

**ALAMEDA COUNTY PUBLIC WORKS AGENCY
TREE ADVISORY BOARD MEETING**

Wednesday, September 15, 2004 3:00 P.M.
Public Works Building, 951 Turner Court, Hayward
Conference Room 230

MINUTES

Present: D. Nelson, K. Ready, D. Sheppard, S. Jones, L. Serrano, I. Brainerd, and P. Brandi

Board Chairman D. Nelson opened the meeting at 3:00 P.M.

- I. No public comments
- II. No announcements
- III. It was motioned, seconded, and carried to approve the July 21, 2004 TAB Board meeting minutes.

IV. Permit Application Fee Exemptions (Handout)

Inta passed out a flowchart that categorizes different requests that we (Public Works Agency) receive. The Tree Advisory Board members approved county-mandated work fees be exempt at their last Board meeting, and when I put this flow chart (handout) together, I did have some questions of the Board re: pollarding of trees (required every year or every other year). Is that something we want to exempt them from? And, also exempt them from the fees for the removal of a dead tree?

D. Sheppard – If you are removing a dead tree, why would you be exempt?

The same with pollarded trees, you are not exempt from permitting the work, just the fee.

Discussion resumed around removing dead trees and pruning pollarded trees. Even though a homeowner must have a permit to remove any tree, two separate motions were made.

It was motioned by D. Sheppard and seconded by K. Ready that there be no fee charged for a permit to remove a dead tree. Motioned carried.

It was motioned by K. Ready then seconded by D. Sheppard that on second year permits and consecutive years of pollarding a tree, the homeowner will be exempt from permit fees. Motion carries.

V. Follow Up Items

*Clarification of Meeting Procedures

Lupe suggested reformatting the Alameda County Tree Advisory Meeting Agenda to resemble the format used by the Board of Supervisors. This would keep the TAB meetings in compliance with the Brown Act by allowing public participation and discussion of meeting topics. She also suggested that the meeting process should also be revealed in writing and posted in a public place along with the agenda.

Inta informed the TAB that the TAB meeting agendas are already posted in public libraries, mailed to interested (list of 30 individuals so far) parties, and “Request to Speak” cards are available before meetings to those wishing to address the Board.

Discussion ensued and the Board concluded that it would be best for the Board to discuss an issue, allow time for the public to add input or to ask questions about that topic, then have TAB make the final decision.

***Violations**

Inta mentioned she is pursuing three major violations in San Lorenzo, and Castro Valley.

Lupe took over the violation on Via Pinale in San Lorenzo, and Inta has marked a spot on the property that could accommodate a 50-60' tall tree to replace the Sycamore tree the homeowner removed. Public Works could do the work and bill the homeowner for it.

The tree on Paseo Larga Vista in San Lorenzo was hanging low over the sidewalk and impeding foot traffic on the sidewalk. The homeowner was ordered by Community Development Agency – Code Enforcement Division to cut back the tree. Language barriers and communication problems created confusion around whether to prune or cutback the tree. An attorney for the homeowner is trying to resolve the issue.

Three cypress trees were removed and one was in the County Right-of-Way in Castro Valley. Kathy asked staff to inspect the corner of Kent and Delano Streets in San Lorenzo to view three huge trees that were recently “topped” off.

***PG&E Update (Handouts-Draft PG&E Timeline and PG&E Mitigation Action Plan)**

The proposal applies to Board Supervisor Lai-Bitker’s office in San Lorenzo and covers District 3. Kathy, Lupe, Inta, and Kevin Dowling met with the interim-representative of PG&E’s Vegetaion Management Program and their customer relations department on Thursday, September 2, 2004.

Kathy – There are four trees on one street in San Lorenzo that far surpass the high voltage lines. Inta noted that there are three to six homes in the middle of Via Chiquita that are very full and are covering the utility lines between the poles however, the lines are secondary and not high voltage.

D. Nelson – Does number “9” mean anything?

9. PG&E will explore avenues to revisit the restoration of sycamore trees damaged in 2001/2002 and 2003 within 30 days from this meeting (09/02/03).

Lupe – That’s what it came back to.

Inta – There will be a follow-up meeting on Monday, October 4th at 10:00 a.m. in Supervisor Lai-Bitker’s office in San Lorenzo.

D. Nelson - What types of trees are to be given away? In Livermore, Danville, and Alamo they are planting trees needing a deep rooting system.

Inta – Trees with shallow roots, surface roots will not be approved, All trees need infrequent, deep, long watering to keep the roots from surfacing. Public Works and Kevin Dowling have devoted a lot of effort into working with PG&E.

Inta – PG&E is in the process of removing and replacing a damaged Castro Valley tree. To date, we do not know whether we will grind the stump.

Kathy – We (the Board) should take a field trip.

Inta – Originally the trimming done by Davey. Trees, Inc. was responsible for the second trimming. Inspections in San Lorenzo have not started yet; however, PG&E is to notify before pre-inspection begins.

***Permit Fees**

Steve Jones noted that Public Works could use the funds from fees & fines for the Urban Forestry Program.

***Tree Program Fines**

Lupe – Up to 40% of the money received in fines can be collected.

The Community Development Agency's Tona Henninger has found a way to collect fines by assessing the homeowner's property tax and collecting twice a year. Which is the better way to go? To collect twice a year by property tax assessment, or attach a lien on the property where 40% of the fines can be collected?

Kathy asked if there were any appeals. NO appeals

Inta responded that at this time she is working on permits issued and is having difficulty finding the time to get through the violation process as it is cumbersome.

D. Nelson – Is there a statute of limitations on the implementation of fines?

Inta responded that she would check with County Counsel for him.

She announced that Joey Kalofonos is only working on the Grant Trees now, and preparations to recruit and hire an intern to help her with the work are in process.

VI. Other

D. Sheppard spoke of the letter Supervisor Gail Steele shared with him regarding the Pacific Locomotive Association. The PLA claims they have the right to cut down a number of live Oak trees. Questions regarding permits, California law prohibiting cutting live Oak trees were discussed.

Steve explained that the Public Works Agency Real Estate Department looked into those issues. The County of Alameda owns the old Southern Pacific Railroad land that extends from Fremont and Sunol to Dublin and crosses over into Contra Costa and San Joaquin Counties.

Steve Jones has spoken to Bud Hall, representing the Sunol Business Guild about the tree trimming and other issues. The Public Works Agency is required to clear the old Southern Pacific Railroad lands of weeds and brush in order to help prevent fires. Alameda County Public Works is working with the PLA arborists to insure compliance with the PUC regulations Alameda County Tree Ordinance on lands owned by Public Works.

Communications between all of the parties including Sunol Business Guild and the Pacific Locomotive Association need to be clearer. Lupe left a message on Mr. Laughlin's voicemail. She asked him to give clarification of the cutting of trees. He has not returned her call.

Inta replied that of the four or five oaks that were cut, (and not in the County Road Right-of-Way) there were no violations seen – all proper cuts, but they left the wood on site.

Steve – SP removed some of the railroad tracks along the whole system including Sunol.

D. Nelson – How long has the railroad been gone?

SJ – About Twenty years. The Southern Pacific Railroad has been out since 1985. Volunteers of the PLA have reinstalled over seven miles of track that were removed.

KR – John Fenstermacher in PWKS Real Estate Division leases the land for \$1.00 a year.

KR – When will Public Works trim trees away from the light fixtures?

IB – PWKS now only has one Tree Trimmer Climber working, and work is based on priority. She will double check to see if the work was issued.

KR – Mark Winshell is miserable over the condition of his neighbor's tree.

Lupe – Gary Moore has been the representative for the Public Works Agency for enforcing code in the right of ways.

Inta suggested that we could do the work to bring a property owner into compliance with the Tree ordinance; but would probably request a Deputy Sheriff stand by.

Lupe and Inta asked the Board if the Tree Advisory Board meetings could be held quarterly. Specifically, November, February (end of year), May, and August (end of fiscal year) with the exception, "No emergencies or appeals called in". At least a week's notification would be given for an appeal meeting.

Motion made by Kathy Ready, seconded by Don Sheppard, and the members unanimously carried the request to meet quarterly. The Chair will not be attending the November 18th meeting.

VII. Motion to adjourn was made by D. Nelson, and seconded by K. Ready.
The meeting adjourned at 4:10 p.m.