

City of Santa Rosa
BOARD OF COMMUNITY SERVICES
Minutes – September 24, 2008

1. CALL TO ORDER

Chairperson Lawson called the September 24, 2008 Board of Community Services meeting to order at 4:04 p.m. at the Finley Community Center in Santa Rosa, CA.

2. ROLL CALL

Present: Costa, Lawson, Martell, Schwinn, (Banuelos arrived at 4:10 p.m.)
Absent: Brown, Regalia

3. PUBLIC COMMENTS: Except for public hearing agenda items, the public may comment on all agenda items and on items not on the agenda but within the jurisdiction of the Board of Community Services at this time. Comments will be heard on specific agenda items at the time the item is called. The public may comment on public hearing agenda items when the hearing is opened. Each speaker is allowed three minutes.

No public comments were made.

4. APPROVAL OF MINUTES – July 23, 2008 and August 27, 2008

The motion was made by Costa, seconded by Martell, that the July 23, 2008 and the August 27, 2008 minutes be accepted as written. Motion passed unanimously.

5. APPROVAL OF AGENDA

Due to the Council study session to discuss the City's budget reduction proposals scheduled for September 30, 2008, staff requested that the "Budget Status Update" included as a report in Item 6.2 be reclassified to scheduled Item 6.1 and that the current 6.1 item be moved to 6.2. The motion was made by Schwinn, seconded by Martell, that the agenda be revised as requested. Motion passed unanimously.

6. SCHEDULED ITEMS

6.1 Budget Status Update

Richardson commented that since the Board's budget report at their August 27th meeting, financial data has been collected which substantiates that the City's property and sales tax revenue has decreased for the last 8 consecutive quarters. Sales taxes, which have historically shown a 2-3% increase are currently indicating a 9% decrease. The City's fiscal situation has continued to decline.

He stated the information the Board is receiving at this meeting represents the first of two budget reduction scenarios. The first scenario assumes a 10% decrease in all departments, including public safety. The second scenario depicts the same total dollar amount reductions with only 50 percent of their allotments coming from public safety departments. It further appears that a third level may be indicated which could approach a total of \$2.5 million for recreation and parks.

Richardson reviewed the line item proposed cuts in the first and second scenarios for the Board. These cuts include approximately 32 full time equivalent positions in Recreation and Parks, the closing or partial closing of two facilities, elimination of

programs such as adult and youth sports, contracting most maintenance services and major reductions in neighborhood park maintenance and customer service. He emphasized these are possible scenarios and no final decisions have been made by Council yet. A study session has been scheduled in Council chambers on September 30th when Council will officially receive detailed information. Several items will involve meet and confer issues with bargaining units.

Chairperson Lawson made closing comments regarding reality of market conditions which are requiring draconian measures in every area of the economy. He stated he felt drastic sacrifices will be necessary before the situation turns around. He looks forward to seeing the elements of the department's Business and Strategic Action Plan recommendations such as contracting out and reorganization being implemented. He also encouraged board members to voice opinions and concerns directly to council.

6.2 Restructuring the Urban Forestry Street Tree Program (formerly 6.1)

Richardson stated that in response to the City's revenue shortfall, restructuring of the urban forestry program has been approved by the City Council. This will basically implement current practices in light of cutbacks in resources.

Tree Superintendent Lisa Grant explained there is an ongoing three-year backlog of work orders for regular street tree maintenance. Some trees in the city have never been visited since planting. The City has been attempting to provide services beyond what both state law and city code requires and can't afford to do so. She gave a PowerPoint presentation including the following points:

- City code states property owners bear the financial burden for removal of hazardous trees and sidewalk repair. State code says it is the property owner's responsibility to maintain street frontage at their property.
- The new policy will include an infill program providing 15 gallon replacement trees at a reduced cost to property owners who will be required to plant the trees themselves.
- If the property owner is unable to plant replacement trees, staff or volunteers may assist in that capacity.
- Trees on private property and/or heritage trees are not affected by these changes. They will remain the purview of the Community Development Department.

The implementation plan includes:

- Continuation of core services
 - emergency services to clear fallen branches/trees blocking sidewalks and streets.
 - maintain trees in City parks
 - provide visual clearance of public safety signage
 - respond to public concerns regarding tree diseases and insect infestation
- Provide services to internal stakeholders such as Risk Management, Public Works, Utilities and Community Development Departments.
- Develop an approval process for removal of trees including inspections, removal permit application and approval, and list of tree service providers.

- Developing a public education and volunteer program to include pruning standards, street corner workshops for residents, utilization of summer youth programs, information tables at the Downtown Market and more.
- Implementing a street tree removal application/inspection fee of \$45.

No fees would be charged until the beginning of the 2009-2010 fiscal year. Those people currently in the system waiting for services would be issued free street tree removal permits when appropriate.

Discussion is ongoing regarding establishing a community street tree council which would be a group of interested people to help seek and guide volunteers.

Chairperson Lawson made the following comments and specifically requested they be included in the minutes. He is not in agreement with the ordinance and thinks it is fraught with problems that will result in legal challenges. He thinks that if property owners are all of a sudden told they have this liability, they are going to ask how, if their property line starts at the back of the right of way and the public utility easement, can you make the stuff on the other side of the property line that they didn't install but that was required to be installed, including species, now their problem? The concern will be that that logic will continue to be taken forward to say that now it is street trees and sidewalk liability, but what happens if it up heaves the curb and gutter or the asphalt? What happens if the roots follow water and damage the sewer lines? Are property owners going to quietly agree to pay those costs? He is not sure the City can prevail in that sort of a legal challenge.

He further stated that many years ago, when the Design Review Board and the Planning Commission made the conscious decision to eliminate what they called contiguous sidewalks within new housing developments, preferring planter strips so the trees could be brought closer to the street to provide a shade canopy, the unintended result was that those trees and their root systems would up heave the sidewalk and potentially create more problems. He would like to have a joint study session with the Design Review Board, the Planning Commission and this Board to revisit the policy of contiguous sidewalks and planter strips.

Further, the City now has a Green Building ordinance. One of the things that helps with that ordinance is providing shade for houses. When a street tree is planted, it provides shade for the street, when the house is the more important element in connection with green house gas reductions in AB32. Planting the tree on the property eliminates the question of whose liability it is. Because of the potential for legal challenge, in spite of reference to appeal in some other city, which was done in a different market place and when services were not being reduced in other areas, he feels something is going to happen when the City sends the property owner a bill which they are not going to want to pay and challenges it. The City is going to be faced with spending more money and time trying to chase down an answer and Council is going to give instructions to just fix the problem. He suggested that in order to address reduced resources, maybe street trees actually belong in Public Works.

Richardson summarized there are two concerns being expressed. The first is sorting out the property owner's responsibility relative to state law. Staff will meet with the City attorney to confirm that City policy is being brought into accordance with state law and litigation history supports that action. The other question has to do with design standards that basically discourage contiguous sidewalks and what would be the pathway to bring that policy back for review.

Grant replied she felt that would be a valuable discussion. She felt the real issue is not having enough space for trees, whether in a planter strip which envisions the Midwestern towns with wide tree canopies to no front yards in some small lot subdivisions. There needs

to be space for trees. The City currently has a legacy problem caring for trees that already exist.

Richardson commented that contiguous sidewalk designs are permissible and are being built. Grant acknowledged that fact but reiterated the benefit of reduced hot house gases from shade trees planted on streets.

Hovden commented that Utilities has a difficult time with contiguous sidewalks because the meter and utility boxes cause trip hazards on the sidewalks. The other desired component was to provide shaded sidewalks and pathways to encourage a "walkable" community. Lawson spoke to use of root barriers to avoid future problems. He referred to the vague language in the new ordinance and felt it was not going to address the real tree problems but introduce new legal challenges.

There being no further discussion, the Board moved to the next item on the agenda.

6.3 Staff Reports

Budget Status Update (See "Agenda Approval" above.)
BSAP Update.

Staff reported the two remaining items from the MIG contract relate to the public education campaign with regard to finding a sustainable funding source for Recreation and Parks and completion of design work for the Newhall Bike Path rehabilitation. Considering the City's current budget crises, the first part has been put on hold and the funds will be utilized elsewhere. Preliminary Newhall Bike Path designs have been received and staff anticipates sharing those with the Board at their October meeting. The General plan amendment proposals are scheduled on the September 30th Council agenda.

Roseland Community Park. No further action has occurred.

Bayer Neighborhood Park and Gardens.

Staff is applying to the state for reimbursement for work done. Also, on last Friday, an RFP was released to develop a master plan for the park site. Responses are due back in two weeks.

Bennett Valley Golf Course.

Staff reported all is going well. The course is in good condition. The recent Recreation and Parks golf tournament had 110 participants. The week before the tournament included the highest revenue generating day in the history of the course.

7. CHAIRPERSON'S AND BOARDMEMBERS' REPORTS

7.1 Committees

Art in Public Places Committee

Banelos reported the Art Committee reviewed a slide presentation on the Burning Man event, discussed a mural where the original site did not work but hopefully will be completed elsewhere and viewed their latest financial report. Everyone was encouraged to see the La Frontera del Norte exhibit at the county museum which reflects the history of Latinos in Sonoma County. She announced the hand car regatta coming up in Railroad Square on September 28th.

Santa Rosa Waterways Advisory Committee

No report as Brown was not in attendance at the meeting.

Church of One Tree
Nothing to report at this time.

A Place to Play Task Force
Costa stated the committee meets next week.

Merit Awards Committee
Martell reported the committee has selected 28 recipients for this year's event which will be held on November 10th at Council Chambers.

Play Equipment Committee
Hovden reported as soon as contractor bonds and insurance submittals are approved, work will begin at Steele Lane Park.

Senior Center
No report as Regalia was not in attendance.

Report on Mayor's Luncheon
Lawson reported it was an enjoyable luncheon on a very hot day at Luther Burbank Home and Gardens.

7.2 Other Reports - None

8. FUTURE AGENDA ITEMS

- 8.1 Measure 'O' Report
- 8.2 Budget Reduction Proposals and Impacts

9. WRITTEN COMMUNICATIONS

- 9.1 Letter from Laura Gonzalez

10. ADJOURNMENT

The meeting was adjourned at 6:25 p.m. The next regular meeting of the Board is scheduled for Wednesday, October 22, 2008, at 4 p.m. at the Finley Community Center in Santa Rosa, California.

Craig Lawson, Chairperson

Meredith Strom, Secretary