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**CITY AND COUNTY OF SAN FRANCISCO
URBAN FORESTRY COUNCIL
LANDMARK TREE AD HOC COMMITTEE**

**Special Meeting Minutes Draft
Thursday, May 26, 2016 4:15 p.m.**

**City Hall, Room 421
One Dr. Carlton B. Goodlett Jr. Place
San Francisco, CA 94102**

COMMITTEE MEMBERS: Rose Hillson (Chair), Malcolm Hillan, Dan Kida, Carla Short, Jon Swae

Order of Business

Public Comment will be heard before the Committee takes action on any item.

1. Call to Order and Roll Call.

Chair Hillson called the meeting to order at 4:16pm.

Chair Hillson, Members Hillan, Kida (left at 5:01pm), Short & Swae (arrived 4:17pm, left at 4:48pm) were present. Quorum declared.

2. Approval of Minutes of the March 3, 2016 Urban Forestry Council Landmark Tree Committee Special Meeting. Member Short moved, 2nd by Hillan; approved without objection. No public available for comments.

3. Landmark Tree Evaluation Process Flowchart.

Chair Hillson explained that the version for discussion incorporated the revisions from the last Committee meeting (March 3, 2016) and is the same draft document that was handed out at the last full Council meeting (March 25, 2016). She asked for any revisions to the flowchart which she explained is meant to be a guideline for people to go through the steps of the landmark tree nomination process. Input was received from Committee members and Staff. On Page 1, Member Short opined that the reference to the superscript "1" in the 1st long box was difficult to find and Member Hillan suggested it be put on a separate line as was done on Page 2 with superscript "2." Coordinator Hui asked what the difference was (on Page 1) between the 3rd box and the 1st box (shaded document input symbol) in the top row because the "sources" listed in the 3rd box are the same as those in the 1st. Coordinator Hui asked if the parenthetical sentence – "A Member of the Public must have a 'source' to officially initiate the tree for nomination." – in the 3rd box could be put in the first box. Chair Hillson stated there was some issue with room on the page as well. Member Kida stated that the formatting should not deter us from making the document work. Member Short suggested to put an asterisk after "Member of the Public" in the first box and then the parenthetical statement with "See Page 3 for details." Chair Hillson suggested to remove the second horizontal arrow from the 2nd to the

3rd box, delete the first paragraph of the 3rd box, delete the down arrow from the 3rd box going to the 2nd row and add a down arrow to the 2nd box in the first row going to the long box in the 2nd row and have the 3rd box show the parenthetical statement with the "See Page 3 for details."

Committee members were in agreement. Coordinator Hui stated for the 2nd box from the bottom on Page 1, for "split vote," "tie" is not correct and we get a lot of "people who characterize non-quorum votes as ties" so we crossed out "tie." The same correction applied for Page 2 for the box under the first diamond symbol. Member Hillan stated there was no consistency on where the abbreviations were used and where they were spelled out and since they are defined in the first box on Page 1, he suggested to delete "PW" as redundant in the 2nd row. Chair Hillson stated that "PW" occurs in that 2nd row for the first time there and acronyms are usually defined when they first appear and so it should be retained. Discussion ensued about what to do with the sources listed at the top of Page 3 when they are on Page 1 on the first box. Chair Hillson stated she realizes it lists them on Pages 1 and 3 but it was so that readers will not be flipping back and forth between Pages 1 & 3 to match the acronyms with the associated verbiage. Member Kida asked if electronically one just clicks and it goes to the whole document or if one goes to separate pages. Chair Hillson stated that each page is a separate file. Coordinator Hui stated that on Page 3 in the list at the top and in the green shaded box, it shows the Mayor can nominate a tree but he cannot. Chair Hillson opined that he can be a source but cannot vote on it. Coordinator Hui stated there is no provision for the Mayor to provide a nomination form for landmark trees but he can direct somebody else such as a Board of Supervisors member or a member of the Planning Commission or Historic Preservation Commission, Head of a City Agency or a Department Head to do so. On Page 3, all instances of "Mayor" was deleted and any numeric lists renumbered. Coordinator Hui also questioned, on Page 3, "Commission" in the green shaded box because only the Planning Commission or the Historic Preservation Commission but not the Head or Chair of the Environment Commission. Member Swae stated he had a question about "Commission" on there as well. Coordinator Hui stated that "Commission" could be the Chair such as the head of the Environment Commission. Member Swae stated that it could mean the head of the Ethics Commission. "Commission" was stricken from the list at the top as well as from the green shaded box on Page 3. Coordinator Hui asked Member Short if the Public Works director was limited only to protecting trees on property under Public Works jurisdiction. Member Short answered, "No." Coordinator Hui referred to the bottom of Page 3 in the gray box. Member Short stated the sentence as-is makes sense both ways; She said, "It's designating the tree under his jurisdiction. That's what the order does." For the light gray-blue box at the bottom of Page 3 wherein the text starts with the word "OPTIONAL," the text was reworded to reflect that used in Public Works Code Section 810, "Director of PW issues EMERGENCY ORDER temporarily designating tree on any property under the jurisdiction of the Department to prevent immediate removal of the tree." (Words in italics added.) Coordinator Hui said that on Page 2, in the box to the left of the first diamond, instead of "Majority" it should say "Quorum." Chair Hillson stated that "majority" differs from "quorum." Coordinator Hui said, "You need a quorum vote to make any motion." Chair Hillson stated that we had this discussion before about the members present and a quorum. Coordinator Hui stated if there are 15 members of the Council, 8 members are needed to hold a meeting and 8 members are needed to vote in a particular way to make a motion. Member Hillan interjected by stating, "A quorum is already assumed if you get so far as to have a majority vote, you're having a meeting of the quorum of the people..." and Coordinator Hui continued with her statement that there is a difference between a majority and a

quorum. Coordinator Hui stated one can have 9 members present which is 1 more than one needs for quorum; you have 5 members vote in favor and 4 vote against and that would not be a quorum vote. Member Hillan was surprised and said, "Oh." Coordinator Hui stated, "Even though you have a majority of present members, one needs a quorum supporting a nomination." Member Hillan stated, "Oh. That's a significant point." Member Kida asked, "Just the majority of the quorum?" Coordinator Hui said, "No. Always quorum." Member Hillan said, "Really?!?" Chair Hillson stated she did not see that anywhere. Member Hillan stated, "I didn't know that." Coordinator Hui stated, "That's how it's always been." In addition, she said, "There are 5 members here and you need 3 members to have a meeting for a quorum and you need 3 members to vote in a particular way." She said, "At the second hearing for the 46A Cook Street, there were 3 members here, 2 of you voted one way and 1 voted another way...so you couldn't make a motion even though you had a majority of members choosing to go in a direction because you needed 3 members to make that motion." Chair Hillson stated that was interesting and thought that is not the way even Planning Commission works. Member Short stated, "This is interesting because I feel like we've had landmark trees that have gone to the Board with a 5-4 vote." Member Hillan said, "Yeah. That sounds weird to me." Chair Hillson stated, "Yes, and it's not a quorum." Coordinator Hui stated, "But that's different. Trees can still go forward to the Board of Supervisors as long as you guys don't vote it down. It just goes with no recommendation." Coordinator Hui stated, "The packet that we send has all the information that you guys collected or created and then the intro cover letter that we send that says the Council sends this with no recommendation because of what the vote was. So we don't say that the Council voted to recommend this tree for landmarking unless there was a quorum vote because you guys cannot pass a motion without a quorum vote. It's in your Bylaws." Chair Hillson stated she brought the Bylaws and referred to them. She read, "At all meetings of the council, the presence of a majority of the voting membership shall constitute a quorum." Chair Hillson stated that was different. Coordinator Hui said, "This refers to..." Member Hillan interjected, "Not the membership present." Coordinator Hui continued her line of thought by stating, "This refers to when you have non-voting members." Chair Hillson stated, "But now everyone's voting." Chair Hillson read the next line, "The affirmative vote of a majority of the voting members shall be required for the approval of any matter." Chair Hillson said, "It doesn't state 'quorum'." Member Hillan said, "Yeah." Coordinator Hui stated, "When you're saying 'voting members,' it's just all members. She said, "So for the majority of members for the full Council, it's 8 members. Chair Hillson stated, "Out of the 15." Coordinator Hui stated, "This refers to voting and non-voting members because this is an old thing so now the Bylaws are...it's 8 for a majority of voting members...it's not the members who are at the meeting but it's all of the members." Chair Hillson stated there were situations in the past...Coordinator Hui stated, "It is always a quorum and the reason why it's not just a majority of the members present is because you could end up moving forward on something with a very small percentage of the whole group." Chair Hillson said, "For the landmark tree process, it really doesn't matter whether it's 'for,' 'against,' 'failed' or anything in any of the situation within the Landmark Tree Committee itself because everything still has to move to the full Council, so it really wouldn't make any difference at the Landmark Tree Committee level." She stated, as for "majority," if you look through the minutes of the past meetings, and I went through this, 'what's the difference between "majority" and "quorum," and that there were discussions on this before in the past and that it's always been majority...going back to Terry Milne where it's been the majority and not the quorum. Chair Hillson stated that initially she had "quorum" on the flowchart because Coordinator

Hui has been presenting it in various places as such and the tree ordinance does not use the word "quorum" but it's always been "majority." Coordinator Hui said we can write Anthony (Commission Secretary) tomorrow to clarify this although he's out of the office tomorrow. Discussion to possibly change all instances of "Majority" to "Quorum" on Pages 1 and 2. Coordinator Hui stated that from her understanding and how we have always operated, it is "quorum." Member Short stated, "It's funny. It makes me think that I've just assumed over the years things have been going forward with recommendation but when it gets to the Staff level, they are submitting without a recommendation. And we thought it was going forward with a recommendation because we had a majority vote but not a quorum." Member Swae asked if they get that information. Coordinator Hui stated it is always explained at the beginning of every meeting, "what a quorum vote yes, quorum vote no and a split vote meant." Member Kida asked if there were other ones besides Cook Street; and Coordinator Hui stated that the Market Street tree had a "no recommendation" and that moved forward. Member Short stated that the Market Street one was "split" and it's clear to her that when it's "split" there's "no recommendation" but she believes she was confused in the past and said, "I thought that if we had a "majority," but not necessarily a "quorum," it was going "with a positive recommendation." Chair Hillson stated she thought similarly. Coordinator Hui said, "I don't think that there have been that many." Member Kida asked if there are 8 folks who all vote the same way then we're good and Coordinator Mei Ling answered in the affirmative. Member Swae asked, "What if there were only 3 people at the meeting but they all voted in favor. Does that constitute a quorum?" Coordinator Hui replied, "Yes." Member Short stated that it was rare that you don't have the quorum matching the majority but that it was technically feasible that you can have a quorum but not a majority. The clarification on "majority" or "quorum" to be confirmed later with Anthony. Member Swae asked what the difference was between a "Director of City Agency" and a "Department Head"? Member Short stated that for Public Works, that it is a "department" and not an "agency" as MTA though essentially the same thing. Coordinator Hui asked for clarification on Page 2, the leftmost box next to the box that says, "Split vote..."

Chair Hillson stated it was for those particular nominators that that sentence applied to. Wording changed to, "Tree temporarily designated (protected) for nominations by Director of Agency or Department Head or Property Owner" and to cross out "Mayor." (Added text shown in italics.) Member Hillan suggested to make the 3 boxes on into one box on Page 1 because there is redundancy there. Chair Hillson responded that we covered that. Member Kida asked if the next time the public nominates a tree to play with this (flowchart) to see if it works for somebody because it is for the public. Member Short thought it would be a good idea prior to giving it to the full Council. Member Kida thought it would be good to get some feedback. Chair Hillson stated she can also bring the revised flowchart to the full Council like last time. Member Kida said we wouldn't have to wait for that but one way to walk through the process to see if it works for them. Coordinator Hui stated that we don't get a lot of nominations so it could be a while. Chair Hillson asked Coordinator Hui about the 2 nominations sitting and she said those are not yet official. No public present for comments. Member Swae left. Quorum still remained.

4. Landmark Tree Markers: Chair Hillson stated that at the last meeting, there were two potential sizes – 6"x9" round 5.5"x14". Chair Hillson asked how it was going with PG&E and DPW. Member Kida stated that there is \$1,500 earmarked with a requirement to have a 501(c) to be able to send it and in his talk with Mei Ling about it with just an acknowledgement of a charitable contribution from PG&E

from Mei Ling with a "thank you." Member Kida expressed that he be apprised if this project of getting the markers is not going to happen this year, it can go for something else but it may be able to be carried forward to a later year, expressing that he felt confident it would probably be available even in 2021. Member Short spoke to her cement shop supervisor to determine approximate cost for a raised concrete block and stated she believed she brought up the idea at the last meeting. Chair Hillson acknowledged that the idea was brought up then. Member Short described the details of this block as being 6"x6" square on top, with the back portion about 8" high at the rear with a beveled edge and the front edge at 6" high so the square surface is slanted when one viewed it. Member Short stated for 10 of them with a number and "Landmark Tree" would cost \$1,550 and Member Short did not tell her in advance the gift amount limit from PG&E. Chair Hillson stated that we have 7 trees which were those on the street side. Coordinator Hui asked if they (the cement shop) would be able to make the stamp. Member Short said they would not. Chair Hillson stated that for 7 trees, it would be about \$1,050 and about \$400-\$500 for a stamp which she thought would not cost that much. Member Short stated that if we had a stamp, for it to say "San Francisco Landmark Tree" and potentially add a number stamp which is doable by the shop. She stated that there would also have to be a guide, there is not a lot of room for information and we cannot make separate stamps for each one. Member Short stated that the number would correspond to the official number in the tree book which Terry Milne created when he was Chair of his Committee. Coordinator Hui brought the picture of the Monterey Cypress which her graphic designer had created a while back. Member Short stated it was beautiful and a little complicated. Member Hillan expressed for concrete may not get that kind of detail. Chair Hillson stated that the details would work in precious metals but likely not come out in cement. Member Short acknowledged likewise. Member Short stated that perhaps the size could be adjusted a little bit but there is not much room in the basins. Chair Hillson stated that the Cortland (Ave.) one is the tightest one. Member Short stated that she does not see the cost changing much with even a 6"x8" or an 8"x10". Coordinator Hui stated that Mark Nicholas, DOE's graphic designer, can do the design and Friends of SF Environment can take in the money and expend it to have the stamp made and give it to Public Works and all can be done in-house. She stated that she was not sure it could be done this fiscal year as Mark does not have time although it may not matter if the funds can be carried forward. Member Kida will find out if it matters if it gets done this year or not. Coordinator Hui stated Mark could have the design done by July. Member Kida thought that Mark may get started on it this year even if not completed. Member Short asked what would happen if the money were sent this year. She stated that the City is a 501(c)3, so PG&E could send the City the money. She said, "We want the money for the stamp to go to your non-profit ("Friends of SF Environment") but the money for the blocks to come to Public Works." She stated that PG&E can send the money this year and Public Works can transfer the cost of the stamp once that is figured out to SF Environment and give that money to them ("Friends of SF Environment"). Coordinator Hui stated that her department can give it to "Friends of SF Environment." Member Kida was not sure if he had to show anything tangible this year. Coordinator Hui asked if a temporary design could be given (to PG&E) and later edit it. Coordinator Hui also stated that it may not cost as much with the idea that if it costs \$1,550, asked if PG&E could donate some money for the stamp creation and then some money next year for the concrete blocks. Member Kida will inquire. Member Kida stated that the money is coming from Vegetation Management as a charitable contribution. Chair Hillson clarified what would be on the block and mentioned that some text and number would go on it but was not sure of a graphic which would not show details in concrete

and Member Short said that a simple graphic of a tree may work. Member Kida left. Quorum remained. Member Hillan proposed a modification to the design to have the base more flared so as to make it more difficult for to extract to deter theft. He showed a diagram of his understanding of the block design. The Committee members stated this should not be any additional cost. Member Short stated that in some of the basins, there are many roots in a small space so a flare would mean further digging but may have the blocks slightly raised. Member Hillan stated that it may be at the height that would be variable depending on where the grade may be. Coordinator Hui asked if the Committee was looking at the groves of trees because she did not see the Pepper Tree on the list. Chair Hillson stated that when she was told to look at the trees initially, the Committee agreed that only the ones at the sidewalk by the public right of way would be considered and she showed the original list she referenced when she drove around the City. Coordinator Hui stated that the Pepper Tree is at Third Street and on a triangle. Member Short stated that we are not encouraging people to go out on the median so those trees are not included. The Pepper Tree does have room. Chair Hillson noted that that would make it 8 trees then.

No public available for comment.

6. New business/future agenda items. Finalizing design of blocks & stamp for landmark trees and Landmark Tree Process Flowchart

7. Public Comment. None (no public available during entire meeting).

8. Adjournment at 5:06pm.

Copies of explanatory documents are available at (1) the Department of the Environment office, 1455 Market Street, Suite 1200, San Francisco, California, 94103 between the hours of 9 a.m. and 5 p.m., Photo identification is required for entry to the building. (2) on the Urban Forestry Council's website <http://sfenvironment.org/about/taskforce/urban-forestry-council>; (3) upon request to the Commission Affairs Manager, at telephone number 415-355-3709, or via e-mail at anthony.e.valdez@sfgov.org within three business days of a meeting. If any materials related to an item on this agenda have been distributed to the Council after distribution of the agenda packet, those materials are available for public inspection at the Department of the Environment, 1455 Market Street, Suite 1200, San Francisco, CA 94103 during normal office hours or will be made available on the Commission's website <http://sfenvironment.org/about/taskforce/urban-forestry-council> as attachments to the agenda or meeting minutes.

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