

ALAMEDA COUNTY PUBLIC WORKS AGENCY
TREE ADVISORY BOARD MEETING
Wednesday, July 16th, 2003, 3:00 p.m.
PWA Executive Conference Room 111

MINUTES

Attendees: Kathie Ready, Audrey LePell, Don Sheppard, Richard Hancocks, Joey Kalofonos, Inta Brainerd, Sandi Ornellas, Daniel Woldesenbet

I. Announcements

Due to training, Steve Jones and Rick Ruiz are unable to attend.

Audrey– At the Eden Area Plan meeting update regarding streetscape, trees received among the highest if not *the* highest number of votes by attendees.

Richard– The people attending were a diverse and random crowd.

Kathie– The results should be sent to Supervisors Lai-Bitker and Miley. The San Lorenzo Village Homeowners Association published a full-page article on the Tree Ordinance.

Inta– There is a need for clarification of the differences between the proposed revised Ordinance and the already existing one.

II. Minutes

One modification on May's minutes: replace "post" with "bollard" in the Tree Ordinance Revisions section under *Issues with Grant Trees*.

- Minutes approved (motion by Audrey, second by Kathie).

III. Tree Ordinance

Inta– A copy of the Tree Ordinance will be mailed to all people who have attended past Unincorporated Services Meetings.

Changes to the Tree Ordinance

Daniel– Changes to the definition of the TAB (Tree Advisory Board) were brought up by Supervisor Miley at the Transportation & Planning meeting that the other four supervisors did not attend.

Don– Three Supervisors have never appointed people to the TAB.

Daniel– Propose a recommendation.

Richard– Many unincorporated County citizens hate trees and want to be represented.

Daniel– It is a priority to expedite this process to pass the Ordinance by avoiding debate. Debate is generated by the opposition to the ordinance. A Sunol citizen attacks the proposed Ordinance personally, but public servants cannot respond to such personal attacks.

Sandi– People want to know who and what is representing them. The TAB must be united in supporting the Ordinance.

Don– I have no problem supporting this Ordinance, a perfect one that addresses every issue cannot be written. It is wrong for the same members who helped write and develop the Ordinance to

comprise the appeal board. Perhaps there should be three or so highly qualified tree experts rounded up to comprise the appeal board.

Daniel– A lack of expertise is not a problem. If people want to be represented by the TAB, appointment of members by the BOS they elected is fitting.

Kathie– Suggestion to make three arborists of the County cast one vote each, and the TAB cast one vote.

Audrey– Suggestion that after one year the TAB be re-evaluated to assess effectiveness.

Daniel– This is in an area of political judgment, where technical judgment is removed.

Don– At the last meeting, an appeal to remove a healthy tree was heard. Western Sunset Garden states to never plant this tree where fruit will fall on cars or lawn. It was decided by the TAB to preserve the tree despite technical experts' advise that a mistake was made. It was decided that this cannot be fixed.

Daniel– Members must be held accountable.

Inta– Staff must abide by the Ordinance, whereas an appellant body can be understanding and empathize with the appellant.

Richard– Every tree is a hazard and causes hardships.

Inta– A Privet tree next to a driveway, the sidewalk, and a white-carpeted house is definite hardship.

Daniel– If the TAB is going to be the appellant body, it must be BOS-appointed. Whether or not five members must be residents of the unincorporated area of the County will be debated. If this debate can be eliminated, the Ordinance stands to be pushed through.

Richard– Citizen boards are often hard to fill.

Kathie– Had three arborists plus the Sunset Garden documentation been present at the last appeal suggesting removal, perhaps the appeal would have been granted.

If people are not allowed to prune enough of their Sycamore trees back, it will not improve aesthetics. The Ordinance must also avoid being too tough.

Inta– Topping is not permitted because of the hazard it creates. ISA guidelines outline that no more than 1/4th of the tree crown can be removed without likely stressing the tree beyond recovery. The 1” branch allowance allows the homeowner sufficient leeway in pruning.

Richard– Laws are not written assuming the better nature of people, they are restrictions.

Daniel– Objective: to preserve and protect urban parkway trees. How can you make the Ordinance progress through the process expediently?

Richard– An appeal can always be taken to the superior court (BOS), the TAB vote is a staff recommendation.

Inta– The resulting memo to Don regarding the most recent appeal resulted in approval of the appeal, granted that two conditions were met.

Sandi– The TAB is a simplified version of the Unincorporated Services meeting.

Richard– The TAB is to deal with the Tree Program, not the Ordinance issues of the planting and replacement policy. A political body will replace the current TAB. It is a prerogative that the TAB has to work within the confines of the Ordinance.

Inta– The fee has been reduced to a \$500 minimum.

Presentation of sample appraisal.

This change is not a major issue because the minimum fine would be assessed only in certain select circumstances. With everyone so focused on the dollar amount, the language “whichever is greater” is being overlooked.

Don– Request to see other jurisdictions' penalties.

Inta– A list of other jurisdictions’ fees and penalties will be distributed at the Unincorporated Services meeting. Problems: Pleasanton and Oakland both preserve “heritage” trees, not *all* trees like this Ordinance applies to.

Daniel– The focus should be on the dropping of the criminal penalty.

No fee schedule should be passed out, it is important that the BOS generate it.

Richard– Are fees waived for planting without a permit?

Inta– Yes.

Daniel– Suggestion: reconsider the non-site specific permit fee. PG&E does much work on County trees.

Sandi– Clarification of deadlines in section G regarding appeals needed.

Daniel– The timeline limits the appellant, it calls for disqualification of untimely response. It protects the County.

Richard– Each BOS member or committee received the proposed Ordinance.

Richard– At the upcoming Unincorporated Services meeting, the Ordinance should be presented as such: changes have been made to address the concerns, are there any *new* issues or points to be addressed.

The focus has been on the TAB being clearly defined, and that the TAB falls under the Brown Act.

Daniel– Suggestion to the TAB: assert ownership of and belief in this Ordinance.

Richard– Distinguish between problems with the current Ordinance and the proposed Ordinance opposed to a complete lack of a Tree Ordinance.

The upcoming Unincorporated Services Meeting is on 7/23 at 6:30 PM.