

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

Wednesday, November 14, 2007
Public Works Building, 951 Turner Court, Hayward
Conference Room 230

MINUTES

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

MEMBER ABSENT: Dee McDonough

STAFF PRESENT: Inta Brainerd, Arborist; Lupe Serrano, OPPD Adm.; and Angela Leddell, Clerk

OTHERS PRESENT: Ana Delafuente; Raul Haro, La Canada Tree Service; Jose Rodriguez; Lupe Serrano, Interpreter; Mario Soares and Lucia Soares, respondents; and Ingrid Molles

CALL TO ORDER: Chair Ready called the meeting to order at 3:00 p.m. There were approximately six people in the audience.

I. PUBLIC COMMENT: – None

II. ANNOUNCEMENTS: – Dee McDonough was scheduled to attend another meeting.

III. APPROVAL OF MINUTES: - September 19, 2007
Vice-Chair Don Sheppard made a motion to approve minutes of September 19, 2007. The motion was seconded by Mr. Dan Gallagher. Motion carried 4/0/1 with Ms. Dee McDonough excused.

IV. HEARINGS:

17775 Via Toledo, San Lorenzo – *Continued from September 19, 2007 Meeting.*

Ms. Delafuente, property owner, informed the Tree Advisory Board that she is the owner of this rental property. PG&E trimmed the tree. Later, this same tree dropped a large branch. This prompted the owner to call and acquire three estimates for tree pruning. The hired contractor was La Canada Tree Service. The owner stated that the only extra work she had the crew perform was to remove two limbs growing out towards the house.

Raul Haro, owner of La Canada Tree Service, corroborated Ms. Delafuente account of the tree cuts. Ms. Delafuente believed the contractor had obtained all the necessary permits.

Discussion ensued among the TAB, staff and Ms. Delafuente about limb failure, safety, liability and concerns regarding the extensive pruning and subsequent growth. Further discussion acknowledged that the tree structure is permanently deformed.

RECOMMENDATION:

Mr. Dan Gallagher made a motion that the property owner pay for a registered consulting arborist to perform an inspection of the tree to determine its soundness and provide a written report to the County;

Recommendations if the tree is determined to be sound:

- (1.) The report must include a pruning schedule for reconstructive pruning.
- (2.) The property owner will pay for the recommended pruning and the work is to be performed by a licensed contractor who is also a certified arborist.
- (3.) Contractor to pay a fine of \$300.00 for improper pruning and work performed without a permit.

Recommendations if the tree is determined to be unsound:

- (1.) The contractor, La Canada Tree Service, is to cover the costs of the removal and replacement of the tree.
- (2.) The contractor must replace the tree with a 36 inch boxed species that is mutually agreed upon by the County and the property owner.

Motion carried 3/1/1 with Ms. Dee McDonough excused. The motion was opposed by Mr. Donald G. Nelson.

17492 Via Estrella, San Lorenzo – Continued from September 19, 2007 Meeting.

Staff explained that several limbs extending towards the house had been stubbed back from the tree resulting in improper pruning. Later examination of that same tree revealed that the entire canopy had been removed. The property owner was mailed a notice of violation. The owner responded to the notice of violation and asked for an interpreter. Staff recommends removal and replacement because the tree is considered to be a total loss with an appraised value of \$4950.00.

Interpreter, Lupe Serrano, responded for the owner and indicated that Mr. Jose Rodriguez was a new property owner and received no information from the realtor regarding the tree ordinance. He maintained that the dropped leaves made a mess and he was just trying to do what was best. The property owner accepts full responsibility.

RECOMMENDATION:

Mr. Dan Gallagher made a motion to fine the property owner \$1275.00 to cover the cost of the appraisal; a minimum fine of \$500.00 based on the violation of the tree ordinance; a \$100.00 fine for work without a permit; and require the property owner to remove the tree, grind the stump, and replace the tree with a 24 inch boxed London Plane, “Columbia” tree. The Tree Advisory Board will require that this tree be maintained as a permanent part of the landscape in the County road-right-of-way. The motion was seconded by Chair Kathie Ready. The motion was opposed by Mr. Donald G. Nelson. Motion carried 3/1/1 with Ms. Dee McDonough excused.

88 Via Verde, San Lorenzo

Staff received an incomplete application from Mr. Mario Soares, property owner. Mr Soares was notified by phone that the permit remained incomplete because it was lacking contractor information. The owner was also notified at this time that topping was illegal and would result in a fine. Staff received information from the San Lorenzo Village Homes Association (SLVHA) that a tree had been topped. 95% of the canopy had been removed. Staff made several attempts to contact property owner by phone and left messages. Staff received no response. Staff noted also that a “stop payment” had been placed on the check that was received with the application. Staff recommends reconstructive pruning. The total loss in value to the tree is \$3300.

Mr. Mario Soares, property owner, reported that he felt the tree constituted a safety hazard because one branch hung over his fire place. Per the owner’s request the SLVHA mailed him a permit application. When the owner was notified that the permit was incomplete due to missing contractor information the owner suggested that he would perform the work under his contractor license. Mr. Soares was informed that unless it was D49 contractor’s license he would not be qualified to perform the work.

Ms. Lucia Soares, the property owner’s mother, informed the Board that she met with John Rogers at the Permit Center to inquire about the license requirement, tree trimming specs and the right of way measurement. She then determined this tree was not in the County road-right-of way and that therefore no permit would be required. The property owner had been in contact with the arborist who had assured him that the tree was located in the County road right of way but decided to go ahead with the work based on the information his mother received at the permit center. Subsequently the owner stopped payment on the check for the application fee.

There was brief discussion among the Tree Advisory Board, Arborist, Ms. Lucia Soares, the mother, and Mr. Mario Soares regarding the County road-right-way and the Department where fees are collected.

RECOMMENDATION:

Vice-Chair Don Sheppard made a motion not to fine the owner based on the owner’s recount of the information received from the permit center. The motion was seconded by Mr. Dan Gallagher. The motion was opposed by Chair Kathie Ready. Motion carried 3/1/1 with Ms. Dee McDonough excused.

There was a question before the TAB from the arborist as to what is going to prevent this tree from becoming a liability to the County due to the improper cuts and future limb structure.

Mr. Dan Gallagher made an addition to the motion to require the property owner to contact and follow the advice of the arborist who prepared the appraisal. The recommendations for pruning are listed as “Prune the tree a minimum of 3 times (once every 2 to 3 years). The purpose of the pruning is to perform corrective pruning, restoring the canopy structure following the topping.” Vice-Chair Don Sheppard added an addendum to the motion that the company performing the work must be in good repute with the County. The motion was seconded by Vice-Chair Don Sheppard. Motion carried 4/0/1 with Ms. Dee McDonough excused.

V. Follow Up Items: – 2973 Hardeman St., Hayward

- Violation status update. Yvette Torres, property owner, fine went to collection. The find has not been paid.
- Everything else up-to-date.

VI. Ordinance Revisions Work Session:

- Date set for January 16, 2008 at 3:00 p.m.

VII. Regular Meeting:

- Date set for February 20, 2008 at 3:00 p.m.

VIII. Other:

IX. Wrap up and Adjourn:

- Meeting adjourned at 4:55 p.m.