

**ALAMEDA COUNTY PUBLIC WORKS AGENCY
TREE ADVISORY BOARD MEETING
Wednesday, May 21, 2008
Public Works Building, 951 Turner Court, Hayward
Conference Room 230**

MINUTES

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

STAFF PRESENT: Inta Brainerd, Arborist; Steve Jones, Supervising Facilities Inspector; Rick Ruiz, Deputy Director; Pamela Brandi, Secretary

OTHERS PRESENT: William & Maggie Murillo, S.A. Flores, Lodovico Barovero, Pat Pruitt

CALL TO ORDER: Chair Kathie Ready called the meeting to order at 3:00 P.M. There were five people in the audience.

I. PUBLIC COMMENT: - None

II. ANNOUNCEMENTS: - OPPD Administrator Lupe Serrano was in another meeting and would be arriving later. Property owners of 172 Via Carmen in San Lorenzo were unable to attend today's meeting due to unexpected illness; but plan to attend next meeting scheduled for August 20, 2008.

III. APPROVAL OF MINUTES: - January 16, 2008

Chair Kathie Ready made a motion to approve minutes of January 16, 2008. The motion was seconded by Mr. Dan Gallagher. Motion was carried unanimously 5/5.

IV. HEARINGS: 600 Via Manzanias, San Lorenzo

Staff reported receiving a report from the San Lorenzo Homeowners' Association in the fall of 2007 that the Sycamore tree had been severely pruned and had large cuts made to it. A field inspection revealed that the tree had been topped both recently and in the past. The Arborist's assessment report completed on December 4, 2007 includes photographs and concluded that the tree has been repeatedly topped over the years.

Ms. Pat Pruitt represented her 83-year-old father, property owner Lodovico Barovero, Mr. Barovero was present at the hearing; but, was unable to address the Board himself since he suffers from several medical conditions including Dementia. Mr. Barovero has resided at 600 Via Manzanias in San Lorenzo for the past forty-five (45) years. His wife passed away eight (8) years and ago; and, his adult children do not live at the residence. Ms. Pruitt's understanding of the tree topping is that someone soliciting tree trimming door-to-door in the fall of 2007, asked Mr. Barovero if he wanted his London Plane Sycamore tree topped; and, since he had the tree topped in the past, he replied, "Yes". He did not keep any record of the tree trimming transaction. When asked by Donald G.

Nelson for a recent picture of the tree, one was provided by Ms. Pruitt. The date the picture was taken is unknown.

Discussion ensued.

The motion moved by Vice-Chair Don Sheppard to impose a fine of \$100.00 on the homeowner Mr. Barovero for work without a permit; and suggested the homeowner be required to have the tree pollarded (by a County approved contractor) on a yearly basis. Motion was seconded by Mr. Dan Gallagher, and carried unanimously 5/5: \$100.00 fine and property owner required to pollard the tree on a regular basis. However, it was suggested by Ms. Dee McDonough that the tree not be subjected to further pruning this year.

It was recommended by the Board that staff ask County Counsel how to impose reconstructive pruning regulations on a house being sold. How much of the tree history should be disclosed by realtors when transacting a sale of a property? Mr. Rick Ruiz will pursue with County Counsel on how to record a \$1.00 lien on a home where reconstructive pruning is required. Then, when the house goes up for sale, the annual inspection will trigger a Notice of Sale at the Assessor's Office and the required pruning will be disclosed.

15840 Via Rivera, San Lorenzo

Staff reported receiving a report from the San Lorenzo Homeowners' Association in the winter of 2008 that a Sycamore tree was severely butchered, mostly topped and had some decay where a limb was removed. The Arborist's assessment report completed on February 5, 2008 includes a request to have the tree evaluated and an appraisal of value made by Registered Consulting Arborist John Leffingwell.

Mrs. Magdalena Murillo and Mr. William Murillo were both present at the hearing. Mrs. Murillo said she called the HOA twice and was not told either time that a permit was necessary to trim the tree. She also called PG&E because she wanted the branches trimmed from the electrical wires overhead. She claimed PG&E advised her that the tree was not near high-voltage wires (unlike a similar tree two houses down); and again reminded her that it is the homeowners' responsibility to trim their own trees.

In the latter part of October 2007, the Murillo's asked their neighbor, Santos A. Flores, for an estimate to trim the tree back from their driveway because he owned a landscaping business. It was assumed Mr. Flores was a licensed contractor with the State of California because he had a license number on his business card. They also assumed Mr. Flores would be knowledgeable of the laws and ordinances involved in trimming trees due to the nature of his business.

Mr. Santos Flores was present at the hearing and would have been able to represent himself if a Spanish-speaking interpreter were present or requested. Administrator Lupes Serrano (who translates) was not able to attend the hearing and was not present. It was revealed that Mr. Santos does not hold a valid California State Contractor's license, and is in violation of the State's laws as well as in violation in Alameda County for trimming

the Murillo's tree when the value of the work exceeded \$500.00. It was recommended that fines be assessed to the person who actually performs the work; and that the responsibility be shared by the contractor.

Mr. Dan Gallagher made the motion that Mr. Flores and Property Owners Mr. & Mrs. Murillo be fined \$1,425 each; and, property owners follow BCM Arborist John Leffingwell's recommendations:

1. Have a Certified Arborist prune the remaining upright branch to the height of the other branches (approximately 18') by November 1, 2008, and
2. Have a Certified Arborist prune the tree a minimum of three (3) times (once every 2 to 3 years) to perform corrective pruning to help to restore the canopy structure following the topping. Mr. Donald G. Nelson felt the fines were excessive and felt the property owners thought they were doing the right thing.

Mr. Dan Gallagher made an amendment: Fine the property owners \$1,475 (to include \$100 for work done without a permit); and the landscaper \$1,375.

Chair Kathie Ready seconded the motion. The motion carried 4/5 with Don G. Nelson opposed.

Questions of the Board to the County:

1. Could the County pursue the issue of Mr. Flores working without a contractor's license in violation of the State of California Contractor's licensing board?

172 Via Carmen in San Lorenzo – Hearing rescheduled to next TAB Meeting, August 20, 2008

V. FOLLOW UP ITEMS:

Violation status update: Staff informed the Board that all but two fines have been paid.
Tree Ordinance Revisions: Ordinance has been sent to County Counsel

VI. LETTER FROM SLVHA BOARD:

Staff explained that it is already County policy to pursue Sycamore trees as replacements in San Lorenzo whenever possible.

VII. REVIEW AND SET DATE OF NEXT MEETING:

Next meeting scheduled for Wednesday, August 20, 2008. Don G. Nelson indicated that he would not be able to make it to the next meeting because he will be out of town.

The meeting ended at 4:30 P.M.