

MINUTES  
PARKS AND RECREATION BOARD  
August 31, 1994

A special joint meeting of the Parks and Recreation Board and the Urban Forestry Board was held on Wednesday, August 31, 1994 at 6:30 p.m. at the Parks and Recreation Department Main Office Board Room, 200 South Lamar Blvd. Board members present were Ron Cartlidge, Rosemary Castleberry, Erma Linda Cruz-Torres, Dolores Duffie, Phil Friday, and Mary K. Isaacs.

Staff members present were Michael J. Heitz, AIA, Jody Hamilton, Peter Marsh, John Giedraitis, Dolores Posada, and Raul Calderon, Assistant City Attorney.

CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Patrick Wentworth of the Urban Forestry Board.

PUBLIC HEARING

Joint Public Hearing on the proposed Urban Forestry Ordinance with the Urban Forestry Board.

John Giedraitis, Urban Forester, gave a brief overview of the proposed Public Tree Care Ordinance.

Dorothy Jackson - concerned with the cutting down of 23 1/2" oak tree at the corner of Rogge Lane and Manor Rd. and did not feel that the 4 small trees Capital Metro was planting to replace it was enough compensation. Mr. Wentworth stated he was aware of the situation and would have more information for Ms. Jackson before the Urban Forestry Board's next meeting.

Owen R. Coon, Caldwell Tree Representative - strongly feels the ordinance is bad for trees, business, and people. Stated he contacted the following industries and every single one of them were opposed it:

- \* the Remodeling Industry
- \* Painting Contractors
- \* Landscape Companies
- \* Plumbers
- \* Irrigators
- \* Pest Controllers
- \* Property Managers
- \* Fencing Contractors
- \* Waste Hauling Industry
- \* General Contractors
- \* Landscape Architects
- \* Roofers
- \* Sub Contractors Association
- \* Builders Association
- \* Homeowners Association

Michael J. Heitz, AIA, Director, Parks and Recreation Department, asked Mr. Owen if the above groups were in favor of the current ordinance. He stated did not know.

Mr. Owen voiced his concern that secret meetings were being held in regards to this ordinance. Mr. Wentworth assured everyone that all of the meetings had been posted just like this one.

Harry Savio, Texas Capitol Area Builders Association Vice President, Government Relations, spoke representing Developers, Remodeling Council, and Plumbers - asked for clarification on the exemptions such as whether single family homes are exempt from obtaining a permit.

David B. Kettler - voiced his concerned regarding the following:

- \* cost of hiring of an urban forester to handle issuing of permits and enforcing of ordinance
- \* cost of the permit to the citizen or the City
- \* the added layer of government in obtaining permits
- \* who will be writing the ordinance book for contractors to use as a reference
- \* the people of Austin not knowing what the right of way along their property is and how the City will educate them
- \* increases the cost of the homeowner being responsible for his tree leaning over a public right of way
- \* plants and foliage in the right of way
- \* transfers the faults and the penalties to the homeowners
- \* feels the penalties are objectionable
- \* the ordinance needs to be refined

John Droomgoole - agreed with Mr. Kettler on all points, has spoken and/or meet with several homeowner groups and/or organizations including the Texas Association of Landscape Contractors, the Austin Lawn and Sprinkler Association, the Austin Association of Remodeling Contractors, and the Capital Area Builders Association and they have spoken against this ordinance. He is also concerned about the method used to announce the meetings being held in regards to this ordinance.

Brother Daniel Lynch, Urban Forestry Board member, apologized for the early drafts of the ordinance that had been circulated ahead of time. The City has to protect itself from a possible lawsuit if anything is planted in the right of way that could cause injury and/or an accident. He feels by writing this ordinance, the Forestry Board is doing more than just changing a fee; they are also trying to bring it into a state of civic operational process which updates the ordinance and will make it more workable.

Harry Vine, Austin Association of Remodeling Contractors Chairman of the Board - voiced his concerns on driveway cuts when remodeling. He suggested that if the City offered the ideas as guidelines and not as an ordinance, they may not be met with much opposition.

Carl Schattenberg, City of Austin Electric Utility Department, Utility Forester - voiced the Electric Utility Department's concern regarding the specifications will be researched and addressed, which are to be drawn up based on the National Arborist Association Standards, and would request

they include language that would restrict the planting of large trees in the right of ways and under overhead or over underground utility installations. They are also concerned with the revisions of the Land Development Code which will impact the terms of the site development permits and the general permits.

Raul Calderon, Assistant City Attorney Supervisor, stated there are proposed changes in the Land Development Code. The changes will not effect the subdivision review process.

Michael J. Heitz, AIA, Parks and Recreation Department Director, stated there was no deadline to meet as to when this ordinance went before Council. The Urban Forestry Board would hold as many meetings needed to receive input from everyone. Since the ordinance is being put together by volunteers and not City staff, it has taken awhile to do so. The Urban Forestry Board has met with different City Departments. Addressing the secret meetings, he stated the Parks Department has 60 boards and commissions and isn't able to advertise the different meetings in the newspaper, but they do get posted at City Hall, the Annex, and many of the Department facilities. Due to some of the comments made tonight, in the future the Department will do press releases on the different public hearings and meetings. He also went on to say that both the old and the new ordinances needed to be looked at carefully.

Pat Wentworth, Urban Forestry Board Chair, stated he was also concerned the same as others that the board did not have the environmental criteria manual nor the specifications of the ordinance. Once they are incorporated into the ordinance there will be more public hearings to have input on how it will affect everyone and what they need to do to change things. Only then would the complete package be presented to Council.

The Director added the rules process of how the ordinance will be implemented has not been yet been developed. That phase will also go through the public process as well.

Ms. Jackson asked if the ordinance would only pertain to the foliage in right of ways, and the answer was yes.

Mr. Giedraitis stated the Urban Forestry Board was formed because Council thought there were significant issues and that public trees were important enough to have a group of citizens appointed by Council to take a look at them and issue recommendations. The Board has for the past five years collected information, identifying the issues, distilling them down over a series of public meetings where they spoke about the ordinance and drafted it, took it to the city process where it took six months of daytime meetings, and redrafted it again. The City staff's job is next to put it through the rules process. Then it will be ready for Council.

Guy Le Blanc, Urban Forestry Board member, addressed the contractors with the point that Austin is unique in that people generally try and go out of their way to go around trees. The space to put a driveway in is so limited that the builders normally do not remove trees if they are close to the vicinity in hopes the trees will live. Normally after the street, sewer, and everyone else is through, there are very few trees left in the actual

right of way.

Mr. Vine was concerned that with the new ordinance it would be just as easy for the contractors to go in and plant new trees, fertilize them, and get a yard growing.

Phil Friday, Parks Board Chair, suggested to the Urban Forestry Board the planting process be eliminated from the permitting process and just leave that to case by case enforcement by the Forester.

Mr. Calderon responded that by regulating the planting process, it will become an educational process and the proper vegetation will be planted.

Mr. Friday questioned what are the Department's resources to enforce given the natural propensity of people wanting to beautify their property.

Mary K. Isaacs, Parks Board member, pointed out that the people who understand that the permit process is in place will be able to come to the city, apply for their permit, and have the city return guidelines for the kinds of trees that are appropriate for the places that they want to put them rather than having good intentions and planting something that turned out to be wrong.

Mr. Friday feels if you restrict it and do not require a permit, you still have the guidance and the law in the books. The citizen just does not have to get a permit and he does not become a criminal because he simply did not get one. The person will only become a criminal if he violates the regulation itself or if he does not dispatch it after someone has asked him to.

Mr. Wentworth stated that the permitting process up front will in the future save Austin money by having sidewalks that aren't broken, stop signs that do not need clearing, and perhaps saving people that are not killed because a traffic light was covered by a tree.

Mr. Friday asked why the requirement of a permit educates better than a public information campaign about the law.

Ms. Isaacs responded that if some people know this is on the books and they know that there is a process they are supposed to go through, they will go through the process but if there is not the requirement that they go get a permit, then they are probably not going to go through the trouble to call the city and ask to have the guidelines sent to them.

Mr. Heitz suggested a solution might be to require a permit only if the planting, pruning, or trimming is over a certain parameter.

Rosemary Castleberry, Parks Board member, pointed out there would not be much public support for the ordinance if it states there is up to a \$2,000 fine if you have a low limb. The wording should be phrased in a such a way that the public will understand it fully.

Brother Lynch suggested perhaps the retailers should distribute the information to the public at the time of purchase. Mr. Le Blanc and Ms.

Isaacs agreed with the idea, but pointed out that if the retailers had to distribute the information, they would not like it and if the City paid for the publication the amount would be enormous.

Charlie Potts, Urban Forestry Board member, stated he was not comfortable with the ordinance as is, but the benefit of the permit is it can be used as a mechanism to do the right thing. When the wrong thing is done by mistake, the intent is not to make a criminal out of someone but to help him do the right thing.

Peter Marsh, Parks and Recreation Department Engineer Associate II, addressed the Boards and stated that the ordinance would receive a better response if the public did not need a permit to plant a tree but had to have one to remove a tree.

Mr. Savio stated he hoped the one thing the ordinance would address would be tree maintenance. He wondered if the City of Austin had any trees on the public right of way that we continue to allow to be treated any way the property owner wishes.

Mr. Wentworth adjourned the Public Hearing at 8:30 p.m.

Mr. Friday asked the Parks Board to take a 10 minute recess. The Urban Forestry Board had no further business so they adjourned.

When the Parks Board reconvened, Mr. Friday changed the order of the agenda.

#### CITIZEN'S COMMUNICATION

There were no sign ups for Citizen's Communication.

#### ITEMS FOR ACTION

##### ITEMS FOR CONSENT

Approve construction of a single-slip boat dock with deck over at 1875 Westlake Drive, File # SP-94-0251DS.

Ron Cartlidge, Navigation Committee Chair, stated the committee approved of the item above with the following modification:

1. that the plan reads the navigation lighting will be on the downside.

Peter Marsh, replied he would make sure to rewrite the plans to include the placement of the navigation lighting.

The vote was 5-0.

##### ITEMS PULLED FOR DISCUSSION

ITEMS FOR INITIAL CONSIDERATION

Make recommendation to Council regarding funding for water quality study related to turf maintenance, particularly at golf courses.

Ms. Hamilton stated the Department recommends that ECSD not PARD pay for the water quality study, since funds may be needed to pay for whatever changes may come about through this study.

Ms. Isaacs moved the Board follow the Departments' recommendation and they recommend to Council the Parks Department not fund the water quality study. Ms. Cruz-Torres seconded the motion.

The vote was 5-0.

ITEMS FOR CONSIDERATION

Make recommendation to Council regarding the proposed Urban Forestry ordinance.

Ms. Isaacs moved to support the proposed ordinance as written with the recommendation that the Forestry Board examine the permitting process to see if it supports the goals of the ordinance and if in fact it is detrimental to the goals of the ordinance to remove the permitting process. Mr. Cartlidge seconded the motion.

The vote was 5-0.

ITEMS FOR INITIAL CONSIDERATION (continued)

Discuss agenda for retreat on Saturday, September 17 and possibility of canceling the Tuesday, September 13 meeting.

The Board members agreed the date and time of Saturday, September 17, from 9 a.m. to 2 p.m. was fine.

Mr. Friday stated the following principle for the proposed agenda:

1. to lay out the basic background on all of the major issues that will come before the Board during the year.
2. do a mix of presentations and questions throughout the day.
3. to involve the more experienced Board members along with the staff.

Mr. Friday asked if anyone else had something they would like to have added, they could make a suggestion at this time or should contact Mr. Friday or Jody Hamilton later.

Mr. Cartlidge asked that the Board review their by-laws, rules, and policies. Ms. Castleberry also asked that all Committee Goals be added.

There was consensus among the Board to add them to the agenda.

#### DIRECTOR'S REPORT

There was no Director's Report.

#### COMMITTEE REPORTS

There were no Committee Reports.

#### ITEMS FROM BOARD MEMBERS

Erma Linda Cruz-Torres inquired about the following items:

- \* status on the Parque Zaragoza Recreation Center
- \* status on the return of funds taken from the PZRC project by ROCIP
- \* status on research regarding the naming of a portion of Town Lake for Gregorio Esparza.
- \* status on Kendra Page Park.
- \* ownership of Reicher Ranch.
- \* status on land acquisition for the Montopolis Sportsplex.
- \* how do CIP projects proceed those that have a higher priority.

Ms. Hamilton provided the following information regarding Ms. Cruz-Torres' inquiries:

- \* the Department found the Parks Board had voted on the renaming of a part of Town Lake for Gregorio Esparza, but the City Council did not take action on it. In the meantime, the area had received another name. The Department will provide suggestions for another location.
- \* in regards to Kendra Page Park, Mr. Page asked that the park be renamed.
- \* for the upcoming budget year, Reicher Ranch is to be managed by the Parks Department.

Mr. Friday asked the authority of the Board to send a memo to Council members reiterating that the Parks Department manage the Balcones Canyonland Conservation Plan (BCCP). There was consensus among the Board members.

#### APPROVAL OF MINUTES

Ms. Cruz-Torres moved to have the minutes of the regular meeting of July 26, 1994 approved. Ms. Castleberry seconded the motion.

The vote was 5-0.

#### ADJOURN

Before adjourning, Ms. Hamilton requested that those members who had received black notebooks with the listings of all the Programs Division, please bring them in for an update. If a member did not have one, please notify Ms. Hamilton or Ms. Posada so one may be provided.

There being no further business, the meeting adjourned at 9:25 p.m.

Audio tapes of the Parks and Recreation Board meetings are available through the Director of Parks and Recreation, 499-6717.