

AGENDA ITEM: A-1

DATE: June 20, 2013

ACTION: APPROVED

SYNOPSIS MINUTES - MORRO BAY PUBLIC WORKS ADVISORY BOARD
REGULAR MEETING – APRIL 18, 2013
VETERAN’S HALL – 6:00 P.M.

Chairperson Makowetski called the meeting to order at 6:00 p.m.

PRESENT:	Matt Makowetski	Chairperson
	Ron Burkhart	Vice-Chairperson
	Janith Goldman	Board Member
	Marlys McPherson	Board Member
	Deborah Owen	Board Member
	Richard Rutherford	Board Member
	Stephen Shively	Board Member

STAFF:	Rob Livick	Public Services Director
	Rick Sauerwein	Capital Projects Manager
	Damaris Hanson	Engineering Technician
	Logan Budd	Engineering Intern

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS/PRESENTATIONS

Livick announced City Council will be holding a special meeting at the end of April to discuss the new water reclamation facility. It will be a round table discussion with City Council and the public.

CONSENT CALENDAR

A-1 Approval of Minutes from February 21, 2013 – Recommendation: Approve minutes.

MOTION: Boardmember Rutherford moved to approve the February 21, 2013 minutes.

The motion was seconded by Boardmember Shively and carried unanimously. (7-0).

A-2 Director’s Report/Information Items – Recommendation: Receive and file.

Boardmember Shively asked staff whether the City’s collection lines experience infiltration. Livick stated there is a fair amount of infiltration but the City has close to an 85 percent return rate because of the high water conservation in the City. Shively asked staff whether the City will be looking at ways to ameliorate infiltration with the development of the new wastewater plant. Livick stated the City does have Inflow and Infiltration (I&I) programs to reduce infiltration but noted wet weather events raise the infiltration rates significantly.

Boardmember Shively asked staff to clarify the new post-construction control requirements for stormwater under the new general permit. Livick stated the new permit requirements call for LID practices for new

development. Most projects in the City are small in nature so they will be subject to the minimal requirements of the stormwater plan. Shively asked staff how the requirements will affect the installation of new curb and gutter in different areas of the City. Livick stated the new requirements do not control such measures but manage water on site.

Boardmember McPherson asked if the City has established a timeline for the WWTP project. Livick stated the City did develop a timeline and it was brought before Council last month. The staff report is now available online. The project should be completed in seven years; the first goal is to select a site and begin facilities planning by the end of this year.

Boardmember McPherson asked staff if there are any cost implications associated with the new requirements of the stormwater plan. Livick stated the City has additional monitoring and reporting requirements as a result of the updated plan.

Boardmember McPherson asked staff to discuss the results and frequency of the water quality sampling. Hanson stated the City tests for pathogens such as BacTs and E. Coli every other month for the Wasteload Allocation Attainment Plan and the results are published in the annual report for the Stormwater Plan. The results have been varied.

Chairperson Makowetski asked staff whether the Fire Station project is complete, as stated on page 1 of the Director's Report. Livick stated the project is mostly complete except for the paperwork which will be submitted to FEMA and USDA.

Chairperson Makowetski and staff discussed the status of the City's water conservation measures. Livick stated the current level of water conservation is serving the City's needs.

Chairperson Makowetski asked staff to clarify whether the brackish water reverse osmosis is different from the desalination plant brackish water. Livick explained the water is coming from the same facility which has two sets of treatment trains. Makowetski asked staff if the City anticipates using both the brackish water and the desalinated water simultaneously once the final permits are approved for the desalination plant. Livick stated the City would only use both in an emergency.

Chairperson Makowetski asked staff about the status of the lift station projects. Livick stated the lift stations are operating and, for all purposes, they are complete.

Chairperson Makowetski stated he was pleased with the City's Notify Me module as the City was responsive to his request.

OLD BUSINESS – None

NEW BUSINESS

C-1 Review Urban Forest Management Plan – Recommendation: Review plan and provide comments as necessary.

Hanson presented the Urban Forest Management Plan (UFMP) Background Report.

Boardmember Shively asked staff to clarify which trees were included in the inventory. Hanson confirmed only trees in the right of way of commercial and downtown districts were included in the inventory.

Chairperson Makowetski asked staff to clarify whether the City intends to include a section in the plan regarding protection of City trees. Hanson explained how the Municipal Code protects trees and when it allows for tree removal.

Chairperson Makowetski asked staff to clarify whether the UFMP precludes outside organizations from tree management. Staff confirmed that PG&E operates under State of California Public Resources Code that gives them certain authority to trim and remove vegetation if it is a certain distance away from power lines in order to protect their public utility. Livick suggested the Board add a section clarifying some of the ancillary regulations and how they relate to the UFMP.

Chairperson Makowetski stated he would like to see a goal added to the UFMP which explicitly acknowledges protection of the trees.

Boardmember Shively noted PG&E may have an easement with prior rights to the City right of way, in which case the UFMP would not be applicable to them. Livick confirmed the utility does not have prior right, but does have a franchise agreement with the City that allows them to operate. The Public Resource Code requires them to maintain certain vegetation clearances.

Hanson explained that if the ordinance is changed so that public trees in residential areas become private trees, it will become the responsibility of residents to remove those trees when necessary. Boardmember McPherson asked for clarification regarding how the City would enforce this proposed ordinance, and she expressed concern that residents would not properly maintain problem trees in the residential areas.

Boardmember McPherson and Hanson discussed the budget for tree maintenance and removal.

Livick noted most trees in residential areas were not planted by the City but by citizens and homeowners.

Boardmember Goldman asked staff if a permit is required to remove trees on private property. Staff clarified residents are allowed to remove up to two trees per year in residential districts. Livick explained a Coastal Development Permit is required to remove trees in commercial districts (fruit trees and diseased, dying, or dead trees are excluded).

Chairperson Makowetski expressed concern that it may become cumbersome for residents to assume responsibility of trees in residential areas. He asked staff to clarify why the City has decided to move in this direction. Hanson explained the City would like to be able to manage an area which reflects its available resources.

Boardmembers further expressed concern that there may be issues associated with asking residents to maintain trees in the right of way.

Boardmember Owen suggested implementing the proposed ordinance change over a period of time, making sure the public is educated about how to properly maintain the trees.

Livick stated the City will consider the Board's recommendations when revising the UFMP.

Budd presented the Tree Inventory.

Boardmember Shively asked for clarification regarding how the amount of stormwater held by the trees was calculated. Staff explained the value was calculated based on the type and diameter of the tree, given a perfect situation.

Chairperson Makowetski asked who the intended users are of the UFMP. Hanson stated the UFMP will primarily be used by the Public Services Department, Recreation and Parks Department, and the Volunteer Tree Committee. It could also be used by citizens to better understand which trees are appropriate in certain areas of the City.

Boardmember Shively confirmed with Hanson the software used to calculate the annual energy benefits was particular to Morro Bay.

Boardmember Goldman stated the public takes careful notice of the condition of the City's trees.

Boardmembers and staff discussed the next steps in the review process of the UFMP. Boardmember Burkhart stated he would like to more time to review the plan.

Boardmember Shively asked Boardmembers to restate their recommendations for this item:

- Burkhart stated the City would be overstepping its bounds by requiring citizens to maintain public trees due to potential liability issues.
- Makowetski stated he would like to include an additional goal which would protect existing trees against damage and abuse.

MOTION: Burkhart moved to continue Item C-1 to the next Public Works Advisory Board meeting on June 20, 2013.

The motion was seconded by Rutherford but did not carry, with Makowetski, Goldman, McPherson, and Owen dissenting. (3-4). Boardmembers decided to deliberate the item further.

Chairperson Makowetski stated he would like to include tree conservation under Goal 5 of the UFMP. He would also like to include language about protecting existing trees and property owners against damage and abuse. He stated he would like to eliminate the language which shifts responsibility of tree maintenance to the landowner.

Boardmember Shively asked what is required of residents to plant a tree in the City's right of way. Livick stated an encroachment permit is required to plant a tree in the right of way. Shively suggested enforcing encroachment permits so that the City doesn't allow trees it cannot maintain. Livick stated based on City's available resources, this is a difficult issue to enforce.

Boardmember McPherson asked how the City would enforce residential tree maintenance if this provision is adopted. Livick stated other cities have adopted similar measures and enforcement is usually complaint-driven, without an active tree enforcer. He discussed the possibility of establishing a tiered maintenance plan for commercial and residential trees.

McPherson expressed concern that some residents would not be able to afford to maintain trees in the right of way, which may eventually cause liability issues.

Boardmember Goldman asked for further clarification regarding tree planting procedures in the right of way as discussed in the Appendix of the UFMP. Hanson clarified many of the measures provided in the Appendix were derived from discussions with the Inland Urban Forest Council and CalFire, and they are general recommendations to be incorporated into the City's standards.

Boardmember Owen asked for clarification regarding how residents are expected to know that they are required to obtain a permit before planting a tree in the right of way. Livick explained property line information is available in title reports. He also stated the purpose of public hearings, which are televised and published online, is to inform the public and get their feedback.

Boardmember Shively asked how a private tree ordinance would be enforced in the City, especially with respect to defining property lines prior to planting trees. Livick stated the City would likely regulate the *removal* of trees as opposed to the *planting* of private trees. Shively stated there should be more control of what is put in the right of way.

Boardmembers and staff discussed the current process for responding to complaints from the public regarding problem trees. Livick stated public education may be beneficial for preventing the public from planting trees in the right of way without a permit.

MOTION: Burkhart moved to continue Item C-1 to the next Public Works Advisory Board meeting on June 20, 2013.

The motion was seconded by Rutherford and carried unanimously. (7-0).

Boardmember Shively asked staff to examine potential procedures for controlling unpermitted trees and provide alternatives to turning over responsibility to property owners. He asked that these matters be discussed at the next meeting.

Boardmember McPherson stated she would like to hear a legal opinion about the liability issues associated with this matter.

FUTURE AGENDA ITEMS

Boardmember Shively announced the City is accepting proposals from consultants for the first phase of the wastewater treatment plant upgrade project. He stated he will provide a verbal update on the project at the next PWAB meeting.

ADJOURNMENT

The meeting adjourned at 7:24 pm to the next scheduled meeting to be held at the Veteran's Memorial Hall on Thursday, June 20, 2013, at 6:00 pm.