



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Consider Mr. Jean Pagola's Appeal of Staff's Decision to Not Remove Two City Trees behind 1823 Blackbird Court at City Expense
MEETING DATE: October 4, 2006
PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council consider Mr. Jean Pagola's appeal of staff's decision to not remove two City trees behind 1823 Blackbird Court at City expense.

BACKGROUND INFORMATION: Mr. Jean Pagola, the property owner at 1823 Blackbird Court, has submitted a written request (attached) for the removal of two City-maintained Raywood Ash trees. These trees are located in a landscaped City easement along the west side (Stockton Street) of his property. Mr. Pagola's objection to the trees is their extensive surface root system which has caused an on-going hardship in his backyard. Street Division staff members have worked with Mr. Pagola for several years in an effort to assist with this issue with minimal success. Mr. Pagola has been informed of the City's Tree Removal Policy (attached) and that these two healthy trees do not conform to City policy for tree removal. There are two issues: 1) should the trees be removed and 2) who should pay for the removal and replacement. Mr. Pagola is appealing to City Council for approval to have the two City trees removed at City expense.

Options are:

- 1) Allow the trees to be removed and replaced at the property owner's expense.
- 2) Authorize the removal and replacement at the City's expense (Mr. Pagola's preference).
- 3) Authorize the removal and replacement with a compromise on sharing the cost.
- 4) Uphold staff's decision and deny Mr. Pagola's request for removal at City expense.

While staff does not see a strong need to remove the trees, we have no objection if they are removed and replaced at the property owner's expense, although we would note that there is no guarantee that the root issue would not reoccur. Should Council decide to remove the two Raywood Ash trees, staff recommends replacement with 24-inch box Ginkgo trees. The cost of removal and replacement is estimated to be \$800.

Historically, the City receives 10 to 20 removal requests each year. Most are accommodated within the parameters of the policy. Of those that are not, staff's reasons are accepted by the citizen. Appeals are rare.

FISCAL IMPACT: No fiscal impact. The costs involved for removal, replacement trees, and encroachment permit would be at the property owner's expense, unless Council directs otherwise (up to \$800). The value of the trees, given their size and condition, is at least \$1,400.

FUNDING AVAILABLE: Street Tree Maintenance Account

Richard C. Prima, Jr.
 Public Works Director

Prepared by George M. Bradley, Street Superintendent
 RCP/GMB/dsg
 Attachments
 cc: Jean P. Pagola, Property Owner
 Ray Fye, Tree Operations Supervisor

George M. Bradley, Street Superintendent
 Jeannie Matsumoto, Senior Engineering Technician

APPROVED:
 Blair King, City Manager

September 5, 2006

George M. Bradley
Street Superintendent
1331 South Ham Lane
Lodi CA 95242

SUBJECT: Removal of City Tree at 1823 Blackbird Court

Mr. Bradley, as the property owner of 1823 Blackbird Court, I would like to request the removal of the two City Raywood Ash trees that are currently in the easement along the west side (Stockton Street) of my property. Their excessive surface roots have attempted to take over my backyard and caused me an on-going hardship.

I have dealt with the issue of excessive surface roots from these trees over the last six years. I have had to remove roots on three different occasions--2002, 2004 and again in 2006—to keep my rose bushes in good health. This involved transplanting my rose bushes. I was also forced to remove a concrete pad in my 85-foot long backyard to dig down 18 inches to take out some of the extensive tree root system.

As a landscape contractor, I can honestly say that the three times I had to perform the root removal work, it cost me a total of \$5,449.35 for yard gravel, cement, redwood compost, and 152 hours of labor (breakdown enclosed). As the trees are going to continue to grow, I have to assume that I would have to do this work again. Although I love landscaping and it has been my livelihood, it is unfair to continue to have to perform the root removal.

I would request that the City remove these trees and replace them with another species that would be more friendly to my roses. I am attaching pictures of my backyard. Thank you for your serious consideration of my request.

Sincerely,

Jean P. Pagola

Jean Pierre Pagola, Landscape Contractor
State Licensed No. 278529
1823 Blackbird Court
Lodi CA 95240
(209) 365-0425

George M. Bradley
September 5, 2006
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Cost Breakdown for Root Removal Work at 1823 Blackbird Court:

3 – 3/4 Yard Gravel	\$	65.00
4 Bags of Cement	\$	35.00
1 Yard of Redwood Compost	\$	29.35
Labor	\$	<u>5,320.00</u>
TOTAL	\$	<u><u>5,449.35</u></u>

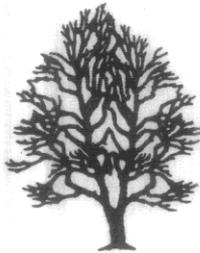
JEAN PIERRE PAGOLA, LANDSCAPE CONTRACTOR

STATE LICENSED No. 278529

RESIDENTIAL SPECIALIST

CONSULTATION AVAILABLE

1823 Blackbird Crt.
Lodi, CA 95240



JEAN PIERRE PAGOLA - OWNER

Bus (209) 365-0425









1823 Blackbird ct. on Stockton st.





CITY OF LODI

PUBLIC WORKS DEPARTMENT

TREE POLICY



I. GENERAL

Trees which are 50% or more within the public right of way shall be considered City trees. This measurement shall be taken at the base of the trunk at the ground surface.

The City of Lodi is responsible for caring for all City trees within the public right of way including trimming, spraying, general maintenance and performing root surgery where property owner is replacing sidewalk and existing sidewalk is removed by property owner.

Property owners are responsible for any required watering of newly planted trees in parkways.

The City is not responsible for maintenance of non-City trees.

Property owners and City personnel are not allowed to remove or alter any City trees unless one of the criteria listed below is met or special approval is received from the City Council.

II. TREE REMOVAL

A. City Responsibility - The City will remove a City tree at its expense when:

1. Tree is dead;
2. Tree is diseased beyond cure;
3. Tree is hazardous to the public or necessary root surgery would render it hazardous;
4. Tree conflicts with sidewalk to be installed by property owners on parcels where curb and gutter is in place;
5. Tree removal is necessary for a City improvement project; or
6. Tree causes repeated extensive damage to utilities or curb, gutter and sidewalk.

B. Property Owner Responsibility - With the issuance of an encroachment permit by the Public Works Department, a tree within the public right of way may be removed under the following conditions at the property owner's expense:

1. Trees bearing fruit and causing a nuisance to the property owner may be removed. Trees in parkways will be replaced at City's expense as part of its tree planting program.
2. Trees may be removed to widen existing driveway or to construct a new driveway. Trees in parkways will be replaced at City's expense as part of its tree planting program.
3. Tree may be removed when less than 50% of the tree is within public right of way.
4. Trees may be removed as part of an approved development where curbs and gutters do not exist.


 Jack L. Ronsko
 Public Works Director

Resolution No. 4304 adopted by the City Council at their meeting of December 15, 1976.

CITY COUNCIL

SUSAN HITCHCOCK,
Mayor

BOB JOHNSON,
Mayor Pro Tempore

JOHN BECKMAN

LARRY D. HANSEN

JOANNE MOUNCE

CITY OF LODI



PUBLIC WORKS DEPARTMENT

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BLAIR KING,
City Manager

JENNIFER M. PERRIN,
Interim City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

RICHARD C. PRIMA, JR.,
Public Works Director

September 28, 2006

Jean Pagola
1823 Blackbird Court
Lodi, CA 95240

SUBJECT: Consider Mr. Jean Pagola's Appeal of Staff's Decision to Not Remove Two City Trees behind 1823 Blackbird Court at City's Expense

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, October 4, 2006. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, Interim City Clerk, at 333-6702.

If you have any questions about the item itself, please call George Bradley, Street Superintendent, at 333-6740.

for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk