

cc-6 pg-56

CITY COUNCIL MEETING

NOVEMBER 17, 1982

CITY STREET TREE
POLICY UPHOLD

Following introduction of the matter by Staff, Council, on motion of Council Member Snider, Murphy second, voted not to deviate from the City's Street Tree Policy, thereby denying the request of Ms. Viola Fahrner, 424 S. School Street, Lodi, for the removal of certain trees located in the parkway fronting her property.



CITY OF LODI
PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
DATE: June 23, 1982
SUBJECT: Tree Policy Relating to Viola Fahrner's Property at
424 South School Street

K2

RECOMMENDED ACTION: Review existing Tree Policies together with request from Viola Fahrner dated May 31, 1982, and take appropriate action.

BACKGROUND INFORMATION: The City Council at their meeting of June 7, 1982, received the attached letter from Viola Fahrner dated May 31, 1982, requesting the City of Lodi to remove the two Sycamore trees in the parkway fronting her property at 424 South School Street and to also remove the roots from her lawn. Viola Fahrner has talked to the Street Supervisor, the Assistant City Engineer, and me about this matter and we have all indicated to her that based on the existing Tree Policy, that we cannot remove the trees from the parkway fronting her property.

For Council information, attached as Exhibit A is the existing Tree Policy adopted in 1976, and attached as Exhibit B is the previous Tree Removal Policy adopted by the City Council in 1969. Also attached for Council information, are Exhibits C and D which are the City Council minutes adopting these policies.

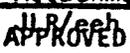
The removal of the trees fronting Viola Fahrner's parcel, does not fall under the guidelines of either the present or past Tree Removal Policy. The present policy (Exhibit A) does provide for special approval by the City Council for City trees. Viola Fahrner is requesting that the City Council take the necessary action in order to have the trees and their roots removed by the City at City cost.

The subject trees are healthy Sycamore trees located in a reasonably sized parkway and based on my observations have caused little if any damage to the sidewalk or property owner's lawn. I feel that it is important that the Council personally look at these trees in the field prior to making their decision.


Jack L. Ronsko
Public Works Director

cc: Viola Fahrner

Attachments

APPROVED: 

HENRY A. GLAVES, City Manager

FILE NO.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

TREE POLICY

K2



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.

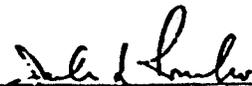
II. TREE REMOVAL

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.



TREE REMOVAL BY THE CITY OF LODI FOR TREES IN PUBLIC STREETS

1. When trees are dead
2. When trees are diseased beyond cure
3. When trees are hazardous to the public or necessary root surgery would render them hazardous
4. When sidewalk is to be installed by property owners on parcels where curb and gutter is in place.
5. When curb, gutter and sidewalk are to be installed by property owners on parcels of less than 17,000 sq. ft. within the City of Lodi as of April 1, 1969
6. When tree removal is necessary for a City street widening project

Tree Removal Policy adopted by the City Council, City of Lodi, April 16, 1969



CITY OF LODI

PUBLIC WORKS DEPARTMENT

TREE REMOVAL POLICY

Minutes of December 15, 1976, continued

LEAF COMPOSTING
PROPOSAL
APPROVED(Contd.)

cc-27(a)

(b) that the City Manager be authorized to monitor the project and disburse additional funds as necessary to satisfy the budget.

(c) that the Lodi Community Development and Services Agency, Inc. obtain comprehensive Public Liability and Property Damage insurance and carry Workmen's Compensation insurance on their employees,

AWARD-TURF
MOWER FOR THE
PARKS DEPT.

RES. NO. 4303

Bids which had been received for a Turf Mower for the Parks Department were presented by the City Manager as follows:

<u>Bidder</u>	<u>Amount</u>
H, V. Carter - Jacobsen 72-inch *Optional water cooled engine	\$5172.80 +500.00
Brady Holmes Co, - Toro Groundmaster 72-inch	\$5559.06
Western Lawn Equipment Co. - Hustler	\$6036.70

Mr. Graves reported that of these bids, the H. V. Carter Co. bid with the Jacobsen unit is the low bid. This machine comes equipped with an air cooled Kohler engine or an optional water cooled industrial engine at \$500.00 extra. Mr. Graves stated that it has been the City's experience that this type of engine is very expensive to maintain.

Discussion followed with questions regarding the matter being directed to Staff by the Council.

Councilman Katzakian moved that Council adopt Resolution No. 4303 awarding the bid for a Turf Mower for the Parks Department to the Brady Holmes Company for the Toro Groundmaster - 72-inch at a cost of \$5559.06. The motion was seconded by Councilman Ehrhardt and carried.

STREET TREE
POLICY ADOPTED

RES. NO. 4304

cc-6

The City Manager apprised the City Council that since April 16, 1969, when the City's existing tree removal policy was adopted by the City Council, the City has had many questions come up concerning trees within the public right-of-way which were not answered by the existing policy. Because of this, Staff has drafted the following Street Tree Policy for Council's approval:

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 and general maintenance.

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**STREET TREE
POLICY ADOPTED**

RES. NO. 4304
(Continued)

02-6

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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.

Discussion followed with questions regarding the proposed amended City Street Tree Policy being posed to Staff.

**STREET TREE
POLICY ADOPTED**

**RES. NO. 4304
(Continued)**

ELECTRIC RATES

02-51

Minutes of December 15, 1976, continued

On motion of Councilman Pinkerton, Katnich second, the City Council adopted Resolution No. 4304 approving the amended Street Tree Policy as heretofore outlined.

Mayor Hughes read aloud a Council Communication from W. C. Lewis, Utility Director, which reads in part as follows:

"Payment of October and November P. G. & E. bills in the amount of \$420,434.36 and \$423,690.62 respectively has been withheld on the advice of Washington attorney George Spiegel pending completion of impending negotiations with the P. G. & E. attorney. It now appears that an agreement with P. G. & E. will not be reached in sufficient time to pay the October and November bills in a timely manner.

"In order to promote continued negotiations and to dispel public fears of the termination of electric service by P. G. & E., it is recommended that the power bills calculated with the retail fuel adjustment cost be paid to P. G. & E. and the disputed fuel amount be deposited in a bank account earmarked for further payment to a mutually agreed escrow company when determined."

Calculations based on the recommendation of attorney George Spiegel, were presented for Council's perusal.

Mayor Hughes apprised the Council that the City is in receipt of late advice and counsel from the City's Washington attorney and suggested that the Council recess to executive session. The City Council recessed at 9:55 p. m. to Executive Session. Upon request, the City Clerk was excused from attending the Executive Session by Mayor Hughes.

The Council reconvened from Executive Session at 10:30 p. m.

Mayor Hughes opened the discussion by giving a brief update on events which had led to this dispute, explaining that the dispute centers around the fuel cost adjustment. The Mayor explained that the "direct pass through fuel cost adjustment charge is excessive and that the citizens of Lodi are paying approximately twice as much for that segment of their bills as their counterparts right outside the City limits are paying. The City of Lodi has chosen to challenge P. G. & E. on this with respect to the fairness and equity of that rate. If the City is successful in its dispute, that money suggested to be withheld will be returned directly to the citizens of Lodi and will represent a credit on their bills. The City of Lodi doesn't benefit a bit on its actions in this matter other than to protect the citizens, because they are paying more than P. G. & E.'s other customers,

K2

Minutes of April 16, 1969 continued

1. Original license, Bert, Lawrence & Lee Castelanelli and James A. McCarty, The Milk Stop, 1213 West Lockeford Street, off-sale beer and wine.

2. Original license, Bert, Lawrence & Lee Castelanelli and James A. McCarty, The Milk Stop, 321 South Hutchins Street, off-sale beer and wine.

3. Temporary retail permit, Lodi Baseball Club, Lawrence Park, 350 N. Washington Street, on-sale beer seasonal.

LAND CONSERV. AGREEMENT OPPOSED

RES. NO. 3254

Assistant City Manager Peterson presented a notice from the San Joaquin County Board of Supervisors stating the Board's intention to consider a Land Conservation Agreement for land which is within one mile of the City limits of the City of Lodi. On motion of Councilman Schaffer, Hunnell second, the Council unanimously adopted Resolution No. 3254 protesting the establishment of a Land Conservation Agreement involving certain lands situated within one mile of the City limits of the City of Lodi.

Councilman Culbertson then moved that it be the policy of the Council to oppose any contractual arrangement for an agricultural preserve within one mile of the City limits. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

AAUW RE LIBRARY

Mayor Kirsten stated he had received a letter from the American Association of University Women endorsing the proposal of the Library Board for a library construction fund.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$188,504.80 were approved on motion of Councilman Brown, Hunnell second.

SIDEWALK SURVEY REPORT

Assistant City Manager presented the sidewalk survey report as prepared by the Public Works Department for discussion. Councilman Culbertson moved the matter be continued to the meeting of May 7, so that the Council might have further time to study the report. The motion was seconded by Mayor Kirsten. Under the question, Councilman Hunnell suggested the matter be discussed at a special meeting on May 14. Councilman Culbertson then withdrew his motion and Mayor Kirsten his second. Councilman Culbertson moved the discussion of the sidewalk survey report be continued to a special meeting on May 14, 1969. The motion was seconded by Mayor Kirsten and carried by unanimous vote.

REMOVAL OF TREES - POLICY

Mr. Peterson presented the Council with the recommended policy concerning removal of trees in public rights of way. After discussion of the recommended policy, Councilman Culbertson moved Council approval after changing the words



"developed residential" to "a" in paragraph 5, and changing the words "desire to" to "is to be installed" in paragraph 4 and "are to be installed" in paragraph 5. The motion was seconded by Councilman Brown. After further discussion, Councilman Culbertson amended the motion to adopt the tree removal policy to read as follows:

'Tree Removal By The City of Lodi For Trees In Public Streets:

1. When trees are dead.
2. When trees are diseased beyond cure.
3. When trees are hazardous to the public or necessary root surgery would render them hazardous.
4. When sidewalk is to be installed by property owners on parcels where curb and gutter is in place.
5. When curb, gutter and sidewalk are to be installed by property owners on parcels of less than 17,000 sq. ft. within the City of Lodi as of April 1, 1969
6. When tree removal is necessary for a City street widening project."

The motion was seconded by Councilman Brown and carried by unanimous vote.

**PARKING STUDY
700 BLOCK OF
S. CENTRAL**

Assistant City Manager Peterson submitted a report concerning parking on the 700 block of South Central Avenue as requested by the Council at its meeting of April 2. Councilman Hunnell moved the matter be continued to the meeting of May 7, 1969. The motion was seconded by Councilman Schaffer and carried.

**PURCHASE OF
ADDITIONAL
PROPERTY
AT WELL 8
AUTHORIZED**

The Assistant City Manager submitted a request from the Public Works Director recommending that the City Council authorize the City Manager to acquire additional property at the site of Well #8 at South Stockton Street and Kettleman Lane. Mr. Peterson explained that there are two reasons for acquiring the added land at this time. First, the future rights of way of both streets take a considerable portion of the existing site, thus moreland is needed to provide an adequate maintenance and servicing area. Secondly, the sewer line of the small house immediately south of the well site is too close to the well itself to meet State standards. He recommended purchase of the additional land to resolve a two-fold problem. On motion of Councilman Brown, Hunnell second, the City Council authorized the City Manager to acquire additional property at Well No. 8 as recommended and to acquire an additional parcel on the east side of the present City property 10 ft. x 100 ft. if possible. The motion carried with Councilman Culbertson voting no.