

TOWN COUNCIL SPECIAL MEETING NO. 729, OCTOBER 4, 2007

ROLL CALL

Mayor Driscoll called the meeting to order at 8:00 p.m. and led the Pledge of Allegiance. Ms. Howard called the roll:

Present: Councilmembers Davis, Derwin, Merk and Toben, and Mayor Driscoll
Absent: None
Others: Town Administrator Howard, Planning Manager Lambert, and Assistant Clerk Hanlon

Climate Protection Task Force Members present: Angela Hey, John Mashey, Jeff Clark, Linda Carlson, Stefan Unnasch, George Comstock, Linda Yates and Danna Breen

ORAL COMMUNICATIONS: None

REGULAR AGENDA

(1) Presentation and Discussion by Stefan Unnasch on Metrics and Adoption of AB32 Standard

Councilmember Toben said he was the Council liaison to the PV Climate Protection Task Force that formed about a year ago. Most of what the Council would be looking at tonight was the product of the Task Force. He said the special meeting had been called because across the United States today, a number of cities were participating in educational events on what citizens and local governments could do to address the challenge of climate change. In September 2006, the Council adopted the Mayors' Climate Protection Agreement, which obligated the Town to reduce its carbon emissions by at least 7% below 1990 levels by the year 2012. At that time, there were approximately 300 cities that had signed on; today there were more than 500. The purpose of tonight's meeting was to take a few time-specific steps toward actualizing an agenda for reducing greenhouse gas emissions (GGE).

Councilmember Derwin read her memo of 9/25/07 and discussed targets set by the 1997 Kyoto Treaty, measures implemented by the governor and legislature, and a number of other initiatives/standards aimed at reducing GGE. She said the recommendations were for the Town to: a) adopt the AB 32 standard in lieu of Kyoto targets; and b) follow the measurement protocols that would be developed by the implementation of Gov. Schwarzenegger's Executive Order S-3-05. She introduced Stefan Unnasch who would be making a presentation demonstrating the advisability of adopting these measures.

Stephan Unnasch, Chair-Metrics Committee, said the Committee focused on the question of how to measure greenhouse gas reductions. Using a Powerpoint presentation he discussed: 1) measurement of emissions from residences, businesses, and vehicles; 2) continuing evolution of AB 32; 3) calculations of emissions in Town; 4) programs underway; 5) Kyoto protocol; 6) AB 32 targets; 7) Executive Order S-3-05 to reduce emissions by 80% by 2050 and 1990 levels by 2020; 8) One Million Solar Homes by 2012; 9) AB 1493, which required a 20% reduction in GGE from cars; 10) Low Carbon Fuel Standard with a 20% reduction in carbon intensity of fuel by 2020; 11) CA AB 107, which looked at alternative fuels; 12) CA Renewables Portfolio Standard by the PUC that required 33% of electricity/power sold be new renewables by the year 2030; 13) land use conversion; 14) ethanol; 15) bio-diesel options; 16) how the targets were derived and studies; 17) numbers of people working on strategies to accomplish targets; 18) AB 32 analysis/framework for measuring Town GGE; 19) Town's utility consumption; 20) lawn and garden equipment, which caused dust pollution and hydrocarbons; 21) difficulty in measuring GGE in Town; 22) determining if Town actions had any impact; 23) PG&E data on residential and non-residential electrical and gas consumption and factor applied to measure GGE; 24) obligation of the Town to report emissions;

25) the Town's residential and non-residential GGE for 1990 and 2050; 26) fuel to make fuel; 27) change in carbon intensity of electricity and fuel over time; 28) calculations for new home additions, teardown and remodels; 29) factors set forth by the BEET Committee and other measures that would impact reductions; 30) impacts of green-ups in terms of energy efficiency; 31) change in housing stock and energy improvement; 32) reduction plan for 200 tons/year, or 1% of Town's total tons/year; 33) State measures that would cause significant reductions in GGE in terms of fuel economy and electric power; and 34) the need to focus on greening existing homes.

Responding to questions, Mr. Unnasch said AB 32 was recommended for its methods and math. A 7% reduction by 2012 was a little more aggressive in the near term than AB 32. The AB 32 target was 1990 levels by 2020. The Town would try to do 7% better than the Governor's Executive Order. Responding to Councilmember Davis, he said the target of 80% by 2050 might be off the wall, but the State's targets would be assessed in terms of feasibility and might be revised. Responding to Mr. Bayuk, he discussed different studies/models/analysis of the economy and impacts of GGE reductions. He said the answers often depended on what assumptions were put into the model. Responding to additional questions, he discussed impacts on the economy; unintended consequences; projected costs of oil and natural gas; canola, palm and soybean oil and impacts of production of bio-diesel fuels, etc.

Councilmember Toben said he supported the Council following the lead of the governor and the State with respect to the new AB 32 standards. He realized that the targets the Town was being asked to adopt were extremely aggressive. The notion of reducing GGE 80% by 2050 seemed extraordinarily difficult. His sense was that it came directly out of the emerging consensus in the scientific community that carbon levels in the atmosphere had to be stabilized at approximately 480 parts per million (ppm) in order to have any chance of avoiding collapse of biological systems. The present level was about 380 ppm against an historic backdrop of approximately 270-280 ppm, which was the standard going back at least 400,000 years. It was only in the last 250 years, since the beginning of the Industrial Age, that the increase from 280 to 380 had occurred. He suspected that the reason these aggressive targets had been selected was driven by the fact that a 2-degree Celsius increase in temperature could not be exceeded. If Kyoto targets were followed and met, and it was 700 ppm in forty years, the game was lost. No one wanted to face the highly aggressive targets, but it pointed out the magnitude of the peril.

Councilmember Davis said he was concerned about adopting targets that current or foreseeable technologies could not meet. He preferred to set a closer-in target. He did not think the State could meet the close-in target. The State hadn't taken any action thus far to replace coal, take oil and carbon fuels out, etc. Those would probably be used for quite a while in transportation as other approaches were phased in. Facilities were being removed, hydropower was being reduced; but not one major physical plant was being moved towards that aim. The cap-and-trade notion was an illusion; sufficient green power capabilities were not being created. He had some concerns about setting a particular number—especially when it was difficult to know how to apply it to the Town. He would abstain from the vote. He noted that at one point, the State was encouraging electric cars before their time. They destroyed the business by insisting on activities that didn't allow the industry to emerge properly. AB 32 told agencies to make policies with regard to how they achieved the targets. In every way, he supported the activities proposed in our community and thought the ideas were wonderful. The community was moving forward, but he was not comfortable adopting AB 32 standards.

Councilmember Merk said the Town needed to look at this in a broader picture. There had been a question of whether doing this caused economic harm. His question was, "Does not doing this harm the Town's posterity?" With respect to the possibly unobtainable goal in 2050, he questioned how many people 50 years ago would have believed there would be a man on the moon ten years later. From 1957 to 2007, there had been enormous changes. When there had been an obvious need presented to the nation, the nation got together and took care of it. As a world community, he did not feel there was any choice other than get together and take care of this. This was of extreme importance. He saw these more as targets

than as hard numbers. These would change as time moved on and adapt to what was happening. He was not worried about adopting this because they were hard numbers that might not be reached. This was a State law that would change according to what was going on. He also agreed that cap-and-trade was an illusion and would not likely get anywhere. For now, this was very important to all of us, and he supported the resolution wholeheartedly.

Councilmember Derwin said she had been doing the climate circuit for the last year now. Yesterday, she heard Mary Nichols, Chair of the CA Air Resources Board, talk about the Western Climate Initiative and implementation of AB 32. She did not disagree that this was a formidable task with a seemingly impossible target. But, the Town had to join with all the other cities and towns in the State and coalesce around this goal. She believed people needed to be strong and aggressive and wholeheartedly supported this resolution.

Mayor Driscoll said he thought the 2050 goal would be easily met. This valley was in the business of innovation. When peak oil hit \$800 barrel, it would be easy to meet this goal. The president of IBM in 1953 said the world would eventually need eight computers; he was a little off. No one had any idea of what it would look like in 50 years. He felt the 2050 number was inevitable and that it would be easily met. The State had set some targets for 2010, etc. He wholeheartedly supported the resolution. In the end, what was needed was to factor into the economic system the true cost of carbon emissions. When that was done, and everyone figured out that the price of gas cost a lot more because you had to pay for the emissions coming out of your gas pipe, things would change and alternatives would look a lot smarter.

By motion of Councilmember Toben, seconded by Councilmember Merk, Council adopted Resolution No. 2366-2007 in Support of AB 32, the California Global Warming Solutions Act of 2006, by a vote of 4-0 with Councilmember Davis abstaining.

(2) Building, Energy and Efficiency and Transportation (BEET) Recommendations

Councilmember Toben reviewed his memo of 9/25/07 on the BEET Committee's recommendations for changes to the Town's Design Process, Review Process and Construction Process. Noting that the Council had received the Executive Summary from the Committee last July, he said the Council took the first step toward implementing aspects of the BEET report largely through tasking the Town Planner to study the changes that might be necessary to the General Plan, zoning regulations and design standards to ensure the Town was acting in a manner that was consistent with Town policies. Additionally, the Town Planner had been asked to examine the extent to which the Town could get to its target through reliance on voluntary incentives and to what extent the Town should also be exploring minimum attainment standards for new and remodel residential construction. He said the specific process reforms were laid out in the BEET Committee's report entitled "Cool PV: Sustainable Building and Remodeling." To fast track these reforms, he hoped to have those worked out by July 1, 2008. The notion was that there was rising urgency on this issue, and people were anxious for things to happen in addition to the work being done by the Town Planner. Referring to the Design Process section of the report, he reviewed the examples the BEET Committee set out for how to make the shift from the traditional building process to green building processes.

Referring to the Standards section of the BEET report under landscaping, Councilmember Davis questioned how some of the statements related to global warming, such as the Town identifying and protecting wildlife corridors and having TRA help the Town document natives and non-natives. Responding, Councilmember Toben said it was very hard to keep the Climate Task Force group corralled around a single issue. The elements of sustainability naturally took in some other things. For example, the Resource Efficiency Coordinator would have some responsibility for encouraging appreciation of creek restoration—even though that was not technically a climate change topic.

Referring to the Design Process section and the examples cited, Councilmember Merk asked for clarification of the statement that talked about shifting the focus on building to the focus on lifestyle, such as ensuring future transportation options were built into the design. Responding, Linda Yates listed the five things that made up a sustainable lifestyle that reduced the carbon footprint, including green transportation. When you went to size your solar for the purpose of net zero energy, transportation was a big deal. There was the potential for electric vehicles and that should be taken into consideration. It was asking people to think a little more broadly than just the building.

Referring to the Review Process section, Councilmember Merk questioned whether the Town had the authority to review a homeowners' association's guidelines to ensure consistency with Town guidelines. Mayor Driscoll felt the intent was to suggest that homeowners' associations review their guidelines.

Referring to the Design Process section and the five key areas of sustainability, Councilmember Merk said the size of the building wasn't included. Ms. Yates said that typically was included under energy.

Mayor Driscoll said he completely supported referring this to the ASCC and Planning Commission to make practical revisions and evolve the Town's processes to a sustainable approach. He suggested the Council discuss how mandatory the Town should be and how to grade it in. He felt it was reasonable to have a mandatory system. The Town might start with a LEED H certified standard, make it silver in 5 years, etc., and grade it in in terms of difficulty or rigor by which the Town would be requiring LEED certification. He did not think it should be voluntary. If the architectural review standards were voluntary, the Town would have had some very large houses over the years. He thought there was value in making it a requirement.

Councilmember Toben said the Planning Commission had responded favorably with the notion of moving in the direction of "minimum attainment standards," which was a more apt description of what was being talked about. It provided a myriad of ways to get to the goal without a single mandatory target. He also thought there was more work to do on the nuts and bolts. His notion with this particular item was to focus on the process revisions that might be anticipated—not the substance of what the standards would eventually look like.

With respect to voluntary versus mandatory, Councilmember Davis said it had taken years to perfect the design rules. He did not think the Town should start with a single big mandatory thing. He liked minimum standards, which gave a menu of items that people could entertain. Over time as more was learned, it could grow. He favored a mandatory system with an initially low bar.

Councilmember Merk said he was also in favor of mandatory but felt it should start incrementally. Time was of the essence, and there needed to be a fairly steep curve. It should start off easily and carefully. The Town had a long history of developing planning, and there were some things in the report that were contradictory to the long history in the Town.

Councilmember Derwin said the Town should do something mandatory but phase it in. It should be easy, fun and cost beneficial. The nearby towns that had green building codes had been working on them for quite a few years. Rohnert Park started out mandatory; Santa Cruz and Petaluma started out voluntary; Santa Cruz was going mandatory. The trend was going mandatory because everyone needed to catch up.

Councilmember Toben moved that the Council direct implementation of revision to the Design Process, Review Process and Construction Process as outlined in the report of the BEET Committee attached to the memo of 9/25/07, with the understanding that there would be public comment and analysis over the next several months, with a completion date of July 1, 2008. Councilmember Derwin seconded.

Councilmember Davis said in order to accomplish this by the deadline, two things were obvious: 1) it would displace something else that was on the Planning Commission and ASCC calendars; and 2) additional staff

time would be required. Chair Wengert said at last night's Planning Commission meeting, an additional topic arose, and the Planning Commission would be reassessing the priorities. She hoped to do that within the next week and review the budget. She was less concerned about the budget than the time. Substantial progress had been made on a number of Planning Commission items, such as creek setbacks and basements, and she was optimistic even though there was a full plate. She wanted to ensure that enough time was allowed to support what was being discussed. With respect to the ASCC, Ms. Lambert said they did not have any special projects this year; sustainability and green building was part of their agenda.

Mayor Driscoll said this would probably displace something that was budgeted for and would deplete that budget. Unless the Planning Commission needed to meet three times a month, he felt the cost of this process would not be a big impact. Chair Wengert agreed, noting that the ASCC and others would be assisting the Planning Commission.

Referring to the BEET report's Construction Process section and creating a construction exchange list to provide opportunity to share/offload material, Councilmember Merk said there was a lot of waste on construction sites. It was not so much a question of setting up a place where people could exchange material; nine times out of ten what was available for exchange was the wrong thing for a variety of reasons. If you were going to get somewhere in construction, it would be in educating the contractors, which was not an easy thing to do. An exchange project wouldn't get the Town much; classes or something similar was a better approach. Referring to the Landscape section, he said the statement that TRA had documented all native birds, reptiles and mammals wasn't true. That had to take place over years. Those kinds of statements bothered him because they were essentially untrue. There was also a statement about a PV specific landscape guideline that leveraged all these resources. That could be applied to the Town's lands immediately. There were lots of things that went on in the rights-of-way, like installing non-native plants without asking, interfering with utility lines, etc. That could be addressed without going to the Planning Commission. Referring to the Incentives section, he said "expediting the permit process" had the potential of being very risky. As the permitting process was sped up, there was a poorer quality finished product. It was painfully slow to go through the process in Town right now. Because of that, excellent projects resulted. It was a burdensome process but paid back to everyone in the end. Regarding "fee reduction," he said the fees were relatively low to the cost of a project. He did not think that was something that needed to be looked at. Instead of having a "group buying program," he suggested having a group not buying program. Under the Resources section and maintaining the Town website, he said it mentioned rating different resources for residents. He questioned what the liability would be. He thought it was a wise decision of staff not to make recommendations of architects, contractors, etc.

Responding to Councilmember Merk, Councilmember Toben said the motion was that the Town fast track the proposed revisions to the Design Process, Review Process and Construction Process, as outlined in the BEET Committee's proposal, with a target of completing the work on those reforms of July 1, 2008. Councilmember Merk said he was more comfortable with "target." Responding to Town Planner Mader, Councilmember Toben confirmed that the motion addressed the three processes only. Mayor Driscoll called for the question and the motion carried 5-0.

(3) Report on September 26, 2007 Planning Commission Meeting and Discussion of Minimum Certification for new Construction

Town Planner Mader reviewed his memo dated 10/2/07 on the Planning Commission's discussions on sustainability. He discussed: 1) meetings held on the topic; 2) questions regarding the Commission's role relative to the BEET Committee and ASCC; 3) staff report dated 9/20 on the analysis of General Plan provisions most relevant to global climate protection; 4) six major conclusions resulting from the Commission's discussion at their 10/3/07 meeting (as set forth in the 10/2/07 memo, pp. 1-2); and 5) preliminary ideas on goals and specific programs that might be included in a Sustainability Element of the General Plan or other policy document (memo, pp. 2-5). He noted that the Commission would be holding a

hearing within the next month on reducing the size of basements, which reduced the volume of the house and reduced energy consumption. He said design conflicts had also been discussed in terms of visibility versus reflective surfaces, clearing of trees for solar access, building on ridges for solar gain, sewer versus septic, etc. He said there were a number of potential conflicts that might arise as the Town worked its way through this.

Chair Wengert said it was a Sisyphean task in terms of getting your arms around all the policy implications of the various areas. She said Town Planner Mader and Town staff had done an excellent job in moving the Planning Commission forward in a very organized fashion in the sense of helping Commissioners understand the areas that should be prioritized vis-à-vis issues such as AB 32 and the implications of that. She thought progress had been made relatively quickly, but many of the issues would be extremely vexing and complex. There was a level of complexity in all of this that required as much time as could be prudently given within the context of getting it going as quickly as possible. It was a tradeoff to some degree and the Commission would work very hard to do it. Commissioners McIntosh and Elkind concurred.

Councilmember Toben expressed his gratitude to the Planning Commission for taking this up with great enthusiasm, open mindedness, creativity and intelligence. He said the Town was going after low-hanging fruit first. The questions of septic versus sewer or solar reflectivity were much more difficult. The Planning Commission was not expected to get that done by July 1, 2008. He wanted to acknowledge the need to be realistic and do the usual community outreach in order to make sure the issue and choices were well understood.

(4) Resource Efficiency Coordinator Position

Councilmember Toben reviewed the memo dated 9/27/07 on the Resource Efficiency Coordinator position. He said the position would consolidate a lot of functions into one position. There were similar positions in other municipalities, and he thought it would be a very worthwhile experiment for the Town to undertake. He recommended approval of the job description for the position, subject to Council's comments, and a proposed commencement of the position on July 1, 2008. Councilmember Derwin said the job description was a draft and wish list. She welcomed comments.

Referring to the job description, duty #6, Councilmember Merk said coordinating bulk buys was a great idea. But, he felt it might impact the hardware store. Councilmember Toben confirmed that the intent was to buy through them.

Under the Minimum Qualifications and Abilities sections, Councilmember Merk said learning codes, ordinances, resolutions, laws, recent developments, etc., was a huge task. He also questioned where this person would physically fit in the New Town Hall. The Town Hall had just been designed with "x" number of seats for the number of employees that the Town currently had. And, this was not the only additional employee the Town would be needing. Ms. Howard said the current Town Hall had been scaled back dramatically to the current staff level with the addition of one space. It would be tight and a matter of deciding what functions were more essential and making sure those services were provided for. At the October 24 meeting, she proposed having a general discussion about staffing, what was needed, what might be needed, and how to accomplish as much of this as possible. It might be that this position might have other things added to it, or parts of this position might be distributed to current employees. The job description was a draft. Before it was brought back for final approval, it should be looked at by a personnel consultant to make sure: a) some legalese hadn't been left out; and b) the salary range was doable.

Responding to Councilmember Davis, Ms. Howard said this would probably not be her first choice for an addition to the staff. But, her direction had been to create a position that would encompass all of these duties into one job description. There were other options. If all of the functions/duties listed were to be accomplished, it would be a full-time job and then some. What came out of the Planning Commission in

terms of a checklist would also be a factor because that would be part of the planning and review process. Other things might be more clerical such as conducting tours. There were ways of breaking up the functions and tasks if that became necessary.

Councilmember Davis said a lot of up-front energy would be needed to initiate a lot of the activities. It might be advantageous to think of this as a part-time job in the sense that the person could be brought on for a year or two to initiate the activity as opposed to a permanent position. After many of these activities got going, the jobs could be redistributed back to the staff.

After discussion, Mayor Driscoll asked Ms. Howard to put together an overall staffing plan for the October 24 meeting. For this position, he felt a lot of it would be initiation work, such as developing materials, creating plans, identifying strategies, etc. The execution might not be a full-time job after that first year. He suggested it be continued to the meeting on the 24th. Council concurred.

Bill Lane said some of the things that had been discussed tonight would put increasing pressure on the Planning Dept. The Town needed to come back to the fundamental reason of why there was a New Town Center. The insurance was in jeopardy; the School District had lost its insurance years ago. The governance of this Town had to have a new location. The Town could get along without a library and without a community hall, but it had to have a place for the governance of the Town. He felt that the available floor space in the existing design should accommodate this position. One more person would not drastically increase the level of staff. This was a very important position to consider, and he hoped everyone kept focused on why the New Town Center was being built. He encouraged the Council to give a lot of thought to the importance of the Town Center, and the very best staff the Town could afford.

(5) "Why Portola Valley is Going Green" Flyer

Councilmember Derwin said at the last Climate Task Force Meeting, a flyer had been discussed to explain why Portola Valley was going green. Linda Yates had been given the task of doing a flyer, which consisted of 25 slides; hardcopies were available. She said the flyer would be posted on the web site. She thanked Ms. Yates noting that it contained a tremendous amount of very useful information. Councilmember Toben added that the flyer was an extraordinary consolidation of resources that Ms. Yates and others had identified. It was an invaluable resource to Town residents. It would also be on the Cool PV website. He noted that the National Conversation on Climate Action day was co-sponsored by ICLEI, which was probably the most significant national organization supporting efforts like these in municipalities across the country and world. He introduced the Deputy Director of ICLEI, Gary Cook.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Mayor

Town Clerk