

Special Meeting  
January 10, 2011

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:04 p.m.

Present: Burt, Espinosa, Holman, Klein, Price arrived @ 6:30 p.m.,  
Scharff, Schmid, Shepherd, Yeh

Absent:

#### STUDY SESSION

1. Update on Sustainable Communities Strategy (SB375) and Regional Housing Needs Allocation (RHNA) Process.

Curtis Williams, Director of Planning and Community Environment, provided an overview of the Sustainability Communities Strategy (SCS) and the housing needs (RHNA) process. Mr. Williams explained that SB 375, enacted in 2008, required the preparation of a strategy by the Association of Bay Area Governments (ABAG) to outline land use and transportation patterns to reduce greenhouse gas emissions from vehicles by 15% below 2005 levels by 2035. The strategy was likely based on the Planned Development Areas (PDAs) specified by cities and counties across the region, and then supplemented by other "opportunity" areas with potential for growth. The process for developing the SCS will include meetings at the county or corridor level, as well as at the regional level. The City of Palo Alto will participate in meetings of the City/County Cities Association, Santa Clara County City Managers Association, and Santa Clara County Association of Planning Officials. Staff was also participating in the Regional Advisory Working Group, comprised of city and county staff, other public agencies, and nonprofits and other stakeholders.

The process will include preparation of a baseline population and employment scenario, an Initial Vision Scenario, then subsequent Detailed Vision Scenarios to refine likely growth options. The draft Sustainable Communities Strategy will be released in late 2011 or early 2012.

01/10/2011

Simultaneous with the SCS process, the latest update of the Regional Housing Needs Allocation (RHNA), prepared by ABAG, is scheduled to take place at the regional level. Cities and counties may also opt to develop the RHNA for their communities at a subregional level. Participation at a subregional level is being considered by the cities in Santa Clara County and a decision was required by the group no later than March. Staff outlined to the Council the schedule of items for the planning and housing efforts through 2011, and indicated that report updates would be presented approximately monthly, as well as items for action as needed. Mr. Williams also noted that it appeared likely that Councilmember Scharff would be appointed to the RHNA Methodology Committee.

The Council offered a number of questions and suggestions related to:

- the unrealistic timeline
- the inadequacy of representation of the City and the county on regional committees
- whether the economic forecasts account for the unique nature of Santa Clara County and the Silicon Valley's economy
- the lack of school (and other infrastructure) financing
- the need to tie housing production to transportation funding
- looking at 21st century growth, and factors such as rail service and wireless communications (telecommuting)
- partnerships with schools
- concerns about exemptions from CEQA that wouldn't allow a community to address environmental issues like traffic
- how the SCS would relate to a city's Comprehensive Plan
- identification of what is needed to sustain the economy across the region
- the need to look at downtown as compatible with the SCS objectives, but it is not included on the list of PDAs
- the need to do more than just "tweak" the RHNA numbers
- what happens if Caltrain fails, noting that MTC has not had a historical commitment to Caltrain
- the thin relationship between vehicle-miles-traveled (VMT) and greenhouse gases (GHG) and noting that SB375 would reduce GHG from cars by only 0.4%

- a potential baseline fallacy of population growth based on historically poor predictions and overestimates of employment
- how the place types for University Avenue and El Camino Real would impact those areas
- the notion that "streamlining" CEQA (environmental review) would be in the city's best interest
- using the 2010 Census as an improved updated basis for projections
- general support for a subregional approach to housing
- differentiating employment types by the types of accessible transportation

Resident Bob Moss spoke to the potential enhanced use of fiber ring to reduce GHG by working at home, subsidizing changing stations in homes, and focusing on walking and biking rather than transit.

#### SPECIAL ORDERS OF THE DAY

2. Resolution 9134 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Glenn Roberts Upon His Retirement."

Council Member Shepherd read the Resolution into the record.

**MOTION:** Council Member Shepherd moved, seconded by Vice Mayor Yeh to approve the Resolution expressing appreciation to Glenn Roberts upon his retirement.

Mark Petersen-Perez spoke regarding Mr. Roberts' accomplishments.

**MOTION PASSED:** 9-0

Glenn Roberts expressed his appreciation for the opportunity of having worked for the City of Palo Alto. He said it was a rewarding career and allowed him to fulfill many accomplishments in his personal life. He thanked the City employees particularly those in the Public Works Department. He spoke of the hard work they do behind the scenes that enabled good things to happen throughout the City.

Resolution 9135 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Annette Coleman Upon Her Retirement."

Council Member Scharff read the Resolution into the record.

**MOTION:** Council Member Scharff moved, seconded by Council Member Shepherd to approve the Resolution expressing appreciation to Annette Coleman upon her retirement.

John Aiken spoke regarding Annette Coleman's accomplishments in her position as Naturalist for the City.

**MOTION PASSED:** 9-0

Annette Coleman spoke regarding her time working for the City of Palo Alto. She hoped the work she left behind would continue and expand throughout the years.

#### CITY MANAGER COMMENTS

City Manager, James Keene spoke regarding the Urban Forest Master Plan and public survey. He said those wanting to participate in the survey may logon to the City's Website. Information regarding the California Avenue fountain replacement and survey could be found on the City's Website. Interested parties may logon to the City's website and vote on their choice of the proposed fountain designs from January 5 -18. He spoke regarding the parade held this past weekend and thanked City Staff who assisted with the event.

Mayor Espinosa thanked former Mayor Pat Burt for his leadership and hard work in making the parade a successful event.

#### ORAL COMMUNICATIONS

Mark Petersen-Perez spoke regarding arbitrary discrimination.

Wynn Grcich spoke regarding water fluoridation.

#### CONSENT CALENDAR

**MOTION:** Council Member Burt moved, seconded by Council Member Shepherd to pull Agenda Item No. 6 to become Agenda Item No. 12a.

**MOTION:** Vice Mayor Yeh moved, seconded by Council Member Klein to approve Agenda Item Nos. 4-5, 7-12.

4. Review and Acceptance of Annual Status Report on Developers' Fees for Fiscal Year 2010.
5. Adoption of a Storm Drainage Enterprise Fund Budget Amendment Ordinance 5110 in the Amount of \$585,517 to CIP Project SD-11101,

Channing Avenue/Lincoln Avenue Storm Drain Improvement Project and Approval of a Contract with Bay Pacific Pipeline, Inc. in the Amount of \$1,668,652 for Channing Avenue Storm Drain Improvement Project, Capital Improvement Program Project SD-11101.

- ~~6. Finance Committee Recommendation to Adopt a Resolution Approving the Proposed Gas Utility Long-Term Plan (GULP) Objectives, Strategies, and Implementation Plan.~~
7. Approval of Amendment No. 1 to Contract C10135713 with K. J. Woods Construction, Inc. in the Amount of \$170,000 for a Total Not to Exceed Amount of \$2,202,800 for Asbestos Cement Pipe Removal and Disposal for Capital Improvement Program Project WC-08012 (Wastewater Rehabilitation and Augmentation Project 21) and Adoption of a Wastewater Enterprise Fund Budget Amendment Ordinance 5111 for Fiscal Year 2011 to Transfer Appropriation to Capital Improvement Project WC-08012 Wastewater Rehabilitation and Augmentation (Project 21) from Capital Improvement Project WC-07004, Wastewater Rehabilitation and Augmentation (Project 20) in the Amount of \$170,000.
8. Utilities Advisory Commission Recommendation to Adopt a Resolution 9136 entitled "Resolution of the Council of the City of Palo Alto Approving the City of Palo Alto Utilities' Legislative Policy Guidelines for 2011."
9. Resolution 9137 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Patrick Valath Upon His Retirement."
10. Appointment of 2011 Emergency Standby Council.
11. Authorization to Continue Participation in and Funding for the LINK+ Resource Sharing Library Consortium for a Period of Two Years for a Total Amount Not to Exceed \$200,000, with the Friends of the Palo Alto Library (FOPAL) Contributing up to \$100,000.
12. Ordinance 5112 entitled "Ordinance of the Council of the City of Palo Alto Amending Chapter 16.11 of the Palo Alto Municipal Code Pertaining to Storm Water Pollution Prevention Measures."  
*(First Reading December 13, 2010 – Passed 9-0)*

**MOTION PASSED:** 9-0

AGENDA CHANGES, ADDITIONS, AND DELETIONS

12a. (Former No. 6) Finance Committee Recommendation to Adopt a Resolution Approving the Proposed Gas Utility Long-Term Plan (GULP) Objectives, Strategies, and Implementation Plan.

Council Member Burt said his reason for pulling the item was because he felt it deserved the Council's full consideration. He said the laddering method in acquiring commodities was at the core of GULP. Palo Alto did well through 2007 and had a bill savings that had accumulated over nine years but disappeared in the last three years. Compared to Pacific, Gas, and Electric (PG&E), rate payers had broken even and faced a long-term reversal of increases in the cost of gas. The staff report had implications to reconsider staying with the past laddering practice. He wanted to hear Staff's intentions and to look at the five proposed objectives of the plan. He suggested having a sixth regarding safety due to the recent incident in San Bruno. He asked that a comparison table be included to reflect old strategies versus new strategies when the item comes back to the Council. He said the report and objectives were written in codes for insiders and to move towards more common language for everyone to understand.

Mayor Espinosa asked if Staff was prepared to answer questions and discuss the item at this evening's meeting. He said given the next item had 30 or more speakers he asked if the item could be moved to the next available Council meeting.

City Manager, James Keene said depending on the Council's direction, he suggested Council adopting the Finance Committee recommendations and direct Staff to return to the item at a later time with further clarifications to Council's questions.

**MOTION:** Council Member Klein moved, seconded by Council Member Price to agendaize the item to the next available Council meeting.

**MOTION PASSED:** 9-0

Council Member Burt said since the item was being rescheduled for a later time, he recommended getting the questions from the Council out to Staff and have answers prepared for Council's consideration when the item returned.

### ACTION ITEMS

13. Adoption of a Budget Amendment Ordinance for the FY 2011 in the Amount of \$37,348 to Allocate Funds to Capital Improvement Project PG-09002 from the Infrastructure Reserve for Replanting of Trees at Eleanor Pardee Park.

Director of Community Services, Greg Betts provided an overview regarding the sequence of events and background of the item as described in Staff report CMR:112:11.

Eddie Chau, Landscape Architect, gave a PowerPoint presentation focusing on the park's current conditions and selection of trees to be replanted.

Interim Director of Public Works, Mike Sartor said pending the Council's direction, Staff was prepared to contract with a tree removal service to grind the remaining tree stumps and to prepare the site for planting. Staff would work with Director Betts to bring in a contractor to provide replanting. The target date for completion was mid-March 2011. Pathways and an irrigation system would be installed soon thereafter.

Assistant City Manager, Pam Antil clarified the cost difference between removing all of the trees at once and the phasing approach was \$24,000.

Council Member Klein asked what the \$24,000 would cover and for Staff to describe the aesthetic look of the site and tree screening if the phasing approach was taken.

Ms. Antil said the difference in the price was a savings by removing and grinding all of the trees at once. Some of that would be offset by purchasing more new trees, then subtracting the \$13,500 for the consulting arborist to do the monitoring. The final cost would be about \$24,000. So that is the first piece.

Mr. Betts said the public had stated the additional trees would provide shade to the playgrounds. The approach of not planting all the trees at once would provide a variety of tree heights while younger trees were getting established.

Council Member Klein said he was looking for an aesthetic comparison and asked how different would the site look by cutting the trees down all at once versus the phased approach.

City Manager, James Keene said part of that would be subjective and asked the Arborist to provide input on how long the transition would take.

Ms. Antil said transition was discussed at the public outreach meetings. New trees would take 8-10 years to become fully established.

Mr. Chau said the existing eucalyptus trees addressed the street rather than the park. The new trees would give the park a more natural, woodland setting. He said it would be easier to do Phase II when trees were removed as opposed to having to work around the existing eucalyptus trees. There

was not enough space for two different groves at the same time. Aesthetics was subjective and agreed there would be pros and cons to both approaches.

Council Member Shepherd said citizens were divided in their decisions at the last outreach meeting. There was a poll to remove all of the trees and another to retain the trees. She asked if there was any movement on meeting in the middle to aid the Council in a compromise.

Mr. Betts said citizens at the December 8<sup>th</sup> meeting stated the issue was a pragmatic compromise to retain heritage trees while replanting the area. The overriding concern was safety. He needed the Arborist to confirm the remaining trees were safe. Some of the citizens asked that the trees be removed due to unsafe conditions. Others felt removing all of the trees at once was too radical of an approach. People were pleased their comments were being heard at the outreach meetings.

Council Member Burt said community members wanted to know what the results were regarding the stumps of the trees that were removed earlier this year.

Managing Arborist, Erik Krebs said some of the trees had to be removed due to their hazardous conditions.

Council Member Burt asked if the six trees removed were originally identified as having the greatest risk of all the trees.

Mr. Krebs said it was. They showed the presence of sulfurizing fungus. There were two trees along Center Drive suspected to have the fungus and were scheduled for removal in the plan described by Mr. Chau.

Council Member Burt asked Staff if the remaining trees were being monitored to necessitate removal or would other decisions be determined based on the monitoring process.

Mr. Sartor said Torrey Young, Arborist, recommended all trees eventually would need to be removed. Monitoring was for structural deficiencies to determine the time for their removal.

Council Member Burt asked what the decision would be if no deterioration was detected in five years.

Torrey Young, Registered Consulting Arborist, said Resistograph testing was performed to determine the presence and extent of internal decay. Decay could be present and it was not unreasonable to retain trees for a longer time. Ongoing monitoring was targeted for five years for consideration of

Phase II. The focus would be on pruning, the condition of the upper-canopy, limb failures, smaller failures and mitigation techniques to reduce hazardous risk.

Council Member Burt asked if the trees would need to come down if ongoing decay was not detected in five years.

Mr. Young said that was not his decision to make. His understanding was if Phase II had not begun at that time there would be a plan to develop removal.

Council Member Burt asked Mr. Young what his professional recommendation would be if there was no significant deterioration in five years.

Mr. Young said Resistograph testing was an initial procedure and not ongoing. Decay may take many years and there may be no increase within the five-year period. Resistograph retesting could be done again in five years. The process would be to continue monitoring the foliage, limb structure, and upper-canopy to identify risks and methods to reduce potential risk if no significant increase in decay was detected.

Council Member Schmid asked Mr. Young if he could provide an order of magnitude or the risk of the eucalyptus trees.

Mr. Betts said what was considered as acceptable risk had been discussed and reviewed with the arborists. He asked Acting City Attorney Larkin to speak on liability risk.

Acting City Attorney, Don Larkin clarified he was not an expert on limb failures and would be talking about liability risk. He said trees dropped limbs and the City had immunity as long as the City had a routine maintenance cycle that included inspections, pruning, and proper care of the trees. The City was not liable for limb failures. The exception would be when the City notices a potential danger in trees. There were potential dangerous conditions that existed in some of the trees due to poor maintenance in the mid-1980's. Mitigation measures could be taken to reroute the pathways to avoid having people be directly under the trees. He felt the City would need to analyze each limb failure claim on a case by case basis. For example, the City would not be liable for a limb falling due to a 50 mile an hour wind.

Council Member Schmid asked Staff if there was data noting a higher percentage of damage in eucalyptus groves as opposed to pine groves.

Mr. Betts said he was not able to find that data.

Council Member Scharff needed clarification on what the Council was asked to vote on this evening.

Ms. Antil clarified Staff's recommendation was to move forward on a Budget Amendment Ordinance for Phase I. Staff felt it was important to include more information in meeting the community's needs since consensus was not met during the outreach meetings.

Council Member Scharff said if the trees lasted for five more years but needed to come down, would the issue be brought back to the Council. He asked if the trees would be taken down without the Council's knowledge.

Ms. Antil said Staff would return to the Council with an informational item if the decision was to take down a tree through the monitoring process. The Park and Maintenance Fund would be used to remove and replace the tree. The item would be brought back as a Capital Improvement Project (CIP) if it was a large landscaping project. She said there were concerns on how the community would hear back regarding information on the trees. She confirmed the information would be posted on the City's website and Staff would continue to provide the Council with up-to-date information.

Council Member Scharff said the new trees would take 8-10 years to gain maturity. The monitoring plan was for five years. He asked if it would make more sense to have ongoing monitoring while the new trees were reaching full maturity.

Ms. Antil clarified Mr. Young had provided a five-year quote when the City had asked for a quote. What was being presented was a one-year monitoring period and the following years would be included into the budget.

Mr. Keene said the City was not bound to a five-year monitoring program and could possibly be for a shorter period. The City would move forward onto Phase II if trees had to be removed within a shorter timeframe.

Council Member Scharff asked what the annual cost was for monitoring.

Ms. Antil said it was \$4,400 for the first year and was higher because it included testing to establish a baseline and approximately \$2,500 for subsequent years. The total cost for 5-years was \$13,500.

Council Member Holman raised concerns of the replacement size of the trees. She felt the 8-10 years for maturity was too long and asked what the cost would be to replant with larger replacement trees rather than the small box-size replacements.

Mr. Betts said the estimated growth was 25-30 feet in eight years. He said the size of the box did not necessarily mean how quickly the tree would grow. A 24-inch box or smaller would allow faster establishment of the tree and catch up quicker than in a 36-inch box. Root bound trees was another concern that would hinder faster acceleration of growth.

Council Member Holman said there was a Valley Oak tree located at the corner of Channing Avenue and Center Drive considered for a landmark or Heritage tree. It was offset at the corner and asked if it would be constrained by the eucalyptus trees.

Mr. Chau said the recommendation in Phase I was to keep new trees 35-feet away from the existing trees. He said given the size of the tree and moving it five feet closer to the street would not make a significant difference.

Council Member Holman said eucalyptus trees were being removed along Center Drive due to parking issues and another tree removed due to its proximity to the playground. She asked if consideration was given to restrict parking on that part of Center Drive or to move the playground over a bit.

Mr. Betts said restrictive parking was considered along Center Drive. Eleanor Pardee Park was popular for its playing fields, soccer and lacrosse games, events, and the community garden. There were concerns of overflow parking in the neighborhoods due to parking restrictions. The playground was rebuilt five years ago and cost several thousands of dollars. The cost to dismantle and create another playground would be half a million dollars. Eleanor Pardee Park had a smaller playground closer to Newell Road for younger age children.

Vice Mayor Yeh said the eucalyptus canopy was high and newer growths would be lower. He asked if there was the potential for coexistence of the trees.

Mr. Betts said the biggest limitation in the area was not having an irrigation system for any of the trees. The trees had been there for several years and established with no irrigation. The installation of an irrigation system would be easier if all trees were removed. Trenching would compound the problem by causing damage to the roots of the existing trees and cause further exposure to damage or disease.

Mr. Chau said the smaller trees could be added in certain areas. Canopy, a Palo Alto-based nonprofit, advised to not trench within a 35-foot radius of the eucalyptus trees and would not compromise the existing roots.

Mayor Espinosa asked Staff to delineate on the testing that was done in evaluating the risks and health of trees versus the bad pruning from years

before. He said testing was the first step but raised concerns regarding the extent of testing and not having the base of knowledge prior to presenting the proposal to the Council.

Ms. Antil said the initial trees were removed due to sulfuring fungus. The fungus was detected through a tree autopsy. The existing trees did not show the fungus but had structural damage from the earlier pruning. She said the arborists had stated they could not predict when a limb would fall or what would cause limb failures due to structural damage or otherwise. Staff believed the life expectancy was within the 1-5 year span. Climate could also impact the existing trees.

Mayor Espinosa asked what Staff was basing their beliefs on.

Ms. Antil said it was based on information provided by three arborists. She said neither the arborists nor Staff could predict the trees sustainability given the state they were in at this time.

Catherine Martineau said, on behalf of the Canopy Board, they were in favor of implementing the current plan or possibly removing other trees and replanting immediately.

Julianne Frizzell said trees in the current plan were no more dangerous than other trees.

Thomas Rindfleisch spoke of the eucalyptus trees being the dirtiest in Palo Alto with limbs and bark falling during the winter season. They were not viable for the park. He was in agreement with Staff's plan except that the plan should be accelerated and not have two phases.

Missy Reller felt safety should come first, and was in support of removing the trees.

Karen Harwell supported the plan for removal of all the trees.

Sarah Jacobsen supported removing all the trees immediately.

Drew Hudasek supported removal of all the trees immediately.

Ron Eadie supported removal of the trees immediately.

Pat Eadie supported removal of all the trees at once.

Adeline White supported removal of the trees all at once.

Michele Wang supported removing all the trees at one time.

Nimish Vora supported removal of all the trees at one time. She presented a petition signed by 117 residents in the area.

Diana Nemet supported removal of all the trees at one time.

Robert Meyer supported removal of all the trees at one time immediately.

Ms. Marty supported removal of all the trees at one time.

Susie Hwang supported removal of all the trees at one time.

Amy Joachim supports removal of all the trees immediately.

Steve Reller supported removal of all the trees immediately.

David Kwoh supported removal of all the trees immediately.

Andrea Helft supported removal of all the trees immediately.

Ashley Taggart supported removal of all the trees immediately.

Amy Kacher supported removal of all the trees immediately.

Christine Meyer supported removal of all the trees immediately.

Enoch Choi supported removal of all the trees immediately.

Keith Nicholls did not support removal of trees.

Rita Vrhoh was in support of the phased project.

Penny Proctor was in support of the phased project.

Mary Clifford was in support of the phased project.

**MOTION:** Council Member Scharff moved, seconded by Council Member Klein to immediately remove all the trees and direct Staff to return with a plan for planting new trees.

Council Member Scharff said the decision was difficult to make, but he felt safety was a priority.

Council Member Klein said it was an extraordinary process and felt the issue was influenced by the California Avenue incident. He said this matter was

far from that. He could not justify spending the money and time retaining the trees on benefits he could not ascertain.

Council Member Price supported the Motion. She raised concerns regarding eucalyptus trees in other public parks and asked what assurance was there that Staff was dealing with other eucalyptus trees appropriately.

Mr. Keene said he could not give the Council specifics at this time. Staff would deal with the issue in the near future.

Council Member Holman said other eucalyptus trees may not have the same conditions due to proper pruning.

Mr. Keene said eucalyptus trees exist along public right-of-ways and throughout the city. Staff would do further analysis and deal with the issue.

Council Member Holman asked the City Attorney to address the liability issues.

Mr. Larkin said he felt there were situations where the City would not be liable. However, the reports put the City on notice there was a dangerous condition and significantly increased the City's liability.

**AMENDMENT:** Council Member Holman moved, seconded by Council Member XXX to direct Staff to return with an amended site and planting plan that would include moving the Valley Oak tree on the corner of Center Drive and Channing Avenue closer to the corner.

#### **AMENDMENT FAILED DUE TO LACK OF A SECOND**

Council Member Burt supported the Motion. He spoke of the characterization of the City's responsibility to the degree that the City must eliminate risk. He believed that was a false expectation. This was a false choice that was presented tonight of absolute safety and elimination of all risk. He said what existed was a professional recommendation that indicated safety concerns cannot be reduced to a reasonable level. He was concerned about how the issue was framed. The fact needs to be recognized that arguments were made on a sound basis. There were trade offs in community values and where to strike a balance in reaching a sound decision. He addressed the California Avenue situation and how it caused the Staff to be more averse in taking clear but controversial positions in the recommendations. He understood why that occurred and the need to work harder to be able to have Staff make strong professional recommendations. The community had a responsibility to have a balanced outlook and not expect perfection. He felt a sound decision was made for rational reasons that were regrettable but necessary.

Council Member Shepherd said she had concerns regarding the citizens' polls at the outreach meetings. She said she had received several good reasons to retain the trees and would not support the Motion.

Vice Mayor Yeh asked that the second part of the Motion be clarified.

Mayor Espinosa said his understanding was for Staff to come back with the recommendation for full replanting.

Vice Mayor Yeh said he understood the public's safety concerns and the statements of the potential inefficient use of City resources to monitor the trees. He said it had been framed in a negative context and expressed his disagreement. Palo Alto was able to maintain its City tree status due to the role of the City's Arborist and non-profits. Trees are a living part of the community and required monitoring and proper care. He said the community's participation in replanting the trees on California Avenue was a positive step and hoped it would be taken into consideration in the replanting process of the trees. He supported the Motion.

Council Member Schmid commended Director Betts and his Staff's efforts to reach out to arborists and the coordination of outreach meetings in the community. According to his calculation the communities concerns for the trees was an even split.

Mayor Espinosa said he supported the Motion. He said he currently was working with Canopy to plant hundreds of trees in elementary schools in East Palo Alto making his decision a difficult one.

Council Member Klein commended and supported Council Member Burt's comments. He said we are not a risk-free society and Council Member Burt's comments provided a better perspective on how the Council handled each situation. He supported the Motion.

**MOTION PASSED:** 8-1 Shepherd no

Mr. Keene said Staff would be bringing the item back to the Council quickly since March was targeted for the planting season. The project was not included in the City's Fiscal Year budget. It was important that the community be educated and to understand that this item was a community requested process and recommendations were shared with the Council in finalizing the decision.

Council Member Holman asked Staff if an effort was made to see if the community was interested in contributing to the replanting.

Ms. Antil said several members in the audience voiced their interest to volunteer in a group planting project. Ms. Kacher said she would be interested in spearheading the group. The City would keep close contact with the group to incorporate their efforts into the planting project.

Ron Eadie announced the Eadie Family would be donating \$5,000 toward the replacement of trees.

Mr. Betts said the City had an Adopt a Park Fund. Contributions may be written to the City and would be deposited into a trust account or written to the Friends of the Palo Alto Parks as a non-profit partner.

Council Member Shepherd asked if it was appropriate at this time to ask a question regarding the process of how Staff had to deal with the issue in bringing it forward to the Council. There were concerns that the item could have been brought forward quicker for input and direction.

Mayor Espinosa advised Council Member Shepherd to address the question in a proposal to be submitted to the Policy and Services Committee for review.

14. Public Hearing: on Objections to Weed Abatement and Adoption of Resolution 9139 entitled "Resolution of the Council of the City of Palo Alto Ordering Weed Nuisance Abated."

Assistant City Manager, Pam Antil said a public hearing was held annually regarding Weed Abatement and Adoption of a Resolution Ordering Weed Nuisance Abated.

Mayor Espinosa announced no public speaker cards were received for the item.

City Manager, James Keene clarified the City was required to bring forward each year the question regarding weeds being a nuisance.

Fire Marshall, Gordon Simpkinson said the mechanism that was adopted for addressing weeds was administered through the County of Santa Clara. The County required each jurisdiction adopt the procedure annually in order to administer the program.

Public hearing opened and closed without public comment at 10:56 p.m.

**MOTION:** Council Member Klein moved, seconded by Council Member Shepherd to adopt the Resolution ordering the abatement of weed nuisances in the City of Palo Alto.

Vice Mayor Yeh asked why non-Palo Alto addresses were listed on the weed abatement list.

Mr. Simpkinson clarified mailing addresses may be outside the city, but parcels need to be within Palo Alto city limits.

Council Member Schmid said the list referenced weeds but addressed fire issues.

Mr. Simpkinson said that was correct. The driving force behind weed abatement was to address fire hazards associated with litter and abatement of vermin and other hazardous conditions. Primarily it was for fire hazards.

**MOTION PASSED: 9-0**

#### COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Council Member Price acknowledged the recent shooting rampage in Tucson, Arizona and the trauma and grief the Tucson community was experiencing.

Council Member Burt provided an update on recent rail transit activities.

Mayor Espinosa spoke regarding the Palo Alto Community Service Day flyer located at each Council Members' seat. He spoke about the many organizations participating in this event and it being a way to honor the legacy of Martin Luther King, Jr. He stated tonight's meeting was going to be adjourned in memory of Irene Sampson.

Council Member Holman spoke regarding the passing of Irene Sampson on November 13, 2010. She stated that she was active in the League of Women Voters including service as President of the Palo Alto League and on the Bay Area League Board, and was passionate about the South Palo Alto Food Closet.

ADJOURNMENT: The meeting was adjourned in memory of Irene Sampson at 11:06 p.m.