

ALAMEDA COUNTY PUBLIC WORKS AGENCY
TREE ADVISORY BOARD MEETING
Wednesday, March 19, 2003, 3:00 p.m.
PWA Executive Conference Room 111

MINUTES

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

I. Announcements

Packets distributed.

Audrey- At the Eden Plan meeting trees were never mentioned, perhaps they should be.
Tuesday March 24th is the next Eden Plan meeting.

II. Minutes

- Minutes accepted as mailed

III. Kevin Dowling

Sean Wilson got a pledge from PG&E to give unincorporated County \$25,000 for San Lorenzo street tree damages. He has been working on it since August and needs to write a report on what the funds will be used for. The funds are given to a nonprofit such as a homeowner's association, and Public Works can advise on the project.

Audrey- suggestion: tree giveaway public events.

Kathie- the money should repair the trees damaged because that is the reason it is being granted.

Lupe- at \$200 a tree only 125 trees can be restoratively pruned.

The funds will focus on restoratively pruning the trees damaged in San Lorenzo

Inta will get PG&E routing reports to Kevin and also suggests negotiating with PG&E to agree to do regular trims on damaged trees every few years because the damage is permanent and a one-time fix is not possible.

Lupe- a meeting w/PG&E is coming up, Peter Beesley will be invited to the TAB meeting

3:30 Kevin departed.

IV. Letter of Appeal—21167 Ashfield Ave, Castro Valley

Appeals process reviewed.

Ms. Sutton introduced, self introductions, process reviewed.

Ms. Sutton presented her case: she is hoping for exemption, she cared very much for the tree but had to remove it because it was diseased and subterranean termites were present in the tree. She enjoys the view of the neighborhood and will re-landscape in the future, but is waiting for her neighbor to help remove the fence. Then she will replant and apply for a permit. Why is she being singled out? Her neighbors all removed their trees. There is also no guarantee on halting the return of termites should another tree be planted.

Inta- staff presentation. Ordinance passed last May, it has always been in the Pilot Policy.

The violation was noted while in the field, it is in a well-traveled area. The termites would not return with a replanting as they only feed on rotting wood and not live wood. The decline of the urban forest is urging neighborhood beautification.

Ms. Sutton was informed she is the first appeal to be heard by the Board and was thanked for appearing to present her case.

Ms. Sutton departed.

Don- we ignore infraction and debate replanting. How can we ignore one part of the Ordinance and enforce another? Inconsistency.

→ Get the Castro Valley Forum to publish information about the Tree Ordinance.

Inta- local, small-time contractors are doing the work for violations, not big companies. We've sent out letters to listed contractors throughout the County.

Ms. Sutton confused the Mayten with a Pepper tree, when she spoke of the Mayten dropping black seeds.

Richard- the \$500 fine is not being considered. The Ordinance is the guiding force to decide the action to be taken. Suggest replacement, target area for CI project and plantings.

Audrey- motion to grant the Appeal. Seconded by Don.

The motion was not passed by Richard and Kathie.

Appeal not passed.

Audrey- Ms. Sutton apologized and is setting an example for the neighborhood.

Don- she did as she knew best, as anyone else would.

Audrey- request for another motion to be made.

Kathie- move to deny appeal but grant 1 year extension. Motion seconded.

Motion passed unanimously.

V. PG&E Franchise Agreement

No comments.

Request to BOS for an additional TAB member

Lupe- there are 18 month terms for appointments to the BOS. Those terms are up in June, suggest to get a representative then.

Richard- there has been no interest from District 1, the more urban areas show more interest.

TAB vs. Hearing Board

Lupe- Appeals Board will fall under Brown Act and must function as an objective board. Whoever is on the board must be clear on the guiding objectives as decisions are based on those objectives.

Don- the writers of the Ordinance should not form the Appeals Board, ruling is not just.

Audrey- BZA, NPO are examples that it works. After only one year, much praise and much criticism have been drawn.

Lupe- this Board has served its purpose on implementation of tree ordinance. We are changing the board and the process, now there will be many appeals.

Richard- property owners are responsible under the Ordinance, the contractor is not, so we can not consider that as a factor in Ms. Sutton's appeal.

VI. Ordinance Revisions

Section 4.3 read by Inta.

Inta has compiled Tree Ordinances of other jurisdictions, there is much state law and language to cite governing trees.

Audrey- motion to discuss proposed revisions next meeting after reviewing the draft.

Bob Swanson- are contractors unknowing or do they know that they are violating the law and think that they can get away with it?

Lupe & Inta- homeowners associations are not relaying consistent info to residents.

Inta- Pleasanton and Palo Alto go after both the contractor and homeowner in enforcement.

Many jurisdictions are not enforcing- Oakland uses strong language only.

How to deal with topping vs. pollarding? It is an in-house judgement.

Richard- review Ordinance draft changes.

Next meeting Wednesday 4/16/03. Schedule May meeting in April.