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| Council/Agency Meeting Held: _____  | _____<br>City Clerk's Signature                   |
| Deferred/Continued to: _____  |   |
| <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied |   |
| Council Meeting Date:                      2/5/2007   | Department ID Number:                      07-001 |

**CITY OF HUNTINGTON BEACH  
REQUEST FOR CITY COUNCIL ACTION**

**SUBMITTED TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS  
**SUBMITTED BY:** *Penelope Culbreth Graft*  
PENELOPE CULBRETH-GRAFT, DPA, CITY ADMINISTRATOR  
**PREPARED BY:** *Robert F. Beardsley*  
ROBERT F. BEARDSLEY, PE, DIRECTOR OF PUBLIC WORKS  
**SUBJECT:** Approve Revised Residential Street Tree Petition Process

**Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)**

**Statement of Issue:** At its meeting on August 7, 2006, the City Council directed Public Works staff to review the existing Tree Petition process with the Beautification, Landscape and Tree (BLT) Council Sub-committee, to develop a comprehensive, amended process.

**Funding Source:** Approximately \$35,000 from salaries for three vacant positions in the Maintenance Operations Division to Tree Maintenance, Other Professional Services, 10085621.69365, to hire a consultant for street evaluations.

**Recommended Action: Motion to:**

1. Approve the revised Residential Street Tree Petition Process recommended by the BLT Council Sub-committee, the Public Works Commission and Public Works staff; and
2. Add \$35,000 in Tree Maintenance to the list of Professional Services for Fiscal Year 2006-07.

**Alternative Action(s):**

1. Direct staff to make specific changes to the Residential Street Tree Petition Process.
2. Deny the recommended action and retain the existing Residential Street Tree Petition Process.

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**Analysis:** Immediate funding is not available to repair all concrete damage caused by residential street trees throughout the City. The Residential Street Tree Petition process was developed to provide a means for residents to request the City remove and replace parkway trees and correct associated sidewalk, pavement, curb and gutter damage on its streets. Typically, the Public Works Department receives petition requests from residents whose streets have large trees with extensive root structures that are damaging the surrounding areas. Damage includes displaced sidewalks, broken street pavement and standing water. The current average repair cost for each lot on a street is approximately \$8,500. Severe subgrade settlement and drainage issues that require engineering redesign will add to the cost.

The current petition process is resident-initiated. The residents obtain signatures from at least 75% of the affected property owners on the street. Public Works staff confirms the owners using current property tax rolls and places confirmed streets on the petition list in the order received. Reconstruction is scheduled as funding is available. The current list contains 84 streets which, based on historical funding allocations, will take an estimated 10 to 15 years to complete. This backlog represents only those streets where the residents have requested work; a substantial amount of residential tree and concrete maintenance work is not on any inventory.

On August 7, 2006, the City Council directed Public Works staff and the BLT to review the existing Residential Street Tree Petition process to ensure that the department's limited resources are distributed to the streets most in need of reconstruction, and to ensure that impacted residents are aware of the process and its effects. Council also imposed a moratorium on accepting new petitions for six months during the review process. Direction to the BLT and staff was to develop a comprehensive amended process that would meet three specific goals:

1. Equitably deal with those streets on the established petition list.
2. Ensure that new streets added to this, or a similar list, are ranked according to relative need.
3. Ensure that the rules of the revised process are clearly enumerated to minimize misunderstanding of the process or the city's responsibilities.

The BLT enlisted the assistance of the Public Works Commission, and Commission Chairman Mason, Vice Chair Siersema and Commissioner Harlow participated with the BLT to accomplish the assigned task. After several meetings, field reviews, and comprehensive discussions, a revised Residential Street Tree Petition process, intended to meet the program goals, was approved by the BLT and the Public Works Commission as follows:

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I. Beginning with City Council approval of the amended Residential Street Tree Petition process, two lists will be maintained. The first list (List #1) will consist of the existing list that will be frozen with the current 84 streets. Once all of the streets on List #1 have been addressed, List #1 will be discontinued.

II. The second list (List #2) will include all of the streets from List #1, as well as any new street petitions that are confirmed and accepted after adoption of the amended procedure. List #2 will be ranked according to relative need using a new evaluation and scoring method (Attachment 1). Streets on List #1 will be scored using the new evaluation method and placed in their appropriate ranking order on List #2. New petition streets accepted after adoption of this revised process will be scored and placed in the appropriate ranking order among the streets on List #2. Every five years, each street on List #2 will be reevaluated and prioritized according to its revised condition ranking.

III. The evaluation and scoring of streets is based on the cumulative average score after individually evaluating each lot on the street using five specified criteria:

1. Parkway tree specie
2. Condition of parkway tree
3. Condition of sidewalk
4. Condition of curb and gutter
5. Presence/severity of standing water

A copy of the proposed evaluation form is provided as Attachment 1. The evaluation provides a numerical ranking of individual criterion, which allows staff to derive a total score for the lot and a cumulative average score for the street. The cumulative score determines the street's priority ranking order on List #2.

IV. Residents may continue to petition for tree removal and street reconstruction. A copy of the proposed amended Residential Street Tree Petition process is provided as Attachment 2. As suggested by City Council at the January 16 Study Session, the BLT will review the updated petition forms prior to implementation to ensure that the form clearly enumerates the process to all signing participants. New petition streets will be scored and ranked on List #2. With the change to a numeric score based on the actual condition of the trees and infrastructure, the revised petition process is more equitable in assessing the degree of need for repair. The revised process clearly describes the procedure to minimize misunderstanding of the City's or the petitioner's responsibilities by establishing several guidelines, including:

- Ensure valid participants are the property owners
- Notify all owners that the petition has been accepted
- Advise the owners of proposed action well in advance of contract award
- Establish guidelines for removal from list, and counter-petitions

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The committee determined that the best means to ensure equity for the community would be to split future allocated funding evenly between the two lists. The new process would direct half of the annual funding to List #1 (until all streets are addressed), and half to List #2.

Inspection and evaluation of the streets on List #1, and three pending petitions will require approximately four months. Public Works does not have resources available to complete this task in the necessary time frame. Salary savings from vacant positions in the Maintenance Division are available to retain a consultant to complete the evaluations and expedite the formation of List #2.

Efforts will be made to inform the community of the street tree removal petition process through the City website and other public communications tools. The petition lists will be updated annually and posted on the website.

**Environmental Status:** Not applicable.

**Public Works Commission Action:** The Public Works Commission reviewed and approved this action on November 15, 2006 by a vote of 5-0-2 (Hart, Scheid absent).

**Attachment(s):**

| City Clerk's Page Number | No. | Description                                    |
|--------------------------|-----|--|
| 5                        | 1   | Evaluation Form                                |
| 7                        | 2   | Residential Street Tree Petition Process       |
| 11                       | 3   | PowerPoint Presentation dated January 16, 2007 |

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# ATTACHMENT #1



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**ATTACHMENT #2**

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## Residential Street Tree Petition Process

### PETITIONS

The following steps describe the process by which City of Huntington Beach residential property owners on a street may petition the City for removal of parkway trees and repair of damaged infrastructure on their street.

1. Residential property owner (Petitioner) requests a tree petition from Public Works.
2. Public Works furnishes Petitioner with a Residential Street Tree Petition Packet that includes Petition Forms, maps with affected lots highlighted, and a copy of this process.
3. Petitioner collects signatures from affected property owners on the street. Only affected property owners' signatures obtained on the City's Petition Form will be accepted.
  - a. A minimum of 75% of all affected property owners must sign for a petition to be accepted by the City.
  - b. Valid signatures are of owners per current property tax rolls. Only property owners may participate.
4. Petitioner submits petition form(s) to Public Works, and staff verifies owners using current property tax roll ownership data.
5. Once owners are verified and a minimum 75% consensus is established, Public Works sends a letter of acceptance to all property owners on the street, whether or not the property owner signed the petition. The acceptance letter includes an explanation of the scoring and prioritization process, and an explanation of counter-petition process.
6. Staff will evaluate and score each affected lot on the petition street to obtain the evaluation score, which determines the priority rank on the Residential Street Tree Petition List (List). All petitions include a date of acceptance, to be used in event of a tie in the numeric evaluation. Priority rank of petition streets having both the same numeric score and same date of acceptance will be ranked alphabetically.
7. Staff will reevaluate and score listed streets once every five years to ensure that the condition of all listed streets is reassessed regularly.
8. Listed streets will be scheduled for repair as funding becomes available.

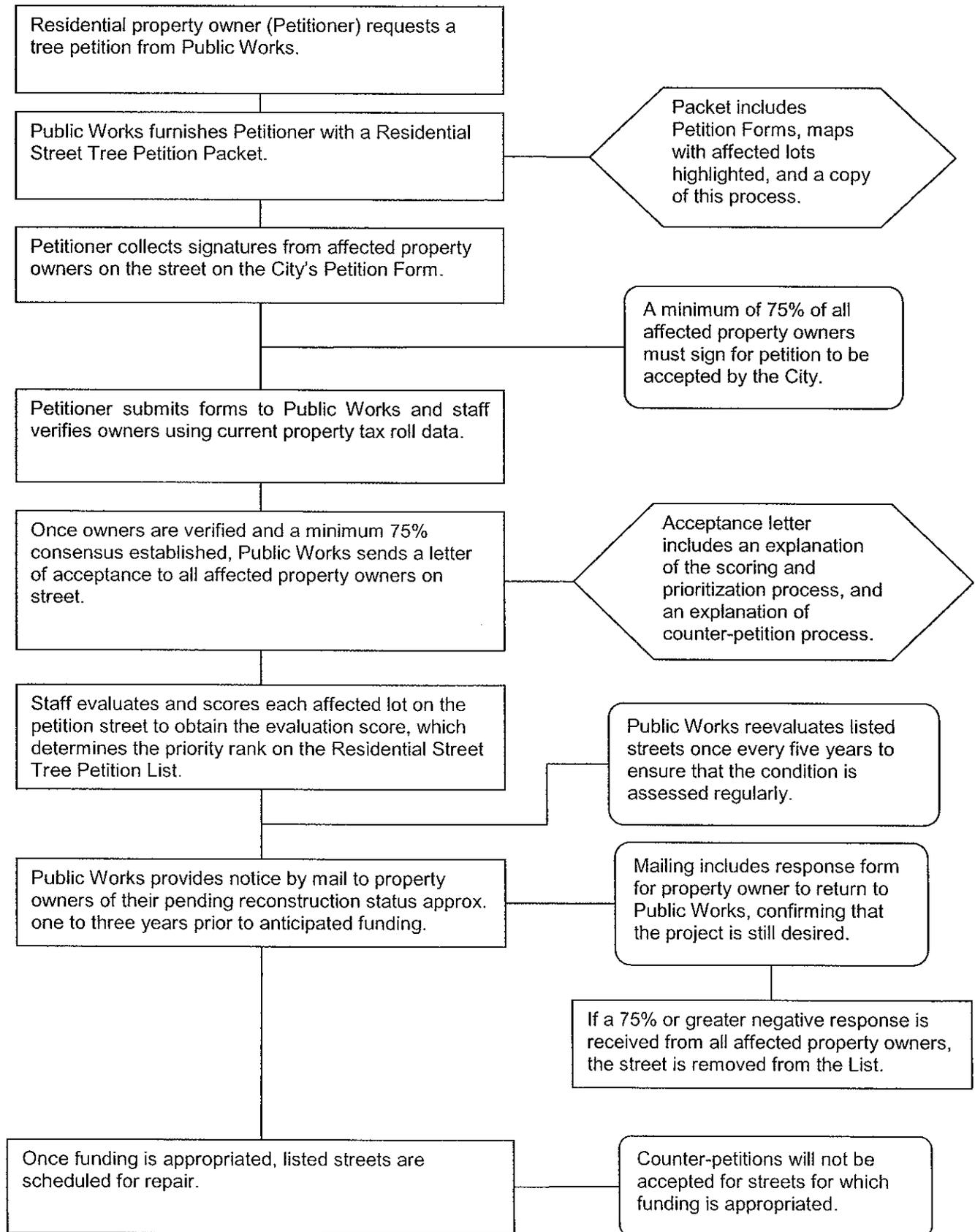
9. Approximately one to three years prior to anticipated funding for listed streets, Public Works will provide advance notice to property owners by mail of their pending status. Advance notification will include a return-mail response form requesting confirmation that the project is still desired.
  - a. If polling results in a 75% or greater negative response from all affected property owners, the street will be removed from the List.
  - b. Streets removed from List via polling will be allowed to re-petition in the future.
10. Once funding is appropriated for listed street(s), no counter-petitions will be accepted and there will be no further options for removal from List.

### COUNTER-PETITIONS

The following steps describe the process by which City of Huntington Beach residential property owners whose street is included on the Residential Street Tree Petition List (List) can remove their street from the List. The City reserves the right to proceed with repairs to any street, alley, or public right-of-way and with removal of any city-owned tree(s) in the interest of public health, safety, and welfare, regardless of Counter-petition status.

1. Property owner (Counter-petitioner) requests Counter-petition packet from Public Works. No counter-petitions will be allowed for streets for which funding is currently appropriated.
2. If eligible for Counter-petition, Public Works furnishes Counter-petitioner with Counter-petition forms, maps with affected lots highlighted, and a copy of this process. Only affected property owners' signatures obtained on the City's Counter-petition Form will be accepted.
3. Counter-petitioner collects signatures from affected property owners on his/her street.
  - a. A minimum of 75% of all affected property owners must sign for counter-petition to be accepted by the City.
  - b. Valid signatures are property owners per current property tax rolls. Only property owners may participate.
4. Counter-petitioner submits counter-petition form(s) to Public Works, and staff verifies owners through current property tax roll ownership data.
5. Once owners are verified and a minimum 75% consensus is established, Public Works sends a letter notifying all affected property owners on the street of the street's removal from List. The letter includes an explanation of the counter-petition process.

# Residential Street Tree Petition Process



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# ATTACHMENT #3

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**City of Huntington Beach  
Public Works Department**

**Residential Street Tree  
Petition Process  
*Proposed Revisions***

January 16, 2007

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**Why Revise the Process?**

Requested by City Council in August 2006 to:

- Equitably deal with streets on the established petition list
- Ensure streets added to the petition list are ranked according to relative need
- Ensure the revised process and the city's responsibilities are clearly stated

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## Existing Tree Petition Process



- Allows property owners to request parkway tree removal & repairs to damaged infrastructure
- Streets ranked in order received
- Reconstruction scheduled as funding becomes available
- Current list contains 84 streets

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## Revised Tree Petition Process

- List #1
  - Retains the existing ranking by date received
  - Limited to the current 84 streets
- List #2
  - Streets will be scored and ranked by degree of need
  - Existing 84 streets will be incorporated
- Numerical scores based on:
  1. Tree specie
  2. Tree condition
  3. Sidewalk damage
  4. Curb and gutter damage
  5. Presence/severity of standing water

4

## **Proposed Funding Process**

- Available budget will be split evenly between the two lists
- Funding split balances the date received list and newly listed streets with the greatest need
- Establishes process to notify owners in advance of funding, to confirm the project is still wanted

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## **Proposed Tree Petition Process**

- Residents may continue to petition for tree removal and street reconstruction.
- The proposed changes include:
  - Only property owners may sign petition
  - Each affected property owner will be notified of petition acceptance
  - Advance notification and confirmation prior to commencement of work
  - A counter-petition process to remove street from list

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