

**LARKSPUR CITY COUNCIL  
SPECIAL MEETING  
MINUTES  
MAY 31, 2006**

CITY COUNCIL:      PRESENT: Mayor Larry Chu, Ron Arlas, Kathy Hartzell,  
Dan Hillmer, Joan Lundstrom

STAFF:              PRESENT: City Manager Jean Bonander, City Attorney  
Sky Woodruff, Recreation Director Dave  
Wilkinson

Mayor Chu called the meeting to order at 7:31 p.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF CONSENT CALENDAR**

The City Clerk certifies that this Agenda has been posted in accordance with the requirements of the Government Code

Approval of Warrants

Approval of Minutes: April 19 and May 3, and May 10, 2006.

Resolution No. 20/06, Establishing Authorized Positions in the Competitive Service and Assigning a Salary Range to Each Position.

M/s, Hillmer/Lundstrom and approved 5-0, except as follows: (Hartzell abstained on the April 19, 2006 minutes 4-0-1, and Arlas abstained on the May 3, 2006, minutes 4-0-1) to approve the Consent Calendar, with the removal of the May 10, 2006 minutes.

**CITY MANAGER'S ORAL REPORT**

The City Manager reported the June 7<sup>th</sup> Council meeting would include a Budget Hearing and a reception for the individuals who donated funds for the historic photographs on display in the Council Chambers. A number of land use issues are on the June 21<sup>st</sup> Council agenda. The Twin Cities Police Council is scheduled to meet on June 8<sup>th</sup> at 7:30 p.m. at a yet to be determined location. The Food and Flower Festival will occur on June 11<sup>th</sup> and she encouraged everyone to attend.

She announced two internal promotions- Ms. Amy Koenig was promoted to the Financial Services Manager position and Ms. Cynthia Huisman was promoted to City Clerk.

The Council congratulated Ms. Koenig and Ms. Huisman on their promotions.

## **COUNCILMEMBER REPORTS AND COMMENTS**

Councilmember Lundstrom reported the Transportation Authority of Marin (TAM) has announced that the high occupancy vehicle lane over Corte Madera Creek will open at the end of June. The TAM proposal for a City/County Planning Committee will not go forward. She, along with Mayor Chu, attended an “open house” meeting regarding the Cal Park Tunnel. The design is 60% complete. They expressed concern regarding the hours of operation, liability, and security. Hours of operation would be decided by the City of Larkspur, the City of San Rafael, and the County Parks and Recreation Commission. She attended the meeting regarding flood control at Sir Francis Drake High School. She was pleased that the presentations discussed dredging of the channel as a flood control measure. County Public Works is looking at ways to reduce the original \$10 million price tag.

Councilmember Arlas asked if the City would get reimbursed for providing services for the Cal Park Tunnel. Councilmember Lundstrom stated the City does not have responsibility for maintenance. Councilmember Arlas stated the City should get compensated for patrolling the tunnel since they do not own the land. The City Manager stated that issue would be part of the Memorandum of Understanding (MOU) negotiations. Part of the tunnel is within the City limits of the City of Larkspur. The City has been very clear in stating that they have no maintenance or operations responsibility for the tunnel but would provide law enforcement and fire response services. Mayor Chu asked the City Manager to place the Draft MOU on an upcoming agenda for the Council to review. The City Manager stated the Council would need to review the MOU soon. It will be circulated to the Larkspur and San Rafael City Councils and the County Board of Supervisors for adoption.

Councilmember Hartzell stated she attended the recent Community United meeting held at the County Office of Education. The discussion surrounded procedural changes that have to do with the disbursement of excess ERAF funds. She stated there is a potential \$4 million hit to Marin County, San Mateo County, and Mono County.

Mayor Chu stated the Marin County Transit District approved the Twin Cities Shuttle and the implementation date was September 11<sup>th</sup>. They are looking to go out to bid sometime in the middle of June. The shuttle would run every 30 minutes. Hours of operation would be between 11:00 a.m. and 6:00 p.m. The fare would be \$1.00 and there would be transfer capabilities to other transit lines.

If there is a demand, additional routes such as Marin General Hospital may be added.

Mayor Chu stated the Council has met 13 out of 15 Wednesdays since the middle of March. He acknowledged the efforts of the Council and staff.

## **PUBLIC COMMENT**

Ms. Ann Knobloch, Holcomb Avenue, discussed how barns owls could control rodents. She encouraged the use of “barn owl houses”.

Mr. Joe Waldron, Monte Vista Avenue, thanked the City for taking care of the “disaster” that took place at the Monahan Pacific development project and for taking an aggressive stand to modify the Heritage Tree Ordinance. He asked the Council to expand the penalties for illegally removing trees. Mayor Chu stated the Council discussed this issue at their joint meeting with the Parks and Recreation Commission.

Mr. Rick Adler, William Avenue, thanked the Council for their long hours and hard work.

## **PUBLIC HEARING**

1. APPEAL OF DECISION BY PARKS AND RECREATION COMMISSION ON THE REMOVAL OF 18 HERITAGE REDWOOD TREES AT 106 WILLIAM AVENUE

The Recreation Director presented the staff report.

Councilmember Hillmer asked the Recreation Director if the actions of the Parks and Recreation Commission were consistent with past practices. The Recreation Director stated “yes”.

Mayor Chu opened the Public Hearing.

Ms. Karen Polivy, appellant, thanked the Council for holding a Special Meeting. She stated the individuals in support have all inspected the site and the trees. She asked the Council to imagine 26 Redwood trees, approximately 100 to 130 feet high, in an area equal to the Council Chambers. Her 3,500 square foot backyard has 42 Redwood trees. She pointed out that the information on the white board provided by staff was missing some key phrases.

Councilmember Hillmer asked if Mr. Bob Morey of Marin Tree Service was a certified arborist. The Recreation Director stated “yes”. Councilmember Hillmer asked if Mr. Ray Moritz was a certified arborist. Ms. Polivy stated he was a certified urban forester.

Mr. Ray Moritz stated he has examined the Redwood trees on a number of occasions and he discussed the following issues: 1) stand density, 2) proximity/hazard to the home, 3) structural stability, 4) neighborhood and environmental impacts, 5) thinning vs. trimming, 6) recommendations. The stand density is extremely high and consequently the trees are “leggy” and have poor taper. This results in excessive movement, branch failures, and poor stability, health and vigor. There is evidence of brown cubicle rot in the daughter stems. He read a letter from Mr. Tom Gamon, a registered professional forester, who reviewed the stand. Mr. Moritz stated 39 of the 44 stems fail to meet the 50:1 hazard assessment rule (1 foot of diameter for every 50 feet of height). The stand density is about 800%, or eight times, the normal density. He referred to the stand in Dolliver Park and stated there were 112 trees with a spacing of trees that is ten times that of the grove at 106 William Avenue. It is a healthier and more vigorous stand. He stated tree #26 is 1.9 feet from the house, tree #27 is 6 feet from the house, tree #29 is 6.5 feet from the house, tree #37 is 4.5 feet from the house, trees #38 and #40 are 5 feet from the house, and tree #41 is 7 feet from the house. All these trees present the same hazard threat to the structural integrity of the house as those that were approved for removal. He stated it is not true that Redwood trees have roots that bifurcate and become fibrous very quickly. They found upheaval of the sidewalks 43 feet from the trees. He stated noise attenuation has no efficacy. There would be no major visual impact due to the removal of the trees. He recommended the removal of trees #26, #27, #29, #37, #31, #32 through #36 to provide space for a root barrier, and removal of #38, #40, #41, #46, and #48, and #49 after an aerial inspection.

Councilmember Arlas asked about the number of Redwood trees in the neighborhood. Mr. Moritz stated there were about 400. Ms. Polivy stated there were about 200 trees on the block of Baltimore, Monte Vista, and Magnolia and another 200 on her block. These numbers do not include the trees in Dolliver Park.

Councilmember Hartzell asked if the simulation of the visual impact from the removal of trees included the removal of the non-Heritage sized trees. She asked if they would be removing any non-heritage trees. Mr. Moritz stated there were two dead trees that were not heritage status, along with tree #23A. Ms. Polivy stated there would be some non-heritage trees that would be removed- #23A, #24, #28 and the dead trees. Councilmember Hillmer asked Ms. Polivy if she was referring to the group of trees #23 through #29. Ms. Polivy stated “yes”.

Mr. Len Rifkind, attorney for the appellant, stated he would like to reserve some time to respond to comments at the end of the hearing.

Mr. Joe Waldron, representing the Larkspur Neighbors for the Preservation of Redwoods, introduced the members of the group and stated only several would be speaking. Mayor Chu asked for a show of hands from individuals from the neighborhood group. He stated there were approximately 20 to 25.

Ms. Ellison Folk, attorney with Shute, Mihaly and Weinberger and representing the Larkspur Neighbors for the Preservation of Redwoods, stated the issue before the Council was whether or not there was evidence to support the findings of the Parks and Recreation Commission. She stated the record indicates that the decision was based on substantial evidence. The Commission considered each tree individually, made findings based on the opinion of a certified arborist, and explained in detail the basis for its opinion. This is all that the law and ordinance requires. She is of the opinion that the denial of the 18 trees is legally defensible. She stated the City could not approve the removal of any additional trees based on the record tonight. She stated Mr. Moritz is not a certified arborist, tree surgeon, or landscape architect which is what is required by the ordinance. The report prepared by Mr. Moritz does not provide adequate evidence for removal of more trees and its conclusions are general, subjective in nature, and largely unsupported by any factual data. She read a letter from Mr. Peter Erlich, certified arborist, who reviewed the report. She stated removal of additional trees would require further environmental review under CEQA. The City Attorney has indicated that the decision of the Commission can be upheld under a CEQA exemption for "minor alterations to land" but she disagreed that the removal of 21 trees could be defined as a "minor alteration of land". At this point, the only issue is whether there is a fair argument that the removal "may" have a significant impact on the environment and the City has not conducted any analysis or prepared an Initial Study. She stated the trees should not be removed without a Timber Harvest Plan (THP) and there is no exemption under the Forest Practices Act for land that is not specifically designated as timberland. She discussed a court case involving the Squaw Valley Ski Resort. The Coast Redwood is defined by law as a "commercial tree". The appellant should be aware that removal of the trees without a THP could lead to prosecution for unfair or illegal business practices. There is no evidence to support the appellant's assertion that denial of further tree removal would unreasonably interfere with the economic enjoyment of the property under any "takings" analysis.

Councilmember Arlas asked Ms. Folk if somebody's backyard should be treated like Squaw Valley. Ms. Folk stated Coast Redwood Trees are considered commercially valuable and they would need to get a THP if they are going to sell the wood or use it for commercial purposes.

Councilmember Arlas asked if the ordinance contained a finding of "aesthetic element". Ms. Folk stated the language in the ordinance refers to the general "health, safety and welfare" and that is considered general police power language. This included protection of aesthetic resources.

Mr. James Holmes, Madrone Avenue, stated he has 25 years of experience as an attorney for the California Department of Insurance and he wanted to address issues related to insurance. Insurers have all kinds of detailed policy underwriting rules yet seldom enforce those rules. They do apply those rules in two situations: 1) a cutback in unanticipated large losses or reserve shortages, 2) when they want to avoid underwriting a particular risk. One of the key risks that they want to avoid are applicants who have a history of filing small claims and waging large battles. There is no industry policy to avoid Redwood trees. He disputed several of the assertions made in the letter from the appellant's attorney.

Ms. Lynn Eubanks, Monte Vista Avenue, stated she submitted a report to the Council that contained information regarding several addresses in the area that have had no insurance issues even though they have Redwood trees on the property.

Mr. Torrie Young, registered consulting arborist and certified urban forester representing the neighborhood group, stated he was not serving as an advocate nor was he willing to evaluate the competence of any of the other arborists. Many of the points made by Mr. Moritz were relevant with trees that are individuals in an urban landscape but are much less relevant in relation to trees in a stand or a grove. Trees become a problem when the stand is modified or when trees are significantly pruned or individual trees are removed. This can enhance the hazard potential for the grove.

Councilmember Hillmer stated there was a grouping of trees that the City's arborist recommended for removal. The Recreation Director stated the report stated that these trees "could be removed". Councilmember Hillmer stated the City's arborist identified trees #23 through #29 as a circular grouping close to the house. He asked Mr. Young if the removal of some or all of those trees would affect the larger group. Mr. Young stated the removal of any of the trees would affect the group to some degree. He has not done a thorough evaluation nor has he been on the property. Councilmember Arlas asked Mr. Young if he simply reviewed the Mr. Moritz's report in relationship to his general knowledge and if he made an on site inspection. Mr. Young stated he inspected the trees from the property next door and from the street.

Mr. Tad Jacobs, representing Treemasters Tree Service, stated he took a look at the grove in the fall of 2004 and he observed numerous deficiencies and extremely dense planting. He stated he has never seen a Redwood density of this nature. He referred the appellant to Mr. Moritz. He stated all the trees being requested for removal clearly meet the criteria of the ordinance. He stated most of the wind comes from the west/northwest and removing the trees would not compromise the remaining trees.

Removal of the trees would not create any erosion or water problems and the trees are currently forcing water towards the house. He has had clients with problems getting insurance who have asked him to remove trees.

Mr. Clark Thompson, insurance agent for the appellant, referred to the January 19<sup>th</sup> letter from the Recreation Director and disputed the claim made by the City's insurance carrier. He stated one of the Council's charges was the protection of property. The appellant's insurance policy would not cover the damage if a tree were to fall on her property or her neighbor's property.

Ms. Cynthia Rock read a letter from Ms. Mary Denton in support of the removal of the trees.

Ms. Charlene Albanese, Monte Vista Avenue, stated she was a licensed real estate agent. She moved to Larkspur because of the trees and the wonderful view they give to the neighborhood. The representative for the neighborhood group was unable to go onto the property to evaluate the trees. She stated it was important to maintain the trees and the value of the homes. Councilmember Arlas asked about her expertise. Ms. Albanese stated she has done residential real estate but she is now involved in commercial. Councilmember Arlas stated the ordinance does not refer to the value of property and they are not supposed to consider this issue.

Ms. Gloria Wood, Magnolia Avenue, stated when the 26 trees that surround her home were pruned the sound became profoundly louder. Removing these Redwood trees would negatively affect the neighbors. She has never had any problem getting insurance. Redwood trees frame the community and she urged the Council to uphold the Commission's decision.

Mr. Cheryl Tanasovich, Monte Vista Avenue, stated the appellant's arborist points out some factors that affect the safety of her family and property. She stated everybody loves Redwood trees.

Ms. Diana Foster, Ross resident, stated she has lived under Redwood trees for 30 years and any alteration to the grove could cause problems.

Mr. Rick Adler, William Avenue, stated the Redwood grove in his backyard was very dense and he would like to defend these ancient trees. He displayed some photographs to the Council. He asked the Council to deny the request to remove the trees.

Ms. Lisa Scheier, Corte del Coronado, stated she supported the request to remove the trees.

Mr. Joe Waldron, Monte Vista Avenue, stated they live in a Redwood community and the pictures he provided display a peaceful coexistence between homes and these trees. He stated a Tree Removal Permit Application should be filed and approved by a certified arborist, certified tree surgeon, or certified landscape architect. He stated the appellant did not do that. The Council could overturn the Parks and Recreation Commission's granting of the removal of the three trees because this rule was not followed. He discussed the necessary findings and stated they could not be made. Removal of the trees would increase the amount of surface water into the creek and have an adverse affect on the rest of the trees. These trees are meant to be in a community and they protect one another.

Mr. Len Rifkind, attorney for the appellant, stated the Council should focus on whether or not the findings can be made. He referred to the May 12<sup>th</sup> correspondence, Exhibit 7, and stated that was the "guts" of their argument. The neighbors are passionately in favor of protecting the trees and nobody disagrees with that position. However, the Council must look at the facts in evidence to make their decision. They are relying heavily on Mr. Moritz's opinion and his qualifications far exceed those required by the ordinance. He asked the Council to focus on the information provided in the May 12<sup>th</sup> correspondence. He asked them to err on the side of safety in their decision-making.

Ms. Karen Polivy, appellant, stated there were eight letters from insurance companies that rejected this property. Removal of the trees would allow the installation of drainage per the Uniform Building Code and would improve the drainage situation. Since January, she has not had one request from the neighborhood group to gain access to the backyard. The Commission did not cite any evidence in their decision to deny the removal of the 18 trees. The City of Larkspur states that defensible space around structures should be 10 feet and she was not able to do this at this point in time. The grove was not managed for a long time and this is not a happy, healthy grove. If a tree comes down she would not be covered and she would lose her insurance and then her mortgage.

Mayor Chu closed the Public Hearing.

Councilmember Hillmer asked the City Attorney to address the qualifications issue. The City Attorney stated the wording allows for a certain amount of staff discretion as to the kind of report that would be sufficient to support an application. Mr. Moritz was believed, at the time, to satisfy the qualifications. There was a report from a certified arborist presented to the Parks and Recreation Commission at their January meeting.

Councilmember Lundstrom asked about the CEQA issue. The City Attorney stated there was not much case law defining what constitutes a "minor alteration" of land and those cited in the correspondence would not be helpful.

At some point the removal of enough trees could be considered a sufficient “alteration of the land” and the CEQA exception would no longer apply and an Initial Study should be prepared. Such direction would be requested of the Council if necessary.

Councilmember Arlas referred to finding 2(b) regarding “health, safety and welfare” and how the Commission discussed the trees as being an important aesthetic element of the area. He stated those “police powers” do not encompass a single tree. The City Attorney stated in general, aesthetic values and concerns are encompassed within the general statement of “health, safety and welfare”. In this case, the Commission discussed the effect of the removal of a single tree and made a determination based on aesthetics. Councilmember Arlas stated he does not recall seeing any specific facts. The City Attorney stated it was based on their observations of the property which is acceptable evidence in this case. Councilmember Arlas reiterated his concern that the record is bereft of facts. The City Attorney stated there were facts in the sense that they observed the property, knew which trees were under discussion, and made an attempt to evaluate what the property and overall landscape of the neighborhood would look like if the trees were removed.

Councilmember Hillmer stated the Heritage Tree Ordinance is in the Municipal Code and there was a relationship between the Ordinance and the Goals, Policies and Programs stated in the General Plan. The Ordinance is an implementing mechanism of the General Plan.

Mayor Chu read Goal 2 of the General Plan: “Maintain Larkspur’s livability and attractive environment...”, and Policy B: “To preserve the desirable features of the environment...”, and Action Program #1: “To start a tree planting and preservation program that would encourage sensitive site planning and replacement of trees that are removed”. The City Attorney stated there was a hierarchy of land use regulation that starts with the General Plan and the Heritage Tree Ordinance, although not contained in the Zoning Ordinance, could be considered a land use control ordinance and should be consistent with the General Plan.

Mayor Chu asked the Council to go through the trees one at a time. The City Attorney recommended that if the Council were inclined to uphold the Commission’s determination then it would not be necessary to reexamine each tree individually.

Councilmember Lundstrom stated she would not want to overturn the approval to remove tree #23, #25, or #30 since the City’s arborist, Mr. Bob Morey, recommended removal of trees #23 through #29. She stated she could make the findings for some of those trees.

Mayor Chu stated 23A was not a Heritage tree.

Councilmember Hartzell stated #24 was not a Heritage tree. Councilmember Lundstrom clarified she was referring to trees #26, #27, #28, and #29.

Councilmember Hillmer stated the City arborist stated those trees “could” and not “should” be removed and he had concerns about the impact on the grove if the trees were removed. The Recreation Director agreed and stated tree #28 was not under discussion so they were talking about tree #26, #27, and #29. Councilmember Lundstrom stated this grouping was contiguous to the trees approved for removal.

Councilmember Hillmer stated he might consider this as an option if he had certainty as to where the professionals aligned and that would be an end to this issue.

Councilmember Lundstrom stated she was not willing to discuss the 8 trees that were referred to in conjunction with any remodeling. She stated those were #32, #33, #35, #36, #41, #42, #43, and #44. Mayor Chu stated #31 should be included.

The City Manager stated the Council could discuss the three trees cited by Councilmember Lundstrom, #26, #27, and #29, and she asked if the Council could support the findings made by the Commission and uphold their decision.

Councilmember Hartzell made a motion and it was seconded by Councilmember Hillmer to uphold the decision of the Parks and Recreation Commission with regard to all trees except for #26, #27, and #29.

Mayor Chu stated tree #46 and #48 were also recommended for removal by the City arborist.

Councilmember Hartzell withdrew the motion. She stated would like to discuss tree #48.

Councilmember Arlas stated he would support Councilmember Lundstrom’s suggestion on how to proceed and discuss trees #26, #27, #29, and #48 as a package.

Councilmember Hillmer stated he was concerned about taking an action to begin the process to remove the grove. The grove as a singular entity was important and he was concerned about the removal of the three trees that were already approved, plus three more, plus non-Heritage trees, and then have to deal with an application for an expansion to the house that could require removal of more trees.

M/s, Hillmer/Hartzell and approved 4-1 (Arlas voted no) to uphold the Parks and Recreation Commission's findings per the memorandum dated March 16, 2006 on trees #31, #32, #33, #35, #36, #37, #38, #40, #41, #42, #43, #44, #46, and #49, a total of 14 trees.

M/s, Hartzell/Lundstrom and approved 5-0 to uphold the decision of the Parks and Recreation Commission's findings pertaining to tree #23, #25, and #30.

Mayor Chu asked for discussion regarding tree #26, #27, #29, and #48.

Mayor Chu stated tree #26 was very close to the house. Councilmember Hillmer reiterated that the City arborist stated that this tree "could" and not "should" be removed and its removal could impact the remaining trees.

Councilmember Lundstrom stated these trees are a part of the group (#23, #25, #30) that have already been approved for removal. Tree roots become intertwined and they should be considered as a group. She has enough information that she can make that judgment. Councilmember Hillmer stated he does not have enough information to make that leap.

Councilmember Hartzell stated she was confused about tree #26 and the reference to a "licensed contractor/home modification". She stated they could cut a notch in the roof overhang. The Recreation Director stated the City arborist's was of the opinion that none of the trees in this group were an immediate hazard. The report states that #29 "could" be considered for removal and #27 "should" be removed if the other five were removed. Three of the five were approved for removal.

Mayor Chu discussed the joint meeting with the Parks and Recreation Commission and stated one of the issues raised, as a general broad policy was how the General Plan reflects the character and the mores of the community in terms of how they want their natural assets protected. The City Council is the steward of those assets. On the other hand, there is the issue regarding the protection of personal property. He is concerned that there have been no methods shown for remediation or mitigation prior to cutting these trees down as a last resort. The language presented by all the professionals is somewhat vague. He would prefer to be more conservative. He could make the findings for tree #26 and he is on the fence about tree #48.

The Council did a straw vote on trees #26, #27, #29, and #48.

M/s, Arlas/Lundstrom and approved 4-1 (Hillmer voted no) to uphold the appeal and allow the removal of tree #26: 1) it is 3.5 feet from the rear of the house which includes a glass area, 2) it is structurally dependent on tree #25, 3) removal of the tree would not affect the topography, cause erosion, or increase surface water, 4) removal of the tree, after consideration was given to the

number of existing trees in the neighborhood, would not adversely affect the general health, safety, and welfare of life and property in the vicinity, 5) the condition of the tree poses a hazard with respect to disease and danger of falling and proximity of existing structure.

M/s, Arlas/Lundstrom and denied 2-3 (Mayor Chu, Hillmer, Hartzell voted no) declining to uphold the appeal and to not allow the removal of tree #27: 1) it is 6 feet from the rear of the house which includes a glass area, 2) it is structurally dependent on tree #25, 3) removal of the tree would not affect the topography, cause erosion, or increase surface water, 4) removal of the tree, after consideration was given to the number of existing trees in the neighborhood, would not adversely affect the general health, safety, and welfare of life and property in the vicinity, 5) the condition of the tree poses a hazard with respect to disease and danger of falling and proximity of existing structure.

M/s, Arlas/Lundstrom and denied 2-3 (Mayor Chu, Hillmer, Hartzell voted no) declining to uphold the appeal and to not allow the removal of tree #29: 1) it is 6.5 feet from the rear of the house including a glass area, 2) it is structurally dependent on tree #25, 3) removal of the tree would not affect the topography, cause erosion, or increase surface water, 4) removal of the tree, after consideration was given to the number of existing trees in the neighborhood, would not adversely affect the general health, safety, and welfare of life and property in the vicinity, 5) the condition of the tree poses a hazard with respect to disease and danger of falling and proximity of existing structure.

M/s, Arlas/Lundstrom and approved 4-1 (Hillmer voted no) to uphold the appeal and allow the removal of tree #48: 1) removal of the tree would not affect the topography, cause erosion, or increase surface water, 2) removal of the tree, after consideration was given to the number of existing trees in the neighborhood, would not adversely affect the general health, safety, and welfare of life and property in the vicinity, 3) the condition of the tree poses a hazard with respect to disease and danger of falling and proximity of existing structure.

Mayor Chu thanked everyone for his or her comments.

## **ADJOURN TO CLOSED SESSION**

The City Council and the City Manager adjourned to closed session at 10:25 p.m. to discuss the following item:

Conference with Legal Counsel- Anticipated Litigation pursuant to Government Code Section 54956.9(b)- 1 case

## **ADJOURN TO OPEN SESSION**

The Mayor adjourned to open session at 11:08 p.m. and indicated the Council had taken no reportable action.

**ADJOURN MEETING**

The Mayor adjourned the meeting at 11:10 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary