also fold in our various groundwater pumping issues, basement and otherwise?

Mr. Bobel: I think if we're serious about this. This comes just with a couple of conversations with the Water District folks, that we should target \$500,000. It's that scale that you need to relate. It isn't just gathering up reports. It's actually some testing of existing wells.

Chair Burt: We'll have the next meeting of that committee, I believe, in January. Have you had discussions with their staff that you would jointly come forward and say that we've identified this additional, valuable use of a portion of those dollars?

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Mr. Bobel: Yes, mm-hmm. We'll definitely be bringing that to the committee.

Chair Burt: More specifically, I have a few questions here. You touched on one of my questions ... We have what are called total dissolved solids, which is essentially the salinity whether it be of any of the waters we use. The Hetch Hetchy water is extremely low; it's 100 or fewer TDS. It's like Crystal Springs water, Crystal Geyser. It is Crystal Springs. We have the TDS that is the Santa Clara Valley Water District water that's pumped out of the ground; it's higher than ours. That's why it doesn't taste as good. Then we have our recycled water which we've been trying to get down so that it can be used more broadly for landscaping. This water that we pump out of the shallow aquifer from basements or otherwise, what kind of range do we see in TDS?

Ms. Struve: We don't measure the TDS of this water, but we use specific conductance which is a good estimate of how much TDS there might be. Recycled water, as you might know, has about 1,300. This water is around 1,000. It's just a little lower than recycled water.

Chair Burt: I thought our recycled water was 700, 800.

Ms. Struve: Specific conductance is not a TDS measure.

Mr. Bobel: Let me just put that in TDS ...

Chair Burt: That's your specific conductance; that's not TDS.

Ms. Struve: Right.

Mr. Bobel: If you want to think in terms of TDS, then think in terms of our recycled water being about 850. This pumped groundwater being about 600. Hetch Hetchy being about 50.

Chair Burt: One of my questions was if it is lower except for maybe certain basement water that happens to abnormally high TDS, if it's lower in TDS or conductance, could it be used and blended with our other recycled water? Would that be beneficial to making our recycled water better for landscaping than it currently is?

Mr. Bobel: A little bit, yes. I'm not sure it'd be worth the bother, because you're talking about the difference between 800 and 50 and 600. If blended it 50/50, you'd be half way between.

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Chair Burt: The volume is a lot less than what we currently have in our recycled water?

Mr. Bobel: Yeah.

Chair Burt: Do we have a sense—have we looked at our flow rate from the pumping versus what our flow rate in the recycled? Is it like 5 percent of it?

Mr. Bobel: I'm sorry, say that question again.

Chair Burt: It's in acre feet per years, where I think I usually to hear what our recycled water is and this is gallons per minute. What percentage ...

Mr. Bobel: The pumped water, this basement pumping thing, how does it compare to recycled water? It's roughly the same.

Chair Burt: In volume?

Mr. Bobel: Yeah. We used, I think it was, 250 million gallons of recycled water last year. This pumped basement stuff is probably on the order of 150 million gallons in a year. That's all concentrated in the construction season.

Chair Burt: Of course, as you know, the problem that we have is when you have that recycled water or if you were trying to deal cost effectively with this pumped water, we don't have the piping system. It's called our purple line, and we're looking at whether to spend tens of millions of dollars to expand that. If we did so, that wouldn't have an easy connection to these various scattered basements. That's the problem; we don't have a good distribution system. That's a big problem. I asked earlier, but it seems like we ought to have a better sense of it. You're asking what we might want to do in terms of how frequently we might have these things trucks. What portion of the pumped water—each of these trucks carries how many gallons?

Mr. Bobel: Say 2,500.

Chair Burt: 2,500. Per week, how many gallons is ...

Mr. Bobel: Let's do it per day, if you don't mind. A typical site is 100,000 gallons a day. If there's 2,000 gallons in a truck, that's 50 trucks. That's a lot of trucks when they take 20 minutes or more to fill up. It actually won't work probably.

Chair Burt: Even if we went a truck a day, it's a drop in the bucket.

Mr. Bobel: Yes. It's a couple of percent, as Mr. Bennett was saying.

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Chair Burt: A couple of my colleagues have already touched on this. I think that we want to make sure that we're expanding in our studies. I didn't see under recommendations a category of what we'll be studying. I would include that as one of the categories. Within that, we have what you already addressed, we're going to do on a larger scale with the Water District, which is to look the aquifers and get a better understanding of them. That's big. We want to understand better do we have a problem with adjacent trees. Do we have a problem with adjacent property structural impacts? Are we impacting the aquifer levels of the shallow or the deep aquifers? What's the aggregate impact of all pumping, not just basements? I think if we're going to look at this pumping, we should look more broadly. If we have numbers on major pup locations, like some of our underpasses, things like that, we should have that understanding. They may have different issues in terms of how to contend with them, but we should have that subcategory. Whether there's any impact on water flow during high water events. We'll just see whether we have that.

Mr. Bobel: What do you mean by that?

Chair Burt: That's what Cory was referring to. It wasn't on my list, but it was about whether a whole, I guess ...

Mr. Bobel: A bunch of basements would block the flow?

Chair Burt: Yeah.

Mr. Bobel: Yeah. Could I just respond to that?

Council Member Burt: Sure.

Mr. Bobel: We're thinking in terms of two types of potential effects: micro effects which are sort of onsite, very localized; macro effects which are broad across the board. We were only going to require that these contractors, Recommendation Number 5 dealt with micro effects. That would include trees, structures, infrastructure, buildings. It would also include localized impacts. Let's say there was a connectivity for some (crosstalk).

Chair Burt: I guess that's an important distinction. If "5" is only focused on what the contractor would study as opposed to what would be studied around these macro effects, then maybe we have to put these macro effects in this other category. On Number 3, strengthening requirements for contractor use plans, what are the fees? Is that under "3," where that would fall? Yeah, the pumping requirements. I would like to add to that that we evaluate a fee structure for pumping where we allow it except for a question

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of where in the future we may allow it. That we have a fee structure, and that we look at the fees that are currently required by the Water District if you want to have a permanent onsite well and what kind of fees there are per gallon for pumping. Those wells are shallow-water wells, right? They're very equivalent, aren't they, Kirsten?

Ms. Struve: They could be either. There are some that are shallow and some that are deep. Areas that were not part of Palo Alto, like Barron Park a long time ago, they did have their own wells at the time. There are still some deep ones, and then there are shallow ones.

Chair Burt: There are some deep ones. Historically my understanding is that they've been predominantly shallow wells. They used to be all over the lower Peninsula.

Ms. Struve: There are many of those that were just put in in the last major drought a long time ago to keep up landscaping. Yes, there are many shallow ones, but (crosstalk).

Chair Burt: For the most part, they're equivalent. I'd like us to look at those being—what's the equivalency between if you want a permanent well versus a temporary well? I mean, the basement pumping is very equivalent to a well. That doesn't mean I have in my head what we ought to charge, but I think that's a worthwhile reference point. Under the areas that we study, we also need to know how much legacy pumping there is from basements, so it's not just these current basements and not just like the underpasses, any pumping that's going on on an ongoing basis. I guess this would be part of this additional study, which is understanding whether we should have greater restrictions during certain rain periods. Should we be more restrictive during drought periods on the amount of pumping? I have a whole category of considerations we should have around changes to our Building Code and, in a broader sense, our zoning. In the Building Code, it does not seem that we make adequate distinctions on where a basement will have more impact or less impact. Of course, this weaves in with understanding how much impact is there in these different categories. Once we have a better understanding of that impact, I would think that we would at least want to be considering whether—do we still allow two-story basements technically? I've heard anecdotally that we had some.

Mr. Bobel: That's correct.

Chair Burt: I don't know whether we should do that. I certainly would have a question of whether that should be done where our water table is pretty high and where there is a great deal of pumping associated with basements. There was this question about alternative construction methods. I can see

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where it might be that we would be more restrictive than we presently are on pumping of basements in the future. That may not mean that we have to eliminate folks' ability to put in a basement if they use these alternative construction methods that don't require the pumping. If they want to pay for that, then maybe that's not impactful. The original discussions around basements back 20-plus years ago were in part after we put some restrictions on the floor area ratios. In the late '80s I think it was. We had discussions; how do we feel around basements? The general sentiment was they don't impact the neighbors. Why do we want to restrict people on their house size if it doesn't have external impacts? Now, we are questioning whether there were external impacts that were greater than we were understanding. I think we will want a consideration of those issues, but we don't have good enough information to do decision-making yet. I do think that the discussion around a Groundwater Management Plan and different elements of how this knits together in our recycled water, the groundwater pumping, the recycled water recharge potentially, because we don't recharge our aquifer. This is on the zoning, whether we should be looking at more permeable surfaces. We've had this discussion, and we have actually requirements, but they're based upon principally impact of storm water runoff. That's why we've been looking at permeable surfaces and the shallow and deep water aquifers and whether over time greater use of permeable surfaces would have an aggregate impact as more things get rebuilt. They're not going to have a big impact over a short period of time. Only in recent years, the last decade or so, have we had a wider spread use of semi-permeable or permeable hardscape. When we looked at it in the Foothills, at first we thought it was great, and then we realized people were just putting in more hardscape because the semi-permeable didn't count against it. I think that we should really be looking seriously at greater use of permeable hardscape and whether it ought to be the default going forward. That's outside of specifically the basements, but it does tie in if we're having a chance to talk about the various we want to look at around our Groundwater Management Plan. I don't know whether, Cory, you've been capturing any of these additional or anybody. How do we put them in? You've gotten a lot of information. One second. Whether we need to put all this into a specific motion. Tom, were you trying to ...

Council Member DuBois: I had a few more questions, and then I had the same question as you (inaudible).

Chair Burt: Let's go to this question of process.

Mr. Keene: Thank you. I'm glad you did. I was actually kind of freaking out here a little bit.



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Chair Burt: Can't have that.

Mr. Keene: Trying to find out to what extent this is conceptual versus direction. I think what the Staff has put together so far was sort of some general actions with, in many ways, the plan itself still to be designed, say under "5," with some sense of what that might take. You guys have gotten into—you've broadened it and deepened it significantly. First of all, I would think at 8:30, for you guys to try to convert this to a motion would be really almost impossible. We couldn't get to the other items that you want to deal with. I would suggest that we have a way of capturing what has been said here. Ultimately, we've got to take this back to the Council from the Committee with a way to then ultimately get some direction as to the scope of the sort of analysis and study that you want us to do. We need to be able to then assess, concurrent with that, what that will take both in time and in resources. We've got to be able to differentiate some of the things, for example, that could be part of the Santa Clara Valley Water District study work and what we would have to be doing in a separate sort of study and planning process. I think what we witnessed here is the Committee Members, as is your responsive way to problems and issues you hear from the community, really kind of take some initial but deep dives on the subject. I think we've got to bring that back in some way that lets you and the Council—I don't think we should bring it back to the Committee myself necessarily. Look at your direction on that. Whether or not we try to organize what you have said in a way that then allows you and the Council then to start to—we'll try to organize it in some way and some assessment to be able to then say, "Do we really want to do everything we just sort of said," versus are there components that are more important than others. Some of these are things we might—it may ultimately be that the direction is we would put some sort of RFP out, and we may then look for assistance as part of that, get feedback on what it takes to develop and look at these different components. We might not even know all of the implications ourselves. Trying to think of the timeframe right now also of, spring is coming pretty soon in April, this sort of period we have where there's no dewatering going on. Getting to Council, say, earlier in the new year sounds like we get ultimately directive in the fastest way to get going as opposed to coming back to the Committee again and then ultimately getting to Council.

Chair Burt: Let me address two of those issues. First, in terms of how we have the bandwidth and the funding to address these things, I actually think that we should look at shifting even more of these tasks, if possible, over to the funding from the Water District, whether it gets flowed through us to allocate for consultants or not. I think that the Water District would find these issues pertinent to their purview. Those dollars are sitting there, and we still don't have constructive ways to spend the dollars that were

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tentatively budgeted by them this year. I think that we can identify certain of these things that we can have and that they could utilize for model codes elsewhere in the county. I don't think that we're the only ones who are ever going to face this. We may be on the cutting edge. I think that would be a good argument to the Water District as to why more of these things could go on. Second, I actually think that trying to have this kind of a technical discussion or anything approaching it before the nine-member Council is not the right way to do it. I think it should be fleshed out here more. I think we've had a real good discussion. The four of us are now much more up to speed than we've been. The most efficient would, in my mind—I'd like to hear from colleagues—be to return to us as soon as you can with whatever cut you have of this. Even if it comes back and says, "We have this portion that we can now give you feedback on our plan. This portion we haven't," that would in my mind be fine. I just can't envision how we could go through this kind of a technical problem before that full nine member Council including five members who just haven't been immersing themselves in it.

Council Member DuBois: Chair Burt, if I could, a few comments.

Chair Burt: Yeah, Tom.

Council Member DuBois: I was kind of thinking along the same lines. I think you guys heard a bunch of comments about basements. Then I think we moved into a Groundwater Management Plan, a much larger kind of scale thing. Again, thinking about timing, my initial inclination was to come back very quickly to Policy and Services with the basement issues, so it could go to Council before April 1st. Then on some longer time scale think about this groundwater management kind of issues. I did jot down some comments I heard from everybody. Again, I don't think we need a motion, but maybe I could kind of read through that, if that makes sense. I actually had a few quick questions. The issue about Oregon Expressway, is that water the same quality that we're talking about?

Ms. Struve: No, it's actually not. It is part of the plume, and so they do have a treatment system before it discharges to Matadero Creek.

Council Member DuBois: That answers the question about feeding it directly into purple pipe. Not a good idea. Also, we didn't really talk again about East Palo Alto and their increasing the pumping, I assume out of the deep water aquifer. Again, as part of that larger groundwater management discussion, I think it'd be good to understand those impacts. Is there any city that is recharging this aquifer in San Mateo County?

Mr. Bobel: We don't think so.

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Council Member DuBois: One thing I didn't say before is—again, if we have some idea of charging for this water, I think we've been talking about residential, but we should really look at all construction for some of these ideas. Again, I think some of these ideas could easily apply. If you treat it like a well, there could be just a pumping fee that applied to all construction. I think when you guys come back with the basement stuff, it'll be interesting to hear if that would fit in or not. Just to run through, I think, what I heard and colleagues can disagree. I think we largely agree with the recommendations, some additions. In Number 5, I think there was—I personally at least would like to see some ideas about insuring against damage, because we were talking about trees and things. It's not clear to me if it's possible to track or insure against damage. I think, again, just the idea that we would hold applications until April 1st. If we call it a moratorium or whatever, nobody's going to be pumping. If we get applications tomorrow, that we're not just approving those. I agreed with a lot of what colleagues said. Longer term, evaluating the cost of non-pumping construction techniques, evaluating the fee structure for pumping, maybe looking at zoning changes based on the water table elevation. Again, I think we had this issue of concurrent pumping in a small area, so in the basement ordinance some idea of how to space that out and what's the right distance. Is it half a mile or 200 feet or adjacent properties, whatever it is? I wasn't really clear. Is there going to be further study? There's the thing here that you're going to work with the Santa Clara Water District. I didn't see you guys really proposing that you were going to fund another study yourselves.

Mr. Bobel: We didn't include that as part of the package, because the main driver for the Water District funding is going to be this recharge, potential use of recycled water angle as opposed to basement pumping that, frankly, they're less interested in.

Council Member DuBois: The decisions around basements we're going to base on the information we have at hand. We're not going to additional studies for that.

Mr. Bobel: We weren't recommending additional studies, certainly not in the timeframe of the next couple of months. It would take us that long just to get an RFP out, let alone work accomplished. Could I just offer that it seems that we've got things in three different categories here. We've got things that the construction contractor can either do or study. That is what was primarily represented in our recommendations. We can get back to you fairly quickly, based on the input from tonight, with a refinement of what the contractor should/could be required to do. I would also characterize those as kind of the micro scale impacts, that is, trees, adjacent buildings,

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immediate impacts on the lower aquifer. If there was an abandoned well right next door, if there's another pumping site right next door that needs to be done in tandem, we'd make that clear. Those kind of very localized impacts where we'd have a contractor/owner be required to do the work, we think we can back to you fairly quickly on that. There's another category of things where the Water District can and should definitely be a major part and a major part of the funding. That's where we're trying to figure out what's going on in our local aquifers. I don't think we can get back to you because of the number of actors involved. We want to involve the San Mateo County people. Elise is going to be working on that RFP, but I don't think we can back to you with anything close to results in the next couple of months. We could show you the work plan. That's probably as far as we could go. That's the second area. The third area, which is the more difficult one, is sort of everything else that you've thought of tonight. Everything from zoning changes to fees. I just can't see how we can get back to you quickly on that. The Public Works Department wouldn't be the primary one with respect to zoning. That's the least of our worries actually. I would put it in those three categories. I would say that we could get back to you on the first of those categories fairly quickly and vet that stuff out and get back to you with specific recommendations on what's the contractor going to do, what's the owner going to do, how does that work, what's this insurance angle, should be indemnified, all that kind of stuff. I think that's a kind of tight package of stuff. We could get back to you a little bit later with more definitive scope on the groundwater studies, to figure out ... In collaboration with the Water District, USGS and other people. What I'll defer to the City Manager on is what to do with all this other stuff.

Mr. Keene: I think we need to be realistic about all the things, I think, even the very easy, simple things. In coming back, we're not going to get back until January. I mean, by the time the 11-day thing, the holidays are over, we're probably talking mid, end of January. That's on the simple stuff. I think, secondly, there's a limited amount of exploratory work we can do at the direction of the Committee. I don't think that can be really open-ended. We've got to kind of give you some initial feedback on whether there's a possibility. I think we could do that second piece related to the Water District concurrent with coming back on the first piece in January. I don't think we can do extensive work and all this outreach. That was partly why I was talking about getting back to Council to sort of modulate that. We really have a whole new initiative, in many ways, about leading the way, Palo Alto, in groundwater planning and management. Let's own it as it's a big initiative. I think we just have to have a way to start talking about how we look at that as part of the Council priorities and the work plan for 2016 and how we can manage that and what potential other assets and funding sources we could potentially utilize. I do think we would want to ultimately

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get direction from the Council to say go ahead and develop this in more of a scope on that latter part. I mean, that's a multiyear—I'm just saying off the top of my head—process for us to be working through. You guys are nodding enough; I think we're kind of on the same page about how we would divide these things up.

Council Member DuBois: I think I wasn't clear, though, about the zoning change. I'm not sure if fees fit into that, but some of these other things that weren't really water management but more about basements, ordinances beyond the contractor stuff. When would we get to that stuff?

Mr. Keene: I'm not being difficult about this. Was this in the original scope of the Council direction to the Committee on looking at this issue? I kind of look to the Chair about that. Is there enough directive for us to at least try to come back and tell you more about that?

Chair Burt: I think so. It was in the broad sense of what do we have a problem and how do we deal with it on basement and groundwater.

Council Member DuBois: I heard Phil say that that was kind of outside of his scope.

Mr. Keene: When we have a deep conversation like this, even as smart as our guys are, we've really got to go back and regroup and say what happened there, and involve other Staff members who are involved, to start to get a sense of if we were to do these things. I can't tell you when we can do it. We can give you a report back on basically what our assessment is of these different components and who's involved.

Chair Burt: I think that would be very helpful in kind of roughly between the buckets Phil described, on which things would we be able to refer to the Council in the nearer term, and that there would be one more vetting of this Committee on what to recommend to the Council. When you come back, it would not only be maybe a little more information, but you'd have a better sense of what be done nearer term and what is a much larger scope of work.

Mr. Bobel: The more I think about it, I wonder if we could—I'm back on Jim's point of if we have a step of coming back to the committee, it's so difficult, these scheduling things. That puts us back to the full Council if we need to go there. It'll be after April before we'd take one step of going back to you and then another step of going back to Council just knowing the timing. I'm wondering if that first category of things, where it's really what are going to have the contractor do and what are we going to have the owner do, if you'd be comfortable with us going directly to Council on that

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package of stuff. The more controversial stuff is going to be that third category anyway.

Chair Burt: If you think that set is not highly complex and not highly controversial, then sure. That surprises me a bit, but ...

Mr. Bobel: I think it's less—it might be controversial, but honestly the number of actors is more limited. We can deal with them.

Mr. Keene: Might I suggest this? Could we get the directive basically to be along this sort of three-part piece with all of it essentially intending to come back to the Committee after the new year, in January. With the expectation that assuming that this sort of perspective holds that the first piece would be the quickest to potentially do follow-up implementation on at the Council level. The second one, etc., etc. In the process of us looking at that, we could also bring back a recommendation of whether or not we could get to the Council quickly. Do you know what I mean? I'm sort of uncomfortable us doing it on the fly. We're sitting next to each other; we're not even looking at each other when we're talking about this. You may want to say, "That's a good point." Let me just add one more thing about this. I'm just completely making these numbers up. Suppose the Staff presentation in this first area, the recommendation right now is 50 percent of the way towards what the problem is. We could come back and say, "We could do 25 percent more, not 100 percent of everything you want to do. Would you like to go and start to get Council direction to start implementing those changes," knowing we don't have to get everything perfected right off the bat as opposed to starting to sort of—no pun intended—stem the flow and that sort of thing. I think we could figure out a way to bundle the choices that way.

Chair Burt: Sounds good. Cory, you had something?

Council Member Wolbach: Yeah, at the risk of speaking of anymore, because we've been on this for so long. I think that makes a lot of sense. Just to be very clear, I think we've said a lot of things tonight. Because we're not doing a motion, we're trusting Staff to basically aggregate what you've heard tonight. Aggregate it, write it down, put it into those three buckets, I think that makes sense. I think this does make sense, the idea of bringing it back to us, just saying, "Here's what we heard. Here are the buckets you guys put it in. Here's what we think some of this looks like for feasibility in the short term. Here's some of the stuff that might take a lot of work." Just before you actually start doing the work on them, just make sure we're seeing that you've heard us tonight. Then definitely referring to Council when full Council direction would be necessary. That make sense.

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Mr. Keene: If I could make a suggestion to help you feel a little more comfortable with that? We could try to do something that's different than we would usually do this. That would be we could try to write up, in a general way, what we've been talking about here and our understanding. I could maybe give you an informational memo for your next meeting on December 15th. Not wanting you to act on it, but you would sort of see what we've done, and then you'd have the opportunity to individually kind of freak out yourselves and say, "No, you guys didn't get it right." When we come back with our Staff Report in January, we've a little bit of the sense of where you are, if we're on the right track.

Chair Burt: That would be a brief agendized feedback, you're saying, to whatever you have?

Mr. Keene: I was trying to think that we would do an info item as opposed to getting in another whole discussion. We would think about whether or not ...

Chair Burt: Maybe the City Attorney should wade in. I don't think that giving us an information item and then we individually giving you feedback is the right way to go.

Mr. Keene: We'll work on what's the best way to try to see if we can get at least an initial thing. You've got a bunch of things, I think, on the 15th. You obviously can't get dragged into a big discussion again.

Chair Burt: Do you need us to actually provide any clear direction? We're basically continuing this item is what we're doing.

Mr. Keene: I do think we could try to give you some—put a little more meat on the bones than what we've been doing here, in a written form and submit it to you all. Maybe we do agendize it, and we commit to we've got to talk no more than 15 minutes or something on this, then it would be beneficial. I'm a little uncomfortable with us—it's the beginning of December. Waiting, it's going to be the middle of January we're going to be back to you.

Chair Burt: If you can take a cut by December 15th, just the shallowest level of feedback, I think that'd be useful. In the meantime, I guess we'd really be continuing this item until a date uncertain.

Molly Stump, City Attorney: Just a question. December 15th, that material gets published less than 48 hours from today. Is that what we're proposing to do?

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Mr. Keene: Yeah, that would have to be late. We'd have to send something out. What I'm really hearing is—it's almost saying, "This is what we heard you saying at the meeting." Do you know what I mean? This area, this area and this area.

Chair Burt: You're going to try and have captured what you heard, not necessarily ... All we would be doing is saying, "You missed this" or "That's great."

Mr. Keene: Yeah.

Chair Burt: On that note, thank you very much, and thanks to all the members of the public. We'll move forward.

## **NO ACTION TAKEN.**

2. Discussion and Recommendation to Council of Adoption of the Healthy Cities, Healthy Communities Resolution Encouraging Healthy Social, Cultural and Physical Environments That Promote and Support Health, Wellbeing and Creative Expression for Ourselves, our Families and our Communities.

Chair Burt: Our next item is a discussion and recommendation ... Folks, so we can get into our next item, can you have any discussions out in the lobby? Our next item is a discussion and recommendation to the Council of adoption of the Healthy Cities, Healthy Communities Resolution encouraging healthy social, cultural and physical environments that promote and support health, well-being and creative expression for ourselves, our families and our communities. Welcome.

Rob de Geus, Community Services Director: Good evening, Chair Burt and Council Members. Rob de Geus, Director of Community Services. Glad to be here. I just have a short introduction to this item. You had a long night last night and long item just now. I don't want to take too much time with the presentation. Just as a way of background. On October 26th, Staff presented a draft Healthy City, Healthy Community Resolution for consideration for the Council. The Council that evening referred the item to Policy and Services Committee for further discussion and feedback. The Resolution is a response really to the Council Priority of Healthy City, Healthy Community, which I expect will be a multiyear Priority. It certainly is a community value. It was drafted with the input of a diverse group of community stakeholders, the Resolution. I'm not going to go over the whole Resolution but, just as a reminder, it has four elements. Three of which are common to most City initiatives around healthy communities. That includes healthy environment, healthy food access and healthy workforce. Staff are



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recommending a fourth element to the Resolution called healthy culture. The Resolution and what is in there largely reflects what the City's values are and affirms values and priorities that exist. At the October 26th Council meeting, Staff received Council feedback that included largely, what I heard, was support from the Council of the Resolution generally. They wanted to see more aspirational language as opposed to very directional. We heard to include children and people of different abilities and seniors as opposed to just unhoused, was a comment made. Staff has modified the draft Resolution to reflect that feedback. This evening, we're really looking for additional feedback, input, edits that you think would improve or strengthen the Resolution. If possible, we'd love to bring it back to the Council before the end of the calendar year on Consent on the 14th to end the year with the adoption of the Resolution. That, of course, is contingent on the comfort level of this Committee. We certainly can do more Staff work around it if that's what the Committee would prefer to see. With that, I am happy to answer questions.

Chair Burt: Thank you. Colleagues? Cory.

Council Member Wolbach: First, I want to say thanks very much for coming back with the redline version quickly. One question actually. It's minor. The term "unhoused" versus the term "homeless." The word "homeless" is more direct, more clear. I was meeting recently with Don Barr. He suggested that we just use the word "homeless," because it's more plain language. I don't know if it's not as PC. I could go either way on that one. I'll leave that to your judgment. Other than that, I think that the changes you've outlined and that we see in this redline version significantly improve the Resolution. That's it.

Chair Burt: Tom.

Council Member DuBois: I read it, and I agree with my colleague. I think it looks good.

Chair Burt: I also thought the changes were good, positive ones. I'm not sure that I'd go along with the different description of unhoused versus homeless. The argument had been previously that there are people whose home is Palo Alto and are unhoused. That's how we, a decade ago, I think moved into use of the term "unhoused."

Mr. de Geus: I remember.

Chair Burt: That's the argument. I'm surprised that Don made a different argument. I'm kind of curious whether I'm behind the times now. Unless I hear otherwise, I think I'd prefer to ...

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Council Member Wolbach: I think it's a PC (inaudible).

Chair Burt: ... I'd prefer to stay with unhoused myself. It sounds like we have support of the Committee; although, we could spend another hour on it if you really want. Do we have a motion to refer this to Council?

Council Member Wolbach: I'll move the Staff recommendation.

Council Member Berman: Second.

Chair Burt: I think it's good that we state what we're moving.

Council Member Wolbach: I'll move that we approve the attached Resolution. I'm happy to read the whole recommendation if you'd like. I move that we (crosstalk).

Council Member Berman: I recommend that the Policy and Services Committee recommend to Council adoption of the Healthy Cities Healthy Communities Resolution encouraging healthy social, cultural and physical environments that promote and support health, well-being and creative expression for ourselves, our families and our communities.

**MOTION:** Council Member Berman moved, seconded by Council Member Wolbach to recommend the City Council adopt the revised Healthy Cities, Healthy Communities Resolution encouraging healthy social, cultural and physical environments that promote and support health, well-being and creative expression for ourselves, our families and our communities.

Council Member Wolbach: Second.

Chair Burt: Any further discussion?

Council Member Berman: I didn't say anything earlier, but I think this is great. I'm glad we took this step. I think it's a better result. I'm happy we're moving forward.

Chair Burt: Anyone else? All in favor. That passes unanimously.

**MOTION PASSED: 4-0**

James Keene, City Manager: Thank you. Rob, that's great. I just do want to point out we have a few little typos and syntax issues in the Resolution. We'll make those adjustments between now and coming to the Council.

3. Discussion and Recommendations for 2016 City Council Priority Setting Process.

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Chair Burt: That moves us to our final item which is discussion and recommendations for 2016's City Council Priority setting process.

James Keene, City Manager: Khash, you want to lead? Go, go ahead.

Khashayer Alaei, Senior Management Analyst: Good evening Committee Members. Khash Alaei, Senior Management Analyst with the City Manager's Office. Before you, you have a Staff Report about our 2016 Priority setting process. Just to kind of go through the timeline. We're here before you tonight. Ideally you all will make some recommendations that will go to Council in January prior to the Retreat, and then the Council will make those recommendations or have discussion and then forward that to the Retreat for further discussion. On packet page—one second. On packet page 190, you will see the feedback and input we've received from the community through our Open City Hall portal. Just some of the high-level bullet points were reduce airplane noise, housing, growth development, parking, transportation, municipal governance. On page 191 of packet, smoking and then just some other issues. On the at-places memo that you have before you is the feedback we have received from all of the Council Members. That gives you a summary. Seven out of the nine Council Members recommend continuing the 2015 Priorities.

Mr. Keene: There's some slight changes. If I just might. You probably read the Staff Report. Particularly for the two new members of the Council, the process we're using right now was developed by the Council, in a sense, to almost sort of pre-digest or something some of the input from the community and/or the Council, so that when we go to the Retreat, there had been some organization or some review that had been put forward. That's sort of especially relevant when there's a whole range of initial input and comments that's sort of all over the map. Obviously the recommendations from the Council are, from my point of view, pretty aligned and not very complicated. Of course, you see the input you have from the community. Again, I think that the Committee's role, as I recall it, is for you, to the extent you want to, to organize what you have received so far in a way that would ultimately be transmitted to the Council. I could make the case that there's a de minimis amount of organization that is required. You may see it differently though. The fact is even between what you would be doing now, one, there is still the opportunity for ongoing public input between now and the Retreat. As many of you know, you often have people come to the Retreat, actually then, and identify and speak to particular issues at that time. Thanks.

Chair Burt: One thing that I couldn't find is the summation of our current year's Priorities. Am I missing that in the packet?

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Mr. Alae: It is not in there.

Council Member Berman: I think it was in the email you sent us, but not in the ...

Mr. Alae: They are the Healthy City Healthy Community initiative, the Built Environment, Infrastructure and Strategy Planning, and Completion of the Comp Plan.

Mr. Keene: The Built Environment actually had a couple of components related to transportation. I can't remember exactly what they are.

Mr. Alae: I apologize about that.

Chair Burt: Just before we get into further discussion, I wanted to follow on to what the City Manager was saying about this process. We actually have it summarized in Attachment A. Two aspects to it that have changed in recent years is that we were targeting for three; we ended up adopting four. There also—do we have here the definition? Yes. A topic that will receive particular, unusual and significant attention during the year. Part of what was both discussed and is implicit is that what we put on this list is not our enduring values which we yet need to have our discussion on. They are things that will have significant focus over one or a few years, but they won't stay on the list forever. Also implicit in that is to the extent we can we want to have them remain on the list until they are essentially far enough along that they don't need this abnormal focus. It doesn't mean that any of them are going to be 100 percent complete necessarily. We've had that discussion in the past. We said, "Wait a minute. It's not completely done. How do we move it off the Priority? What signal does that give?" We said, "No, it really has the momentum now. It's embedded." For instance with Healthy Cities, I can very much envision that they may become, in the future, one of our core values. It probably needed this emphasis to get it launched, for instance. I just wanted to offer that framing. Cory.

Council Member Wolbach: I think Marc actually.

Council Member Berman: Sure. I agree with what Pat said. That's that. I've agreed with him before when he said it. One thing that I'd find helpful, if it's possible, initially I was going to say if you could sort the public comment into subject areas. That might be a little difficult. Something that we used to in the Congressional office, when I was interning for our Congresswoman in DC, was when you get a phone call from a member of the public, you just put a hash mark of pro/con on this issue or they care about this. Here it would be they care about this issue. In the Staff Report, you say input from the community, these are the big buckets. Knowing how

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many people have weighed in on these issues, I think, would help us understand exactly where they should fall on the priority list essentially. I don't want to add a lot of work, but I think that would be helpful if it could be done without too much time on your part.

Chair Burt: Cory.

Council Member Wolbach: A couple of things. Actually one just to follow up on what Marc was saying. I was actually just starting to do that myself this afternoon prior to this meeting. I agree that hopefully it won't take a ton of time. Number of people who mentioned in their comments add more housing. Number of people who said stop adding housing. Things like that. Just a tally, I think, would be useful.

Mr. Alae: That's no problem.

Council Member Wolbach: I wouldn't necessarily try and group each comment, because sometimes a comment had multiple, sometimes almost contradictory statements. I'll actually just add as far as helping prepare you for preparing us for the meeting. A couple of things that I had mentioned on mine could potentially get looped into some of the existing Council Priorities. In fact, my own services of homeless, youth, seniors disabled, low income, that's a tweak of something that I'd suggested last year. I ended up not pushing hard on it as being one of our Priorities last year, because I was assured that that would be included in the Healthy Cities Healthy Communities. Lo and behold, it has been included in that Resolution. I'd be happy with rephrasing mine as something like add services and facilities for vulnerable populations. Add that as like a focus within Healthy Cities or maybe transition to Healthy Cities Healthy Communities towards focusing on that. Of course, the transportation and the housing stuff could potentially be looped into the Built Environment. I was just trying to be more specific. I guess that's a question we'll, of course, take up at the Retreat. The climate change risk preparations kind of goes under Infrastructure, but also goes under sustainability. That's a maybe a focus within Infrastructure.

Mr. Keene: If I might respond. I'll just pile onto something that Chair Burt was saying. While the Priorities are important, I think we want to be careful—I mean, it's not like they're the Holy Grail and there's nothing else outside of this. I mean, this really is a way where the Council is just saying we're pulling these out and signifying that they really have attention. What goes under them, though—this is a little bit what Council Member DuBois said, continue the 2015 and have discussion about work plan and details under each Priority at the Retreat. One of the advantages you have with carrying some Priorities over from one year to the next is we don't lose time

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in starting to put the texture and the details into what could happen in that Priority during the year. To be honest with you, there's enough pattern here, unless you guys start to direct otherwise, I could feel more comfortable even with Staff starting to populate the work place sub-pieces that could even start to pull in some of these other things that people identify or you all would say, "We do want housing somehow under the Built Environment," or "Smoking, that is important. Let's see a work plan, and we're going to put that under Healthy Cities Healthy Community." We have that detailed discussion at the work plan component of the discussion. Food for thought.

Council Member DuBois: I'm with you. I think the good news is a lot of the community input are things that are underway. I didn't see any real surprises. Again, they're not all necessarily Priorities, but I think we've got them covered. I was hoping we were going to use this time to really talk about the process for the Retreat. I was thinking exactly what you said, Jim, which was if you could come with what you did last, with kind of the ongoing work plan and then get us started on the Council Priority kind of work plan. I think it would even be useful to maybe have some sizing estimates tied to some of those Council initiatives, like this is a really big one and this one's no sweat, kind of thing.

Mr. Keene: Smiley faces, Mr. Yuck next to the other ones.

Council Member DuBois: I think maybe the Council—I think we started it last year where you asked us to prioritize the work plan. Maybe, again, if we get a jump on it, we could actually follow through and make sure Council Members complete that this year. We could even see an average of what everybody thinks in aggregate. Again, I do feel like there is consensus here. There's like a clear majority that we could get a jump on that and kind of hit the Retreat with a lot of stuff ready to really have some good discussion. You may laugh at this too, but I think we also need to talk about kind of slack time and ability to pick up projects that just pop up during the year. I'm sure you don't have a lot of Staff with slack right now, but if there's a way we can plan for that somehow. I think it's worth a little bit of a discussion. There are kind of those three buckets of ongoing work that needs to get done and these Council Priorities and then the ability to react to things that happen.

Chair Burt: I agree largely that we in all likelihood will be able to focus more on both the work plan. We were going to have another Committee as a Whole later this year. We weren't able to do so, so we should look at what elements or topics that were intended to be on that next Committee as a Whole might be appropriate to work into the Priority setting. We do want to

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keep the Priority setting at a pretty high level or at least that Retreat, I'll say, at a pretty high level. I don't think we want to get too granular on things. There may be some subset of those rollover items that would be appropriate. I'd put slightly differently what Tom was just talking about. I wouldn't call it slack, because I would take it as a premise that there's no slack. I would say it would be really appropriate for us to look at, within the context of the work plan, some maybe anticipation of new things emerging and force us as a Council to look at the prioritization. I think that's probably closer to the mark on what needs to be done. We've asked for that. We've said we're willing to do that. I'm not sure that Staff believes us. Maybe we'll try it and you'll find that we weren't willing to do it. I think we should take that on, because it's very much a part of our reality on what the community and the Council looks for from the Staff and then how we can reconcile that with what we're capable of doing in a given year. As things do change and are dynamic, we acknowledge that. If we add, we have to take away. Tom.

Council Member DuBois: Again, when I think about this stuff, I think about my experience in software project management. The Retreat, we kind of still sit at a table, and it's kind of formal in some ways. I'm wondering if, like when we get to prioritization, if we might maybe have a mediator or something, but get up and maybe assign points to things and really just think about maybe creating a little bit of a different feel at the Retreat itself. I don't know if that makes sense to you guys.

Chair Burt: We've actually done this in other years. That's maybe one of the things that we didn't ask to look back on of what are the different formats that we've had in the past and which of those might we want to bring back of this coming Retreat. I don't know if you have any thoughts on that.

Mr. Keene: I mean, we can both capture what we've done and then we all have experience working with different formats. I would be interested in the Committee's ideas about which way you would like to go. I'm sort of where Tom is. I'm taking liberties with what it is. I think that it should be in a sense more creative, more interactive, have some casualness to it actually that has a way where you're really having some conversations even if you're driving towards Priorities and things. Even a little more way to sort of be challenging and kind of some inquiry on some things. You have a tendency when you're sort of trying to drive to like a motion and stuff—actually stuff gets in but a lot of stuff kind of gets left out also. We could work on some concepts, but I'm interested in whether you guys are interested in that. I don't want to make it more than this. I've always felt, in one sense, even the one-half day Retreat isn't enough direction-setting work for a Council for

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a year. I mean, a company wouldn't have a half day and then just sort of say manage our Priorities based on that, do project management for the rest of the year. We've got to deal with that piece.

Council Member DuBois: I'm up for something creative. One vote.

Council Member Wolbach: Actually I think that's why we had the Council as a Whole and were hoping to do more. I think that we could have done better this past year of following up on our Retreat. I think that the plan was to more quickly resolve some of the issues that were begun there. Some of those took a while, and some of them we never really got to. Hopefully we can do a better job of that this year. The fact that we have quite a bit of alignment on the Priorities means maybe we can get more of that done. Are you looking for direction from us or thoughts from us about what kinds of creative or different formats we would use at the Retreat or do you want us to leave it to you to come up with something, bring it back to us start of the year at this Committee? What are you thinking?

Mr. Keene: I think we have the opportunity to just sort of get a sense of where you are. We have a way to inform the Council or report to Council in January before your Retreat, so it's not like we're sort of saying based on what you've sort of said here, the ideas that we're thinking about how to do this to modify it. I actually think that having some facilitator assistance, if it was in the right kind of skill, would be really good. Even some design thinking, D school aspects of stuff in some ways could be worthwhile. I think we have an issue of—I think we have a big challenge of prioritizing the Priorities and then building the system to actually manage to that is what you all were saying. I think we probably have some process design that has to happen for the rest of the year and have some way to have that, so we don't sort of say, "We meant to do that, and we just never got to it the rest of the year."

Council Member Wolbach: I would actually totally agree. I would be supportive of having an external facilitator to help mix things up a little bit, to take the pressure off any member of the Council or Mayor to be facilitating the meeting but just to be a participant on that level. I think that that's a good idea.

Mr. Keene: Also as far as just schedule, right now the Clerk—I think she's informed you all—is holding Saturday, January 30th as the target date right now. I don't know if she's actually doodled or anything. I know that was the one date that she had set right now. There aren't any January dates before then that allow us to prepare. If that date ends up sort of not



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working, we're pushing into February, and you need to think about that. Thanks.

Chair Burt: Do we think we've given adequate feedback and do you think you've received adequate feedback?

Mr. Keene: I think given what we have to work with, it is pretty well aligned. We're not too worried about how to organize it for you. Thanks.

Chair Burt: That concludes that item.

## **NO ACTION TAKEN**

### Future Meetings and Agendas

Chair Burt: We just have before us our upcoming agendas. We have five items for the 15th. Just looking through, I think we want to look at what it looks like on budgeted time. We have two Auditor's reports. Sorry. Right. We have this short check-in on the groundwater, a sixth item. The two Auditor reports, I don't know if you have the same sense that I don't anticipate them being long discussions.

Council Member DuBois: I heard there might be some interesting things in the Parking Fund Audit, so there might be some discussion.

Chair Burt: Yeah, the parking probably more than the fleet and trenching. The neighborhood engagement initiative, what ...

James Keene, City Manager: Do a better job than you were just answering it to me.

Khashayer Alae, Senior Management Analyst: I will. This has to do with the Community Service Department's co-sponsorship agreement where we work with the different friends groups and nonprofit groups to let them have facility use, etc. As part of the neighborhood engagement initiative, we had come to the Committee with that recommendation to expand some of the uses to not just be for CSD. Unfortunately, that's not going to be ready to come on the 15th.

Council Member Wolbach: Which one was that?

Chair Burt: That's the third one. Either way we may want to just title that more clearly.

Mr. Keene: We were reasoning in a circle or answering in a circle here for a while.

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Chair Burt: No single item looks like it's going to be a monstrous one. I guess the question is in aggregate how are we looking. Cory.

Council Member Wolbach: I just have a quick question. I understand that it's typical to not have Policy and Services Committee meetings in January because we don't select leadership until the start of January and then they have to assign people to be on the Committee and all of that. Is that something we've ever thought about changing and trying to squeeze in a P&S meeting at the end of January?

Chair Burt: I agree. I've not been convinced that we had to wait until almost mid-February to get things going, and then we kind of start off behind and try and play catch up. I don't really see a reason why we couldn't have one in late January if we had agenda items that would be ripe. Sounds like we're in concurrence there.

Council Member Wolbach: After this year, I hate to add meetings.

Council Member Berman: A whole new year.

Mr. Keene: When we do the follow-up at the Staff level, we may add this short action item on sort of what we heard tonight related to the basement dewatering next steps.

Chair Burt: We've dropped Number 3 and added a short informational new Number 3 on the groundwater. Are we game to go ahead and schedule this many items?

Council Member Berman: Yeah.

Chair Burt: Okay. I think that covers it. Thank you all. Meeting's adjourned.

ADJOURNMENT: The meeting was adjourned at 9:21 P.M.