

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

Wednesday, May 16, 2007

Public Works Building, 951 Turner Court, Hayward
Conference Room 230

MINUTES

MEMBERS PRESENT: Chair, Kathie Ready; Vice-Chair, Don Sheppard; Dan Gallagher
Donald G. Nelson

MEMBER ABSENT: Dee McDonough

STAFF PRESENT: Inta Brainerd, Arborist; Steve Jones, Supervisor; Rick Ruiz,
Deputy Director; and Angela Leddell, Clerk

OTHERS PRESENT: Wes Douwes, Mel Lewis, Felipe Morillo, Joseph Soares, Mario
Zambramo, and Joe Fogal, respondents

CALL TO ORDER: The Vice-Chair Sheppard called the meeting to order at 3:01 p.m.
for the purpose of approving the minutes. There were approximately nine people in the
audience.

I. APPROVAL OF MINUTES: - February 21, 2007 and April 18, 2007
Mr. Donald G. Nelson made a motion to approve minutes of February 21, 2007.
The motion was seconded by Mr. Dan Gallagher. Motion carried 3/0/1 with Ms.
Kathie Ready excused. Mr. Dan Gallagher made a motion to approve work
session minutes of April 18, 2007. The motion was seconded by Vice-Chair Don
Sheppard. Motion carried 2/0/2 with Mr. Donald G. Nelson and Ms. Kathie Ready
excused. Ms. Kathie Ready arrived after the minutes were approved.

II. PUBLIC COMMENT: – None

III. ANNOUNCEMENT: – None

II. HEARINGS:

87 Corte Eulalia, San Lorenzo

Staff explained that a Modesto Ash tree within the County right-of-way had been
improperly pruned and topped. The property owner was mailed notice of violation. Staff
determined the tree to be in poor condition due to previous topping of the tree, poor
branch structure, and removal of the entire canopy.

Mr. Soares, property owner, introduced pictures and stated the tree is in excellent
condition. He pointed out a safety hazard; the branches were pushing against the
telephone wires. Discussion ensued between the Tree Advisory Board and Mr. Soares
concerning the permit and the topping of the tree.

Staff advised the Tree Advisory Board that the longevity of the tree is estimated to be about 50 years old; the tree shows signs of stripped bark and evidence of decay. Staff recommends that the tree be removed and replaced.

PUBLIC COMMENT:

Mr. Joe Fogal, spoke on behalf of his neighbor, expressed disagreement with the Tree Advisory Board and stressed the need to show support for his neighbor's tree and the neighborhood.

Tree Advisory Board offered clarification on improper pruning noting that improper tree pruning impacts the neighborhood and the County.

RECOMMENDATION:

Mr. Dan Gallagher made a motion that the homeowner, at his expense, remove the tree, grind the stump and replace the tree with a 24 inch boxed tree (species to be approved by the County arborist). The Tree Advisory Board will require that this tree be maintained as a permanent part of the landscape. The motion was seconded by Vice-Chair, Don Sheppard. The motion was opposed by Mr. Donald G. Nelson. Motion carried 3/1/1 with Ms. Dee McDonough excused.

85 Paseo Grande, San Lorenzo

Staff explained that a Horse Chestnut tree had been topped within the County road right of way. The tree was in poor condition resulting from previous topping cuts. The property owner was mailed a notice of violation. The owner responded to the notice of violation and reported that he had no knowledge of the tree ordinance and was just trying to do what was best for the tree. Staff pointed out past wounds where decay was observed in limbs that extended toward the house.

Mr. Mario Zambrano, property owner, explained the tree was trimmed by a recommended gardener. The owner discussed at length the excessive \$600.00 fee and how the tree was pruned. Owner requested that he be allowed to retain the tree.

The member of the Board explained that the difference in limb structure and the size of the tree cuts, reconstructed pruning maybe an alternative that could be employed to reestablish a natural canopy on this tree. A professional arborist would need to work over a period of 5 years minimum with annual pruning during the dormant season.

RECOMMENDATION:

Vice-Chair Don Sheppard made a motion to fine the owner \$100.00 for no permit and Mr. Zambrano must hire a Certified Arborist to perform reconstructive pruning over a 5-year period and pay for the work in lieu of the \$500.00 fine. Staff will monitor the tree over the next five years. The motion was seconded by Mr. Dan Gallagher. Motion carried 4/0/1 with Ms. Dee McDonough excused.

18117 – 18267 Redwood Road, Castro Valley

Staff received information from the County's tree trimmer that 5 Hackberry trees were topped, with 4 of the trees sustaining heavy damage from the pruning cuts. The property owners, Mr. And Mrs. Albert were mailed notice of violation. Mr. Lewis, the boyfriend of the property owner's daughter, responded to the notice of violation for the property

owner. He reported that Mr. and Mrs. Albert, the current owners of the property, are now under the care of Hospice in the Baywood Convalescent Home and unable to respond. The arborist advised him of the tree ordinance and the violation process; also pointing out that staff would need release of authority from the property owner before continuing to discuss the decision with Mr. Lewis. There was extensive discussion on the undeliverable notice of hearing letter and the heavy pruning of the Hackberry trees. Staff recommended the four trees be removed and replaced and one tree retained because it was not damaged.

Mr. Lewis, the boyfriend of the property owner's daughter, responded to the notice of hearing for the property owners because they had died and he had since married their daughter. He indicated that the previous manager pruned the low hanging tree branches and suggested that the County pursue the previous manager. In addition, he introduced pictures taken on 8/26/06 of the Hackberry trees. After talking briefly about the current status of the property, the owners and the reason for pruning the trees, Mr. Lewis who is now the son-in-law said the family would prefer to take out the trees.

Tree Advisory Board member, Mr. Dan Gallagher, asked if the tree well and the exiting sidewalk condition meets ADA standard? Staff reported that the tree well could be lengthened. The width of the tree well is 24 inches and 3 feet in length.

RECOMMENDATION:

Mr. Donald G. Nelson made a motion to fine the owner \$100.00 for work without a permit, and recommended the owner remove and replace the 5 trees with staff recommended trees. Vice-Chair Don Sheppard questions whether or not to assess the fine for work without a permit on one tree or \$100.00 per tree. The motion is clarified to assess a \$100.00 fine for the work performed without a permit. Mr. Dan Gallagher amended the motion to indicate that the homeowner will remove and replace all five trees with approved 15 gallon sized trees. The motion was seconded by Vice-Chair, Don Sheppard. Motion carried 3/0/1 with Ms. Dee McDonough excused.

There was one question before the Board from Mr. Lewis as to who is required to prune the trees. The Tree Advisory Board said the property owner.

18850 Redwood Road, Castro Valley – Property managers Mr. Gianopoulos and Ms. Bette Simms were not present. To be *continued to September 19, 2007 meeting.*

2047 Manchester Road, San Leandro – *Continued from February 21, 2007 Meeting.* Staff received information that both trees have been severely topped within the County road right of way. The new property owner responded to the notice of violation and suggested that he had no knowledge of the tree ordinance. Staff pointed out that there was a change of ownership and that the prior owner signed the maintenance agreement with the County for the planting of the Trident Maple tree. This Trident Maple tree was planted using 1998 or 1999 grant funds. The tree is nine years old and appeared to be stunted.

Mr. Douwes, property owner, informed the Tree Advisory Board that this tiny little off center tree blocks the sidewalk.

RECOMMENDATION:

Vice-Chair Don Sheppard made a motion to mandate the owner to remove and replace the tree with a 24 inch boxed tree. The owner is encouraged to use USA before planting another tree in a different location. Mr. Dan Gallagher made the following recommendations:

- 1) replcement tree to be a Trident Maple,
- 2) select a tree with a dominant center single leader, and
- 3) the tree is not to be topped.

The motion was seconded by Mr. Donald G. Nelson. Motion carried 4/0/1 with Ms. Dee McDonough excused.

1312 Via Nube, San Lorenzo

Staff received information from a concerned citizen that a Modesto Ash tree has been severely topped at this corner lot property. After the tree pruning, most of the debris was deposited along the roadway. There was discussion about the tree's canopy and the poor condition of the tree. Staff reported that the branches showed signs of decay and foreign plant matter growing in the crotch. The property owner was mailed a notice of violation. He responded and claimed he had the tree pruned for a safety hazard. The property owner hired a gardener but failed to acquire a permit from the County. Staff recommended that the one tree at the end of Via Alamitos be removed and replaced.

Chair Kathie Ready asked property owner why was the debris deposited in the street.

RECOMMENDATION:

Chair Kathie Ready made a motion to fine the owner \$1000.00 on the loss of both trees, and require the owner to remove and replace the tree with another 36 inch boxed County approved tree. The motion was seconded by Mr. Dan Gallagher. The motion was opposed by Mr. Donald G. Nelson. Motion carried 3/1/1 with Ms. Dee McDonough excused. Chair Kathie Ready amended the motion to fine the owner \$600.00 on the loss of the tree with previous provisions of the motion remaining the same. The motion was seconded by Vice-Chair Don Sheppard. Motion carried 4/0/1 with Ms. Dee McDonough excused.

Staff Announcements or Comments – Staff received no updates from fiscal on violations.

III. WORK SESSION:

- Date set for June 27, 2007 at 3:00 p.m.

IV. REGULAR MEETING:

- Date set for September 19, 2007 at 3:00 p.m.

V: WRAP UP AND ADJOURN:

- Meeting adjourned at 5:00 p.m.