

ALAMEDA COUNTY PUBLIC WORKS AGENCY
TREE ADVISORY BOARD MEETING
Wednesday, January 15, 2003, 3:00 p.m.
PWA Executive Conference Room 111

MINUTES

Attendees: Don Sheppard, Richard Hancocks, Audrey LePell, Kathie Ready, Lupe Serrano, Joey Kalofonos, and Inta Brainerd

I. Announcements

- Lupe announced the Tree Program will be transitioning to M&O as of 7/1/03. Prospects of self-funding are vital as the Program may or may not be able to accomplish certain things considering the deficit in the Agency budget.

II. Minutes

- Minutes accepted as mailed

III. PG&E's Franchise Agreement Renewal

No copy of it found. A copy of the fee structure would be useful.

Inta – read County Counsel's account of PG&E agreement

Richard – Considering PG&E's issues with trees, modification of the fee structure could incorporate funding for the Tree Program. General County fund should be receiving funding because it deals with County Right of Way.

Keep as recurring item on agenda.

***Request:** Inta will procure a copy of the Franchise Agreement by next meeting.

Lawsuit against PG&E

Lupe – According to Ray of County Counsel there is no litigation concerning the County vs. PG&E.

Changing the Ordinance penalties from Criminal to Civil

Any changes to the Ordinance must go before the Board. Inta has begun analyzing each section of the Ordinance where language problems exist. Only other method: remove it from Roadway Ordinance.

Deadline for completion: 7/1/03.

Audrey – there may be some correlation with the City of Hayward, having recently revised their tree specifications. Politically wise to be quick, not too quick.

Lupe – Recommendation of fee structure is a good idea. Problems – liens on properties. When sidewalk program started doing that a few years ago, the Supervisors had it stopped, proved ineffective.

Richard – Ordinance must be excluded from the Roadway Ordinance.

IV. Discussion of enforcement of Tree Ordinance – Inta

Explanation of limitations

Section 12.08540 refers to owner-installed trees. Our maintenance only refers to owner-installed trees. No power to enforce topping except in utility clearance. No other enforcement possible under current Ordinance.

Richard left. 3:30 p.m.

Lupe – Part of the function of the TAB is to advise us on what to do, what changes to make. The TAB must be willing to discuss these issues, in order to create an enforcement committee.

Lupe – Tree Ordinance was a quick fix of the PG&E fiasco. Enforcement issues are at hand now. Other than change the Ordinance nothing can be done

Inta – Topped trees are not deemed removable when prop owners see them sprout back foliage. They do not understand how the tree has been damaged to deem removal. Solution: the County will monitor these trees and *recoup the cost of monitoring as part of the fine for the topping violation*. The property owner in violation at Via Paro received a letter that Ray helped revise, informing him of the law he broke and the fines and penalties he may face, and that the Director reserves right to remove tree should it become a hazard.

Inta – we have more power if the tree is removed rather than topped or pruned poorly. The maintenance section does not cover topics like topping. Only owner-installed trees fall under the Ordinance.

Lupe – Changes must be made and brought before board.

***Request:** Remove Tree Ordinance from Roadway Ordinance. Add muscle to it, go before Board, include penalty section w/fees. These are consequences of “quick and dirty” fix in past for issues w/ PG&E. Inta is now and has been working to achieve this, with the help of County Counsel, in her effort to deal w/violations.

Proposed Changes

Inta – Pull the Ordinance out of Roadway Use Regulations.

***Request:** Board members to read Ordinance and ask for anything that needs clarification, suggest any changes. TAB will go over present Ordinance, suggestions, questions next meeting

Inta – Recommend adjusting CRWs that vary from street to street to an established standard 10’ CRW for all trees, except for rural areas where it will be greater. Ray will look at Walnut Creek Ordinance. Concord uses a similar “CRW” just for trees.

Inta – went over draft of proposed changes. Distributed.

***Request:** Furnish a copy of an Encroachment Permit next meeting.

Inta – Business and Profession State Law requires that any tree above 15’ tall must be trimmed under a state license.

*More language needed on that.

More on proposed changes: Contractors will be required to pay for yearly permits, attend training meeting. When listed contractors are used, Permit fee will be waived for property owners. This will limit who is working on trees in the County.

V. Board Member Status

Committee member from District 1

Lupe – talked to Don. Has given Supervisor of District 1 one week to respond to a phone call to, otherwise a district rep will be appointed w/o their consultation. One from Sunol is interested.

VI. Role of Board – Lupe

Lupe – as of now, there is a Tree Advisory Board. With enforcement, an Appeal Board will be necessary.

Lupe – An official Appeal Board will fall under Brown Act. Each member must be completely objective. There are also term limits.

Inta – Not all current TAB members will be on Appeals Board. Keep current TAB as Tree Committee. Is the TAB limited to 5, 7 or 9 members?

Lupe – Limited to 5, 1 for each district.

***Next meeting:** discuss feelings of various TAB members on becoming a Tree Committee.

***Request:** Inta will write general letter from TAB to Supervisors. Need representation from Districts.

VII. Update of PG&E Line Clearance trimming in San Lorenzo – Inta

Inta – It is working as supposed to: notification going through, PG&E is contacting Inta on when trimming will occur. Inta is contacting the Supervisor and Homeowners Association. This info can't be given to individuals, it is not public information. It is only occurring in San Lorenzo so far.

Kathy – Is somebody going to evaluate the trims, check up on standards?

Inta – Yes. I inspect them while in the field.

VIII. Additional comments and questions

Audrey – At the Hesperian Corridor Meeting, nobody ever mentioned drought resistant plantings, the term “ornamental” was used. At the Lewelling project by Measure B meeting, consultants never referred to drought resistant policy.

Lupe – All landscaping must be native, drought resistant. Those were traffic consultants conducting a survey.

Audrey – On 1/22 the Fairview Community Club meets about the destruction of eucalyptus trees in the cemetery. Did we get a list of TAB members' phone numbers and addresses.

Inta distributed copies.