



**A Regular Meeting of the Parks And Recreation Commission Minutes**  
**Thursday, December 11, 2008**  
**Albany Community Center**  
**Edith Stone Room, 1249 Marin Ave.**  
**7:30 p.m.**

- 1. Call to Order:** 7:37p.m. Commissioners present: Chair Pilch, Commissioners Como, Linden, Piller, Trout and Wilmsen. Excused Commissioner Mullarkey.

Staff present: Director Penelope Leach, Public Works Manager Richard Cunningham and Robin Mariona.

- 2. Approval of Minutes: November 2008**

**Motion:**

Motion to approve minutes from November 13, 2008 made by Commissioner Linden and seconded by Commissioner Trout. Motion carried all in favor.

- 3. Public Comment:** None

- 4. Announcements/Communications:** Commissioner Linden stated that 2008 had been a good year.

- 5. Director's Report:** Director Leach stated that she had received a detailed report from Nan Wishner regarding the Art in the Park sculpture at Memorial Park. Repair and replacement of turf, stones and irrigation had begun. The fencing around the sculpture would remain in place for two months and the artist had provided a maintenance plan.

Director Leach stated that staff had met with BART, and the estimated cost over what BART would provide the City for the path widening was \$600,000. Staff was reviewing ways to come up with the additional funds. She stated that BART still had work to do before the construction project could go out to bid due to strict regulations, so the construction would most likely not start until 2010.

- 6. Discussion and possible action on matters related to the following items, which could include reports and/or proposed resolutions if any:**

**6-1. Tree Removal Request: Homeowners living at 732 Spokane Avenue are requesting two tree be removed.** Urban Forrester Tony Wolcott stated that he was recommending the two trees remain in place, as they were large canopy trees that he would like to preserve for as long as possible. He stated that the City attorney had confirmed that there were possible liability issues with the trees, as there were for all City trees.

Commissioner Trout stated that in the City attorney's report to the Commission, the tree issues went beyond liability, but the report was confidential. Director Leach clarified that the homeowners had spoken with the attorney and the confidential information had been shared with them.

**Public Comment:** The homeowner's at 732 Spokane restated that they would like the trees to come down and replaced with a more appropriate species.

Commissioner Linden asked Tony Wolcott to compare the condition of the trees in question with the trees at the Gill tract. He stated that the trees at the Gill Tract were in worse condition. He estimated that the cost to remove and replace the trees would be \$3,500.00, most of which was the cost of removal.

**Public Comment:** Albany neighbor John Ford stated that he supported taking the trees down. Another Albany resident stated that he would like the trees to remain for the noise barrier they created. Paul Socamato stated that the level of damage created by the trees was too burdensome for the property owners.

Commissioner Trout stated that he thought a different standard should apply to trees that damaged private property, separate from damage to sidewalks. He stated that it was difficult to separate benefits and burdens to property owners and the community at large. He further stated that severing the roots, which would take care of the problem, would hasten the death of the trees.

Commissioner Wilmsen stated concern over City trees damaging private property. He further stated that if the death of the trees was just a matter of time, he was inclined toward removal. Commissioner Linden agreed with removal and replacement. Chair Pilch stated that he was in agreement with the other Commissioners, though it was difficult to see mature trees removed.

**Motion:**

Motion to allow the request for tree removal at 732 Spokane made by Commissioner Linden and seconded by Commissioner Trout. Motion carried all in favor.

**6-2. Public Process Discussion: The Commission will discuss the need for a process for how best to address dog complaints and sharing with dogs at Albany parks.** Albany Police Chief Mike McQuiston gave the Commission a short presentation on why the leash law that had been in effect in Albany, was eliminated in the early 1990s'. Albany Animal Control had been eliminated in favor of using Berkeley Animal Control for animal issues, and that contract with them was still in effect. The current ordinance, 10-4.2, required dogs to be under proper control and supervision of a competent guardian or they would be impounded. Chief McQuiston stated that the biggest challenges to dog laws and regulations were enforcement, and the clearer the rules were, the easier enforcement would be for officers or animal control.

**Public Comment:** Albany resident Tracy Menendez sent a letter to the Commission regarding aggressive dogs at Memorial Park, which she read aloud. She and her husband Ron stated that their children felt threatened and intimidated by aggressive dogs that were insufficiently supervised by a small minority of irresponsible dog owners. They felt that non-dog owners were being marginalized when it came to park usage.

Chief McQuiston stated that the same issue had been raised in the past at Memorial Park. Commissioner Trout stated that though he was a dog owner, he had no trouble supporting leash laws. He further stated that dogs did not have special rights, and supported addressing the issue. Commissioner Wilmsen suggested specific hours of usage, for dogs to be on or off leash. Chief McQuiston restated that enforcement was still an issue.

Chair Pilch stated that the Commission needed to pursue ideas, gather information from staff, work with the Waterfront Committee, and schedule a study session. He stated that questions needing to be answered were; what did other communities do, what were some practices that worked, did Berkeley currently have a leash law, and if not why. He stated that the discussion should continue at the next meeting.

Director Leach asked for direction from the Commission on how to notify the public sufficiently, to encourage a well-rounded discussion. She suggested sending flyers to residents with a 300-yard radius of the parks. She further suggested creating a survey for the website to raise awareness and participation of the community. Chair Pilch cautioned the Commission not to move too quickly on the issue, so there would be adequate time for the public to know the discussion was taking place.

Commissioner Linden asked where the Dog Ad Hoc Committee stood on the issue. Director Leach stated that she would notify them to meet, discuss and be prepared to report at the next Commission meeting. Commissioner Linden stated that the Parks were community areas and the issues were larger than dog owners having more rights. She advised a dialogue with the dog owners about sharing community spaces and the issue of one group intimidating another. Chair Pilch agreed that the dialogue should start right away.

**6-3. Urban Forrester Report: Urban Forrester, Tony Wolcott, will discuss the possibility of using decomposed granite around certain trees along Solano Avenue. Tony will also review the City's tree removal process.** Tony Wolcott stated that he advocated using basic decomposed granite that had no additives or resin added as a replacement for concrete over tree roots. This type of DG allowed air to circulate to the roots, was easier to repair than concrete and still allowed public access. Mr. Wolcott stated that it would be about \$300 per basin for the trees on Solano Avenue.

Director Leach asked Manager Cunningham if it was necessary to make a recommendation to Council regarding the use of DG. Manager Cunningham stated that the next body to approve the use of DG would be Community Development. He further stated that it was likely that some form of stabilized DG would need to be used in some places for ADA purposes, as liability could be a factor in using natural DG in wheelchair passage areas.

Commissioner Piller stated that there were questions regarding the Commission's jurisdiction with street trees, as well as logistical and legal implications that needed to be investigated.

**Motion:**

Motion to direct staff to advise the Commission on the logistical and legal implications of the use of DG made by Commissioner Piller and seconded by Commissioner Linden. Motion carried all in favor.

**6-4. Tree Task Force Update: The Tree Task Force (TTF) will update the Commission on recent meetings as well as present a draft of an updated tree city list.** Commissioner Trout stated that he had no update at this time, but hoped to have a revised tree list at the next Commission meeting.

Manager Cunningham stated that the City had begun a GPS survey of all street elements. The survey would give the most current comprehensive profile of City trees. Commissioner Trout asked if vacant tree basins would be indicated on the survey. Mr. Wolcott stated that he would ask the surveyors to include them.

**6-5. Proposition WW Update: Staff recently attended a workshop re Proposition WW and will update the Commission. The Commission will discuss next steps for possible projects.** Director Leach stated that there were two important pieces of information gathered from the workshop. The first was that the grant would require a great deal of paperwork, and the second was that applications for the grant would be accepted only in the months of February and March. She stated that the grant would provide \$771,000 over the course of 20 years, however it would be best to use the money sooner than later.

Director Leach stated that the Council would hear the Commissions recommendations for projects, and there would be plenty of public process for different interests that were interested in the money. She further stated that from Receptions standpoint the most important projects would be land acquisition, renovation, new parks and open space with public access. Commissioner Piller stated that it was important for the Commission to weigh in, before Council made any decisions.

Chair Pilch presented a plaque to Commissioner Piller that thanked him for his eight years of service on the Commission. Chair Pilch further personally thanked him for his guidance, conduct and help with his campaign. Commissioner Piller stated that he was honored and touched. He further thanked Manager Cunningham for all his help with the Commission, and thanked Director Leach, former Director Chin and Commissioner Linden.

Director Leach thanked Commissioner Wilmsen who was also leaving the Commission.

**7. Future Agenda Items:**

**8. Adjournment: 9:46 pm**

*Please note that if you provide your name and address when speaking before the Commission/Committee/Board it will become part of the official public record, which will be posted on the Internet.*

NOTE: Any writings or documents provided to a majority of the City Council/Commission regarding any item on this agenda will be made available for public inspection at the Community Center counter located at 1249 Marin Ave during normal business hours, 8:30am-5:00pm, Monday through Friday.