



Agenda

Board of Directors
Kensington Police Protection
and Community Service District
Regular Meeting
Wednesday, November 30, 2022
Via Teleconference
7:00 p.m.

www.kppcsd.org/2022-11-30-kppcsd-board-special-meeting

The page at the URL above will have instructions on how to join the online meetings.

On September 16, 2021, the Governor signed into law AB 361. AB 361 added Section 54953(e) to the California Open Meetings Act, California Government Code 54950 et seq. (“The Brown Act”). Section 54953(e) allows District’s legislative body, the Board of Directors, to hold meetings by teleconferences during a proclaimed state of emergency subject to the Board making findings specified in Section 54953(e)(2). The Board may continue to hold teleconferenced meetings during the state of emergency so long as at least every 30 days, the Board reconsiders the state of emergency to determine if remote meetings are warranted under Section 54953(e)(3). When holding teleconferenced meetings, the Board must comply with the notice, access, public comment and other procedure requirements of Section 54953(e)(2).

Call to Order

Roll Call

Special Meeting Agenda Item Public Comments

*Individuals wishing to address the Board of Directors concerning any Special Meeting agenda items on the agenda are invited to make oral comments of up to three minutes. Please raise your hand via Zoom. When the Board President calls on you, you will be unmuted and you can address the Board of Directors. Please state your name clearly for the audio recording. Please address your comments to the President and Board of Directors and not to staff and/or the audience. By state law, the Board is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the Board, please mail it to the Clerk of the Board at **10940 San Pablo Avenue, Building B, El Cerrito, CA 94530** or email to llewis@kppcsd.org.*

Call to Order

Roll Call

Discussion and Action

1. Removal of Dead and Diseased Trees in Kensington Park

Recommended Action: After review of reports from independent arborists, consider limiting the tree work and excluding those trees possibly located on school district property; seek options for replanting plans.

Contact: Anthony Constantouros, Interim General Manager, tconstantouros@kppcsd.org

2. Update on KCC Contract

Recommended Action: Update on the status meetings of a new agreement with the KCC.

Contact: Tony Constantouros, Interim General Manager, tconstantouros@kppcsd.org

Adjournment

The next regular meeting is scheduled for December 8, 2022.

General Information

- All proceedings of the Open Session will be audio and video recorded if possible.
- Upon request, the Kensington Police Protection and Community Services District will provide written agenda materials in appropriate alternative formats or disability-related modification of disabilities to participate in public meeting. Please send written request, including your name, mailing address, phone number, and a brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two days before the meeting. Requests should be sent to Kensington Police Protection & Community Service District, **10940 San Pablo Ave., Building B, El Cerrito, CA 94530**.
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Posted Agenda

Public Safety Building – Colusa Food – Arlington Kiosk and at www.kppcsd.org. Complete agenda packets are available at the Kensington Police Protection & Community Service District, **10940 San Pablo Ave., Building B, El Cerrito, CA 94530**.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Service District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the **District offices, 10940 San Pablo Ave., Building B, El Cerrito, CA 94530** at the same time that those records are distributed or made available to a majority of the Board.



Date: November 30, 2022
To: Board of Directors
From: Tony Constantouros, General Manager
Subject: Removal of Dead and Diseased Trees in Kensington Park

Recommendation:

After review of reports from independent arborists, consider limiting the tree work and excluding those trees possibly located on school district property; seek options for replanting plans.

Background:

At the October 13, 2022 Meeting, the Board of Directors authorized the Interim General Manager to negotiate and execute a contract with Professional Tree Care Company for removal of specified diseased, distressed or dead trees in the park, subject to the General Counsel's approval as to form. The work was scheduled to begin on November 21. The project was widely publicized in the community and a number of residents raised objections to this project. The concerns included whether the County Heritage Tree Ordinance was applicable, whether some trees were located on school district property, and the need for an objective arborist evaluation who was not involved with the project. Based on public concern and the questions raised, the project was postponed and placed on tonight's Special Meeting agenda for further consideration.

In further researching this project, it was determined that (1) the heritage tree (tree preservation) ordinance was not applicable, (2) research on whether some trees were located on school district property has not been fully resolved, and (3) several arborists were contacted to present an independent professional opinion.

Discussion and Analysis:

In addition to the original arborist report provided by Professional Tree Care, the District obtained two additional reports. All these reports are attached and there are some different perspectives on what trees should be removed. These arborists have been asked to attend tonight's meeting. In addition, a group of citizens obtained an additional arborist evaluation who has indicated that he would also attend the meeting.

Removal of Dead and Diseased Trees in Kensington Park

November 30, 2022

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Due to the significant issues of safety and liability it is recommended that any trees, where there is a consensus for disposal, should be scheduled for removal at the earliest available opportunity. The Board also has the option of continuing with the original project, obtaining other information, or deferring the project. If the Board decides to continue with the original project, it is recommended that the District either obtain an agreement with the school district or defer work on the trees that may be located on their property.

Fiscal Impact:

An expenditure of \$61,120 was originally authorized. Any reduction in the scope of work will result in a lower cost.

Exhibits:

- Bay Area Plant Consultants (Judith L. Thomas)
- Arbor Culture Consulting (Thomas Dodge)
- Professional Tree Care (Craig Hancock)

Exhibits from October 13, 2022, Agenda:

- [Item 10 Tree Removal AR.pdf](#)
- [Item 10 10a Professional Tree Care.pdf](#)
- [10b Davey Proposal.pdf](#)
- [Item 10c Trees in Park photos.pdf](#)

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and Eileen Nottoli <ENottoli@kppcsd.org>

EVALUATION OF THE RISKS ASSOCIATED WITH TREES IN KENSINGTON, IN THE KENSINGTON PARK

SUMMARY

On 11/25/2022 I made a site visit to the Kensington Community Center to meet Eileen Nottoli and to walk the area in the heart of the area up to the schools, to view a number of Monterey pines, an oak, and other trees that are in poor condition. The images of the trees in Appendix A were taken in the order they were observed.

The primary issue is the risk to safety and property posed by failure of any of the trees in Kensington Park. My risk assessments are based on the Tree Risk Assessment methodology used by the International Society of Arboriculture by Certified Tree Risk Assessors, by my many years of experience, and by the scientific literature. In my expert opinion, the ages, observed growth habits, wind directions as well as proximity to areas where people walk and play can pose hazards here. The height of the trees coupled with the proximity of long limbs that cannot be pruned back will result in failed branches or trunks causing harm to targets that cannot be moved. Most of the Monterey pines are so top-heavy that they could fail in the wind. The risks to the people and property are high in this area. The other trees listed are dying due to drought; and some require pruning to reduce their tops.

A second issue is fire. These trees have very large canopies and crowns¹ and pines are explosive in fire. Flames can easily be three times the height of the vegetation; and winds could spread fire near these trees to the surrounding buildings and to the nearby neighborhoods.

¹ Please refer to the Glossary of Terms.

I recommend the removal and pruning of the trees listed below, in order to mitigate the high risk to the nearby people and properties from tree failure and fire. Pruning and/or topping² the pines will not work, since these trees are already very old, stressed, and are susceptible to wind-throw in the future. Some other trees that are dying from drought should be removed. And some oaks and the ornamental pear would benefit from crown reductions.

INTRODUCTION

BACKGROUND AND HISTORY

I was contacted by the both Eileen Nottoli and Tony Constantouros, first on 11/17/2022 and then again during the site visit and subsequent phone calls and emails. I was asked to provide an independent professional opinion regarding the tree removal project that had been approved by the Board Directors at their meeting of October 10, 2022. I was told that a contract with Professional Tree care was approved and the work was scheduled to begin on Monday, November 21st. You both told me that a number of public concerns have been raised and they have attempted to list the major issues in a draft FAQ's. I was asked to visit the site with Eileen Nottoli and to provide my objective answers to those questions related to the trees. The questions and my answers are listed in the Analysis and Testing Section of this report. I was also told that there will be a Zoom board meeting on 11/30/2022, where I am to be present; and you asked for this report prior to that meeting. You also wrote that, in recent years, three large trees have fallen in the park. A large Monterey pine fell in 2011 with the main trunk falling between two houses on Arlmont. And another large Monterey pine below Highland recently fell, as did one near the Annex.

I told you that I would have this report prepared by 11/28/2022, and that this community is very important to me, because my children, (who are now in their early 50s,) were raised from a very young age in a house on the corner of Westminster and Windsor, where my first husband still resides. My kids also attended Kensington School, Portola Jr. High and El Cerrito High School before leaving home for college. We used the park and the library for all of those years.

I performed a site visit on 11/25/2022 and walked the area with Eileen Nottoli - to see all of the trees listed below. My opinions and conclusions are my own, based on my years of teaching and consulting.

ASSIGNMENT

I was asked to evaluate the risk that the trees pose to the safety and property of people in the area, based on my observations, experience, expertise and by the scientific literature; and I was also asked to prepare this report, describing my observations, opinions, conclusions and recommendations regarding these trees.

² Please refer to the Glossary of Terms.

LIMITS OF THE ASSIGNMENT

My report is based on my observations along with some photos of the trees and the site taken by me in Appendix A.

I have no personal interest in or bias with respect to the subject matter of this evaluation report or the parties involved. I have inspected the subject trees and, according to my knowledge and belief, all statements and information in this report are true and correct and are based on my education and experience.

PURPOSE AND USE OF THE REPORT

The purpose of this report is to document my site visit, to identify the trees and the area in question, and to describe my observations, conclusions and recommendations regarding the removal of these trees.

OBSERVATIONS

I looked at all of the trees described and have included some images of the trees in Appendix A. Eileen Nottoli and I walked through the entire area, and the plants are described as follows:

1. A very large Monterey pine infested with beetles that had been previously topped along the road above the community center near the fire road to Hilltop, where children walk. It has dead bark at the bottom.
- 2-3. Two dead Monterey pines below Hilltop and at the north end of the park.
- 4-8. Four Monterey pines infested with beetles (and previously topped) along Highland plus one below Highland with rot at the base where children play.
- 9-12. Four Monterey pines below Highland infested with beetles with large branches looming over areas where children play. Tree #9 has a double trunk with included bark.
13. Monterey pine infested with beetles below the southwest end of Hilltop.
- 14-17. Four Monterey pines infested with beetles below the southwest end of Hilltop and along the road where children walk.
18. One Monterey pine infested with beetles below Hilltop at midpoint along the back of the park with limbs looming over the Hilltop playground.
- 19-22. Four Monterey pines infested with beetles below Hilltop at midpoint along the back of the park and along the road where children walk.
23. A dead acacia in the picnic area by Windsor.
- 24-27. Four distressed acacia trees in the picnic area by Windsor.

- 28-29. Dying redwood trees in the picnic area by Windsor.
30. Monterey pine leaning over in the picnic area by Windsor
31. Dead Monterey pine in the picnic area by Windsor.
32. Large coast live oak along the walkway two Building E with exposed roots along an eroding hillside.
33. A Monterey pine with a double leader that is very top heavy.
34. An ornamental pear by the rest room has a double leader and is very top heavy.

ANALYSIS OR TESTING

The questions I've been asked to answer are as follows:

1. Can the trees with beetles be treated?

My answer is "no." The trees have been drought stressed for years, and the beetles have invaded because the trees were unable to produce enough pine pitch to push them out. There is no way that any insecticide can kill them, or repair the damage that has already been done to them.

2. Are Monterey pines more prone to dropping limbs or falling over?

My answer is "yes." As described in the Discussion and Conclusions section, Monterey pines have been found to be particularly failure prone compared to other tree species. I've had many consulting jobs involving old Monterey pines. In one case, a Monterey pine belonging to my client's neighbor fell into his house and destroyed his kitchen; and he had to move out of the house for six months while the kitchen was rebuilt. Then his insurance company cancelled his insurance policy because his neighbor still had Monterey pines. In another case, my clients were afraid to use one of their bedrooms due to a huge pine that overhung their house and had caused a lot of damage to their back deck. The neighbors, both attorneys, had refused to remove the tree until I wrote a letter describing the situation to them. The tree was subsequently removed.

3. Have the Monterey pines along Highland been topped? And are Monterey pines that have been topped more prone to falling?

My answer is "yes," because there are some multiple trunks above the areas where they've been cut back in the past. Pines with multiple trunks and many branches emerging from one spot have major points of weakness in those locations. Trees with co-dominant trunks³ with included bark⁴ can be quite prone to failure.

³ Please refer to the Glossary of Terms.

⁴ Please refer to the Glossary of Terms.

4. Can one predict which trees may be more at risk of dropping a limb or falling?

My answer is “no,” because all of the trees are very old, and they can fail from many different spots - depending on the wind, the weight of tree limbs, and whether or not the crowns of the trees are unbalanced. The material in the Discussion and Conclusion describes this in greater detail.

5. Are diseased trees more at risk of falling?

My answer is both “yes” and “no,” because Monterey pines can fail in many places - even from healthy wood. But those trees that contain fungal rot can be much weaker in those spots.

6. Why is one oak being removed? can there be some structure put around the roots to save it.

My answer is that the tree is being removed because it is in very poor condition, due to a lack of water for years and the fact that much of the root system on one side has no soil to help the tree. There is no real way to save it; and replanting the area with new trees is the best solution.

7. Why were there differences in the bids?

My answer is that Davey didn't bid on some of the trees that The Professional Tree Care Company did, and companies have different methods for bidding their jobs.

8. Is there a benefit to removing trees over a longer period of time? Six months? A year?

My answer is “no.” First, it will be much easier to have all of them removed at the same time, due to monetary concerns. Tree companies tend to charge less for removing a number of trees all at once; and removing some later will mean that they will cost more to remove. In addition, by removing all of the trees now, it will be much easier to re-landscape the areas with new trees that need full sun to grow. Leaving old trees, with shade that wouldn't help new trees to establish, is not a good idea.

9. Can the work be deferred for a year or longer?

My answer is “no.” Deferring the work means that it will cost more in the future, when the money may no longer be available. And, for safety concerns, the work on these plants should be done now.

10. Are other local agencies also removing Monterey pines?

My answer is “yes.” The East Bay Regional Parks District is removing many of them as money permits. This can be seen on Grizzly Peak near the corner of South Park Drive and in other areas. In addition, my homeowner association, the Sequoyah Heights Homeowners Association in the Oakland hills, is systematically removing as many of them as possible - while they are still young. There are far better plants that can be used, and we're converting to a mediterranean look. Also, Monterey pines are not native here - but only to coastal Monterey County, Cambria, and a few other spots. The liability of these trees far outweighs the risks.

11. When can a replanting plan be identified and implemented?

My answer is that it should be done as soon as possible. This is described in my Recommendations section; and a committee of homeowners could work with your managers to implement replanting options.

12. Who is responsible if someone is injured or if there is any property damage by a falling tree?

My answer is that the agency that develops your budget is probably responsible. And, if the tree work is done now, there is a much smaller chance that your insurance rates would go up. Even one more tree failure at this time could increase your insurance rates.

DISCUSSION AND CONCLUSIONS

It is my opinion and conclusion that I am in complete agreement with The Professional Tree Care Company regarding their opinions and recommendations. The pictures in Appendix A illustrate the fact that the Monterey pines are old and in decline, and pose hazards to the people who use these areas. As an arborist,⁵ it is my opinion and conclusion that they are over 60 years old, (the average life of Monterey pines in this area,) and are an undesirable species⁶ in urban areas. They pose a high risk to people's safety and property - primarily from falling branches.

After the 1991 Oakland hills fire, I attended a large meeting of foresters and arborists; and we were told that the fuel load that burned in this fire was about half houses and half a combination of eucalyptus and Monterey pines. Monterey pines are known to be fast-growing and relatively short-lived. They tend to produce new growth on the ends of the new branches, with little new growth farther down the trunks and branches. On Monterey pines, the new growth shades out the old growth; and then the old growth is shed. Over time the branches become end-weight heavy and then break off.

The California Tree Failure Report Program (CTFRP), now called the Western Tree Failure Database (WTFD), was established in 1987 to collect quantitative information on the mechanical failure of urban trees (trunk breaks, branch breaks, and uprootings). This information is used to develop "failure profiles" for genera and species to more accurately assess failure probability in standing trees and thereby reduce failure potential in urban forests. According to this program, in an article on the Monterey pine structural failure profile published in the spring of 2015 in *Western Arborist* magazine, the key findings were as follows:

Branch and root failures comprise 72% of Monterey pine failure reports (37% and 35% respectively).

⁵ Please refer to the Glossary of Terms.

⁶ Please refer to the Glossary of Terms.

Most branch failures (51%) occurred under moderate wind conditions (5 and 25 mph), followed by failures in low and high wind (32% and 17% respectively). trunk and root failures were both more common at high wind speeds (42% and 46% respectively).

The majority of branch (64%) and root (73) failures occurred when there was some form of precipitation, while trunk (52%) failures generally occurred during dry conditions.

Decay was associated with 11%, 51% and 27% of branch, trunk, and root failures, respectively.

The majority of the decayed portion of the cross-sectional area at the point of failures was under 25% for branch failures (65%) and under 50% for both trunk (62%) and root (81%) failures.

Branch failures were more common along the length of the branch than at the attachment (70% of cases.)

Heavy lateral limbs are the primary defect associated with branch failures, occurring in 72% of cases, followed by multiple branches and dense crown.

Trunk failures were more common above ground level (77%). Most failed trunks were between 13 to 24 inches in diameter at the point of failure.

The most common defects associated with trunk failures were dense crowns, leaning trunk, failed portion dead, and multiple trunks.

The most common defects associated with root failures are leaning trunk, unbalanced crown, and dense crowns.

In addition to this information, according to the publication entitled *Patterns of Structural Failure in Monterey Pine*, by Roger J. Edberg, Alison M. Berry and Laurence R. Costello in the Journal of Arboriculture 20(6): November 1994, Monterey pines were found to be particularly failure prone compared to other tree species in Golden Gate Park, San Francisco, CA. Close to 60% of Monterey pine failures reported in the California Tree Failure Report Program database were limb failures, rather than trunk or root failures, and most of these were considered to be heavy lateral limbs - a structural defect. The majority of limb breakage occurred away from, rather than at the point of attachment, suggesting a wood strength problem. Decay was not frequently associated with Monterey pine failures at any location on the tree. In addition, the branch failure rate for Monterey pine trees reported from other areas outside the park was significantly higher than that for all other trees in the database grouped together. Branching architecture, as well as branch strength, apparently contribute to the failure potential.

RECOMMENDATIONS

As a consulting arborist with a master's degree in fire ecology, I recommend the removal of all of the pines listed in The Professional Tree Company bid - in order to mitigate the high risk to people in the

park from future falling limbs or trees - since they are old, unsafe, prone to failure and are a fire hazard to the area. All of the trees are top heavy. Pruning and/or topping these trees isn't feasible due to the lack of inner growth on the side branches along the trunks. Currently some of the areas under some trees appear dark and gloomy, particularly near the school. The bid from Davey allowed for the retention of single Monterey pines in some areas, which is unwise in my opinion, since, when a solitary tree is left that has been growing in a group, it becomes more subject to wind throw in storms. If the wood from these trees is chipped, it can be spread as mulch throughout the park to cover the areas of bare soil.

I also recommend the removals of the cherry trees, liquidambar, acacias, redwood trees and the 30" live oak with the double trunk along the walkway from the parking area to Building E that are listed on The Professional Tree Company bid. Our continuing drought has caused many plants to die; and they should be removed.

In addition, I recommend the pruning of the four live oaks across from the basketball area and the one next to the swings as specified. Finally, the ornamental pear next to the restrooms should also be included with the work to be done. It should be crown reduced - as it has a double trunk, is top heavy, and is leaning to one side.

As a life member of the Mediterranean Garden Society, and as a retired landscape horticulture instructor from Merritt College, I recommend that the areas where these trees are located be replanted with "groves" of olives (*Olea europaea* 'Swan Hill', that are fruitless), or that selections of Chinese Pistache (*Pistachia chinensis* 'Red Push'), Persimmons (*Diospyros kaki* 'Fuju'), Hybrid Strawberry Tree (*Arbutus* 'Marina'), lemons (*Citrus limon*) and cork oaks (*Quercus suber*) be installed to give a more modern mediterranean look. One could also plant native shrubs in the area, such as huckleberry (*Vaccinium ovatum*), hazelnut (*Corylus cornuta californica*), and Pink Flowered Currant (*Ribes sanguineum glutinosum*) to attract native wildlife, or dark blue cultivars of the the non-native Blue Cape Plumbago (*Plumbago capensis*.) In addition, both native and non-native salvias could be used; and if ground covers are desired, specimens of ground cover manzanita (*Arctostaphylos uva-ursi*) and *Dymondia margaritae* could be used.

Trees in 5-15 gallon can sizes can be installed in holes between the roots of the old Monterey pines once they are removed; and small plants tend to root several times faster than large specimens. They also root faster in areas where old tree roots are left than if planted in soil where no old tree roots are found. The area definitely needs an upgrade, and these areas would then become sunny, open and inviting to people and to wildlife. If you or the homeowners contact Chris Grampp in the Landscape Horticulture Department at Merritt College, at cgrampp@peralta.edu, his landscape design students might even be willing to do designs of how the new areas could look. I took many classes of students to the Blake Estate in the past, and your park might also become a place where plant identification and design classes from Merritt College could visit.

Glossary:

- arborist..... "Arborist" means anyone who possesses the technical competence through experience and related training to provide for or supervise the management of trees and other woody plants. A certified arborist is a person who has passed a series of tests by the International Society of Arboriculture (ISA) and is governed by ISA's professional code of ethics.
- canopy or crown ... This is defined as the leaves and branches of a tree, from the lowest branch on the trunk to the top of the tree.
- co-dominant branches/co-dominant stems: forked branches of nearly the same diameter; arising from a common union and lacking a branch collar; may have included bark.
- included bark..... is bark that becomes embedded in the union between branch and trunk or between co-dominant stems. Lacks wood connections, resulting in a weak structure.
- topping..... is eliminating the upper portion of a tree's trunk or main leader.
- undesirable species... "Undesirable species" is any tree species which possess any or all of the following characteristics: fast growth, large size, extreme flammability, poor structure, invasive roots, introduced species and relatively short life-span.

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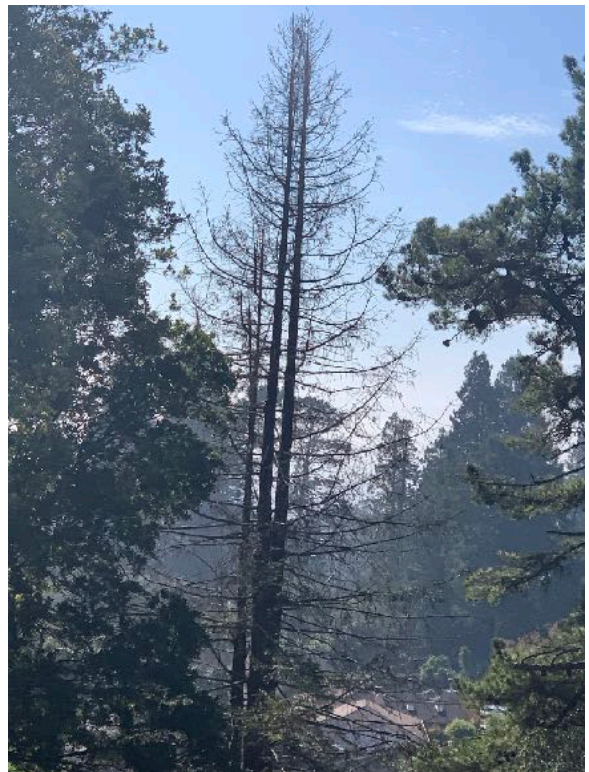
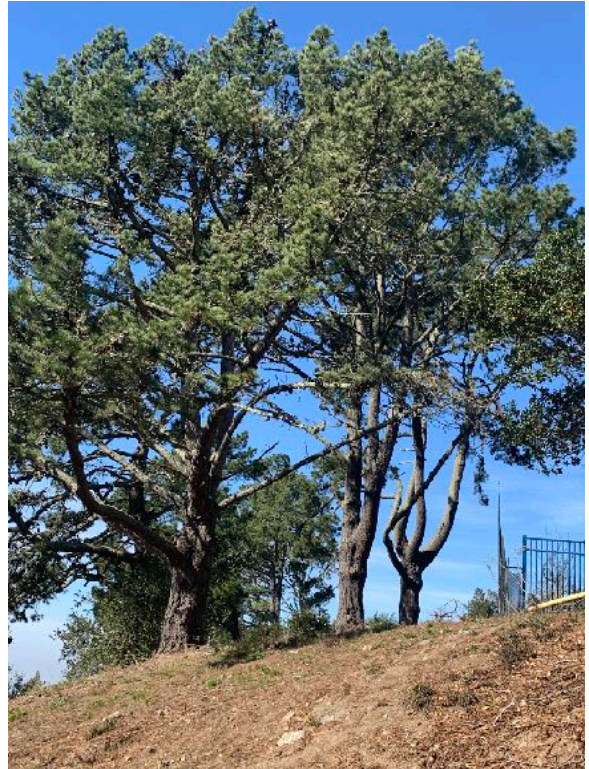
Patterns of Structural Failure in Monterey Pine, by Roger J. Edberg, Alison M. Berry and Laurence R. Costello in the Journal of Arboriculture 20(6): November 1994

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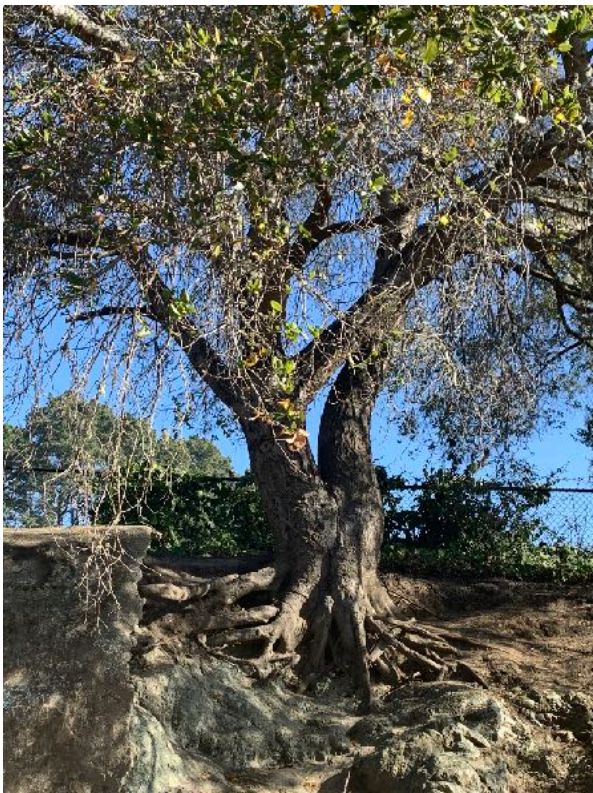
APPENDIX A Images #1- #4 Views of Monterey pines near Highland to Hilltop along the road. They are infested with beetles and have long branches that can break. Evidence of prior topping can be seen where multiple trunks have originated.



APPENDIX A Images #5- #9 Views of other top-heavy Monterey pines, a row of distressed acacias, a dying redwood, and a double-trunked, top heavy Monterey pine



APPENDIX A Images #10 - #13 Views of the double-trunked ornamental pear that needs a crown reduction by the restroom and the large oak behind it that should be removed due to its very poor condition and exposed roots. A healthy oak in the park, shown below on the bottom right, illustrates how a healthy oak should look.



Organizations and Forms:

American Society of Consulting Arborists, 1300 Piccard Drive, Suite LL 14, Rockville MD 20850, 1(301) 947-0483. ASCA members are skilled in tree and other plant identification evaluation diagnosis and repair.

International Society of Arboriculture, 270 Peachtree Street, NW Suite 1900, Atlanta GA 30303, P.O. Box 191 Annapolis Junction MD 20701.

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information you provide.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

I, Judy Thomas, certify that:

I have personally inspected the trees and the properties referred to in this report and have stated my findings accurately.

I have no current or prospective interest in the vegetation or the properties that are the subject of this report and have no personal interest or bias with respect to the parties involved.

The analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts.

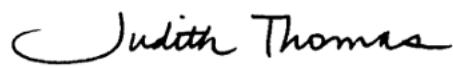
My analysis, opinions and conclusions were developed and this report prepared according to commonly accepted arboricultural practices.

No one provided significant professional assistance to me.

My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member in good standing of the American Society of Consulting Arborists and the International Society of Arboriculture. I have been involved in the field of Arboriculture since 1977.

Respectfully submitted,



Judy (Judith) Thomas
Bay Area Plant Consultants
November 28, 2022

JUDITH L. THOMAS
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SERVICES OFFERED

PLANT CONSULTATIONS

- Identification of Trees, Shrubs, Groundcovers, Vines and Turf Types
- Landscape Design and Plant Selection for New Landscapes with Consideration for Drought, Fire, Freeze and Ease of Maintenance
- Modification of Existing Landscape Designs
- Replacement Plant Selection for Established Gardens
- Specifications for Planting, Pruning and Long Term Care
- Specifications for Establishment of New Turf Areas
- Pre- and Post-Construction Site Preservation Measures
- Casualty Loss Assessments for Landscapes Damaged by Fire, Flood, Drought or Negligence
- Value Appraisal of Landscape Plants
- Arbitration of Tree Disputes

LANDSCAPE MANAGEMENT

- Landscape Appraisal, Evaluation and Inventory
- Tree Hazard Evaluation
- Tree and Landscape Problem Identification
- Recommendations for Long Term Care of Plants
- Assessment of Plant Health and Site Restrictions for Plant Growth
- Tree Preservation for Construction Sites
- Tree Care Supervision

RESUMÉ

- Board Certified Master Arborist WE-0113B and Tree Risk Assessment Qualified with the International Society of Arboriculture; Registered Consulting Arborist #484 with The American Society of Consulting Arborists; Aesthetic Pruning Certificate from Merritt College, 1998; Certified Aesthetic Pruner with the Aesthetic Pruners Assoc., 2011.
- Retired 5/26/07 as a Full-time Landscape Horticulture Instructor, Merritt College, Oakland CA (1977-2007); taught courses in Arboriculture, Forestry, Plant Diseases, Turf Management, General Horticulture, Ecology, Plant Terminology and identification courses in Trees, Shrubs, CA Native Plants, Groundcovers & Vines and Herbaceous Plants. Past President of the Northern CA Turf & Landscape Council (NCTLC), and editor of their quarterly online newsletter. Serves on the N CA Advisory and Executive committees of the Mediterranean Garden Society.
- Member of the American Society of Consulting Arborists, the California Arborist's Association, Inc., the International Society of Arboriculture, the Aesthetic Pruners Association, the CA Horticultural Society, the CA Native Plant Society, and the Diablo Firesafe Council.
- Has a Bachelor's degree in Biology from Stanford University. Holds a Master's degree in Biology from San Jose State University and a Master's Degree in Education from Stanford University. Received the 1985 Education Award from the Northern CA Turf and Landscape Council.
- Serves as a featured speaker for the East Bay Master Gardener Program, the International Society of Arboriculture, the NCTLC, the Diablo Firesafe Council, the Nevada Shade Tree Conference, the N CA Landscape Expo. and numerous garden clubs and civic groups. Has been an education chair for the I.S.A., an editor for the Ortho book *Gardening Techniques* and was a 1985 Horticultural Delegate to China. Her garden was photographed for two Sunset books and was one of those featured on the Park Day School tour in 1989. Her new garden has been described in the MGS Journal No. 57 in July 2009.

Arbor Culture Consulting



Client: KPPCSD

c/o Eileen Nottoli

Address: 59 Arlington Avenue

Kensington, CA 94707

Date: November 26, 2022

Summary

All of the pines are affected by pests and disease and are in a significant state of decline. Most have a low live-crown ratio (LCR), which is the ratio of live crown length to total tree height, and many have significant stem-girdling roots. Both of these conditions have been associated with tree failure. I recommend the trees adjacent to Kensington Park Road and Highland Boulevard be removed, as well as the two dead trees behind the community center. I recommend the dead and dying trees in the low traffic areas be retained for wildlife habitat, though consideration may be given to fire concerns, costs, and scheduling logistics. The oak should be pruned and retained.

Introduction and Assignment

Ms. Nottoli contacted me to assess a group of trees at Kensington Park that are being considered for removal. My assignment was to inspect the trees identified during our walk-through and provide a report. The report is to include a health and structure assessment; a suitability for preservation rating, based on the current condition of the trees and how they are interacting with the surroundings; and recommendations for removal or preservation.

Methods and Limitations

On November 22, 2022, I performed a visual assessment of the trees included in this report located at Kensington Park. I looked at pine trees along Kensington Park Road and Highland Boulevard, a small grove of acacias and a small grove of pines west of Windsor Avenue, an oak on the bank at the southeast corner of the basketball courts, and two pines east of the community center (Figures 1-2, pages 7-8). These trees were identified during a walk-through with Ms. Nottoli and correlate with the recently submitted tree removal proposals. The trees are referred to numerically starting south of the community center and going up Kensington Park Road to Highland Boulevard, then down to Windsor Avenue. The acacias and pines west of Windsor Avenue are numbered as two separate groups and the two pines east of the community center are numbered as one group. I examined the current condition of the trees and surrounding site, and took photographs of the trees for reference. A rating of (0) to (5) was assigned based on the relative condition of the trees (*Trees and Development... Matheny and Clark 1998*) with (0) indicating a dead tree and (5) being excellent. The suitability for preservation of the trees (good, moderate, poor) was assessed based on the health, structure,



age, and known species factors; and how they may interact with the immediate surroundings (Table 1: Tree Assessment, page 4). Photos are included for perspective and to demonstrate certain conditions that are described in the report, but photos of every tree and each tree with the same condition are not included. No soil or foliar samples were taken and no aerial inspection was performed. No laboratory testing or analysis was done.

Tree Observations

See Table 1: Tree Assessment, page 4.

Conclusion

Monterey pine (*Pinus radiata*)

All of the pines are in decline and suffering from a combination of issues. There is evidence of pine bark beetle (*Ips sp.*) which attacks the cambial (vascular) layer between the bark and wood resulting in girdling of branches and stems which then die. This is initially evident by yellowing and bronzing of the needles and then the death of branches and stems. Also present is the red turpentine beetle (*Dendroctonus valens*) which attack the cambial layer on the lower stem of older and/or stressed trees. This pest is distinguished by reddish pitch tubes and frass originating on the lower stem (Photos A, F, and O, pages 9, 10, and 13). In addition to these pests, many of the pines also have pine pitch canker disease (*Fusarium circinatum*) which is a fungal disease that causes infections (cankers) that can girdle branches, exposed roots, and the main stems (trunks) of pine trees. Multiple branch infections can cause extensive dieback in the crown of the tree and may lead to tree mortality (*UC IPM website*). Indications of pine pitch canker are large globular accumulations of sap, exudation of sap from bark lesions that stains the bark, and depressed areas of wood where cankers have restricted wood growth (Photos F, H, pages 10-11). All of the pines are in the process of significant cone production which is often a response of stressed or dying trees that are in a mortality spiral. Nearly all of the trees adjacent to Highland Boulevard have stem-girdling roots which is a known structural defect.

Blackwood acacia (*Acacia melanoxydon*)

The small grove of acacias west of Windsor Avenue is in decline. There is one dead tree and several others that have dead tops and will continue to decline (Photo P, page 13). There are also two other trees that appeared to be dead from my vantage point and may be coast redwood (*Sequoia sempervirens*).

Coast live oak (*Quercus agrifolia*)

This tree is growing on a steep bank southwest of the basketball courts. There are several exposed roots and they are growing over what appears to be a natural rock formation (Photo S, page 14). The canopy is sparse with some dead branches, similar to some other trees in the vicinity. There is no indication the tree is likely to fail.

Discussion and Recommendations

Monterey pine (*Pinus radiata*)

All of the pines are affected by pests and disease and are in a significant state of decline. Many overhang, or are within the fall distance of, high use pedestrian and vehicle paths, play areas, and some are within the fall distance of the high voltage utility lines and a nearby structure.



While Monterey pine can live well over a hundred years in their native coast habitats, their lifespan is reduced when grown as a landscape tree and in hotter, dryer areas. They will continue to decline and the likelihood of branch or tree failure will continue to increase. I recommend removal of trees #1-11 along Kensington Park Road, #12-21 along Highland Boulevard, and the two trees east of the community center (#25). Consider preserving the small grove of pines west of Windsor Avenue (#23) because the likelihood of them failing and hitting a target is low, and they provide valuable wildlife habitat.

Blackwood acacia (*Acacia melanoxylon*)

There are dead and dying trees in this grove and they will all continue to decline. They are in an undeveloped area with no discernable pedestrian paths in the immediate area. Consider preservation of these trees because the likelihood of them failing and hitting a target is low, and they provide valuable wildlife habitat.

Coast live oak (*Quercus agrifolia*)

The oak should be preserved. Future pruning should consist of removing dead branches one inch in diameter or greater. Care should be taken to limit the removal of any live foliage to only what is necessary to meet the minimum clearance needs.

Submitted by,
Thomas Dodge



Table 1: Tree Assessment

Tree #	Species	Condition 0=dead 5=excellent	Suitability for Preservation	Comments
1	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Large deadwood and recent branch failures. There are dead sections at the base and evidence of beetle infestations (Photos A-B, page 9).
2	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Co-dominant stems with significant decline throughout the canopy and evidence of beetle infestations.
3	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Significant decline throughout the canopy and evidence of beetle infestations. Low LCR, all foliage is on the southwest side of the tree over the path.
4	Monterey pine (<i>Pinus radiata</i>)	1	Moderate	Small tree with co-dominant stems.
5	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Significant decline throughout the canopy and evidence of beetle infestations. Low LCR, all foliage is on the southwest side of the tree over the path.
6	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Significant decline throughout the canopy and evidence of beetle infestations. Low LCR.
7	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Significant decline throughout the canopy and evidence of beetle infestations and pine pitch canker. Low LCR, all foliage is on the southwest side of the tree over the path.
8	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with large co-dominant stems and significant decline throughout the canopy. A lean toward the playground and evidence of beetle infestations. See Photo D, page 10.
9	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Significant decline throughout the canopy and evidence of beetle infestations. Low LCR, all foliage on the southwest side of the tree over the path.
10	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with large co-dominant stems and significant decline throughout the canopy. A lean toward the playground and evidence of beetle infestations. See Photo E, page 10.
11	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Significant decline throughout the canopy and evidence of beetle infestations. Severe pine pitch canker infection and overhanging the path. See Photos G-H, pages 10-11.
12	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with co-dominant stems. Low LCR and large girdling root at the base. Evidence of beetle infestations and pine pitch canker infection. Within the fall distance of the high voltage utility lines on the east side of Highland Blvd.
13	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with co-dominant stems. Low LCR and a depressed area of limited growth that may indicate a large girdling root below grade (Photo J, page 12). Evidence of beetle infestations and pine pitch canker infection. Within the fall distance of the high voltage utility lines on the east side of Highland Blvd.



Tree #	Species	Condition 0=dead 5=excellent	Suitability for Preservation	Comments
14	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with co-dominant stems and a low LCR. Large girdling root at the base, and fiber buckling on the lower stem which occurs when the linear load exceeds the wood strength (Photo K, page 12). Evidence of beetle infestations and pine pitch canker infection. Within the fall distance of the high voltage utility lines on the east side of Highland Blvd.
15	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with co-dominant stems. Low LCR and large girdling root at the base. Evidence of beetle infestations and pine pitch canker infection. Leans to the south and is within the fall distance of 92 Highland Blvd. See Photo I, page 11.
16	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with co-dominant stems. Low LCR, girdling root at the base, and a trunk wound on the lower stem. Evidence of beetle infestations and pine pitch canker infection.
17	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with co-dominant stems. Evidence of beetle infestations and pine pitch canker infection. Low LCR and canker lesions on the lower stem.
18	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with co-dominant stems. Evidence of beetle infestations and pine pitch canker infection. Low LCR and a bow toward the west.
19	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, with co-dominant stems, a low LCR, and significant decline in the canopy. Fiber buckling on the lower stem which occurs when the linear load exceeds the wood strength.
20	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Topped, and all but one of the co-dominant stems have been removed. Significant stem decay from grade up about 10 feet, and a large cavity at the base. This tree is an imminent risk and should be removed as soon as scheduling will allow. See Photo M, page 12.
21	Monterey pine (<i>Pinus radiata</i>)	1	Poor	Significant decline throughout the canopy and a large girdling root at the base. Evidence of beetle infestations and pine pitch canker. See Photos N and O, page 13.
22	Blackwood acacias (<i>Acacia melanoxylon</i>) west of Windsor Ave.	1	Moderate	The small grove of acacias west of Windsor Avenue is in decline. There is one dead tree and several others that have dead tops and will continue to decline. There are also two other dead/dying trees here that may be coast redwood (<i>Sequoia sempervirens</i>). See Photo P, page 13 and Figure 2: Site Sketch B, page 8.
23	Monterey pines (<i>Pinus radiata</i>) west of Windsor Ave.	1	Moderate	There is one dead tree in this small grove of pines. There is decline throughout the canopies and evidence of beetle infestations and pine pitch canker. One of the trees leans to the south over an informal path that leads up from Arlington Ave. See Photos Q, R, pages 13-14 and Figure 2: Site Sketch B, page 8.



Tree #	Species	Condition 0=dead 5=excellent	Suitability for Preservation	Comments
24	Coast live oak (<i>Quercus agrifolia</i>)	3	Good	The structure of this tree is good, but the health is struggling (Photo S, page 14). Many local coast live oaks are struggling from years of drought, and there are similar oaks on this property. See Discussion and Recommendations for care recommendations.
25	2-Monterey pine (<i>Pinus radiata</i>)	0	Poor	There are two dead trees near the playground that should be removed as soon as scheduling will allow. See Photo T, page 14.



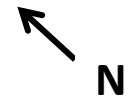


Figure 1: Site Sketch A

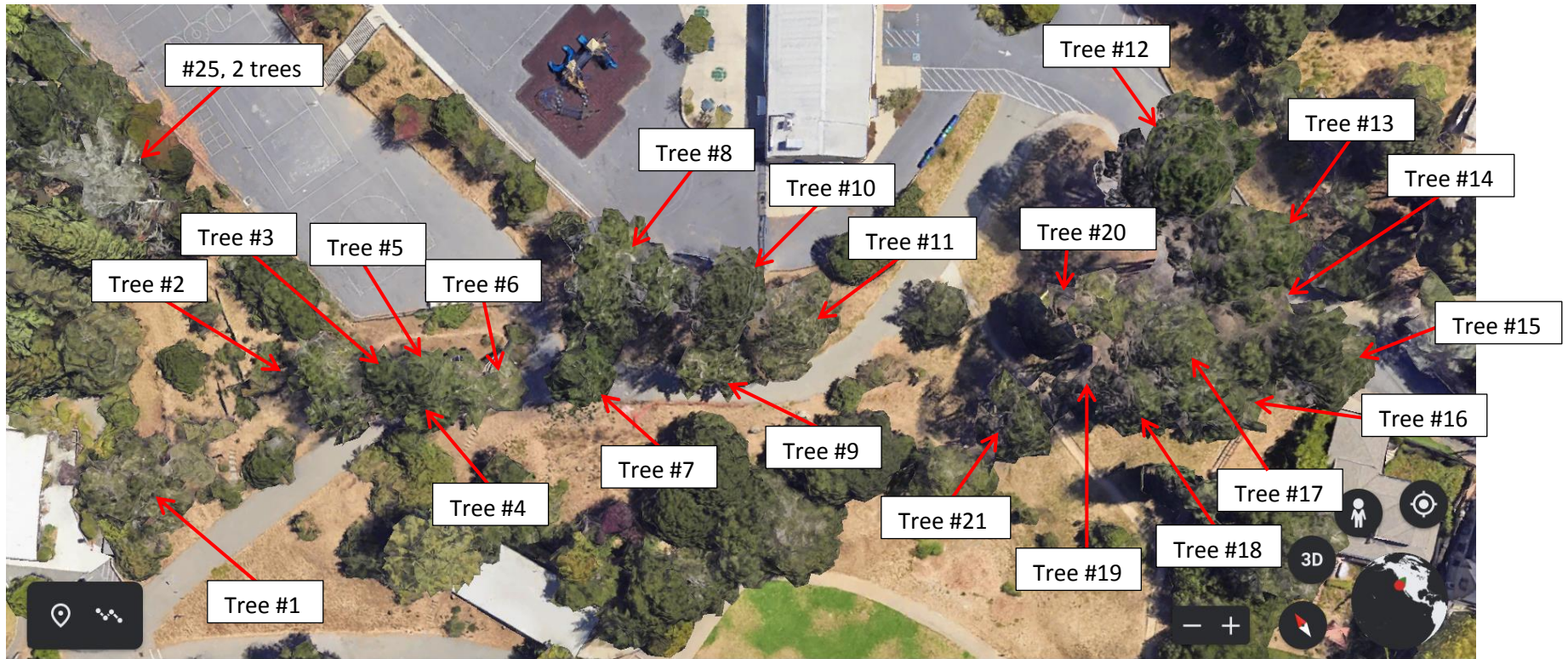


Figure 1: Site Sketch B



Photo A, tree #1

Pitch tubes and frass from red turpentine beetle.



Photo B, tree #1

Stem damage and dead sections of basal flare.



Photo C, trees #2 - #6

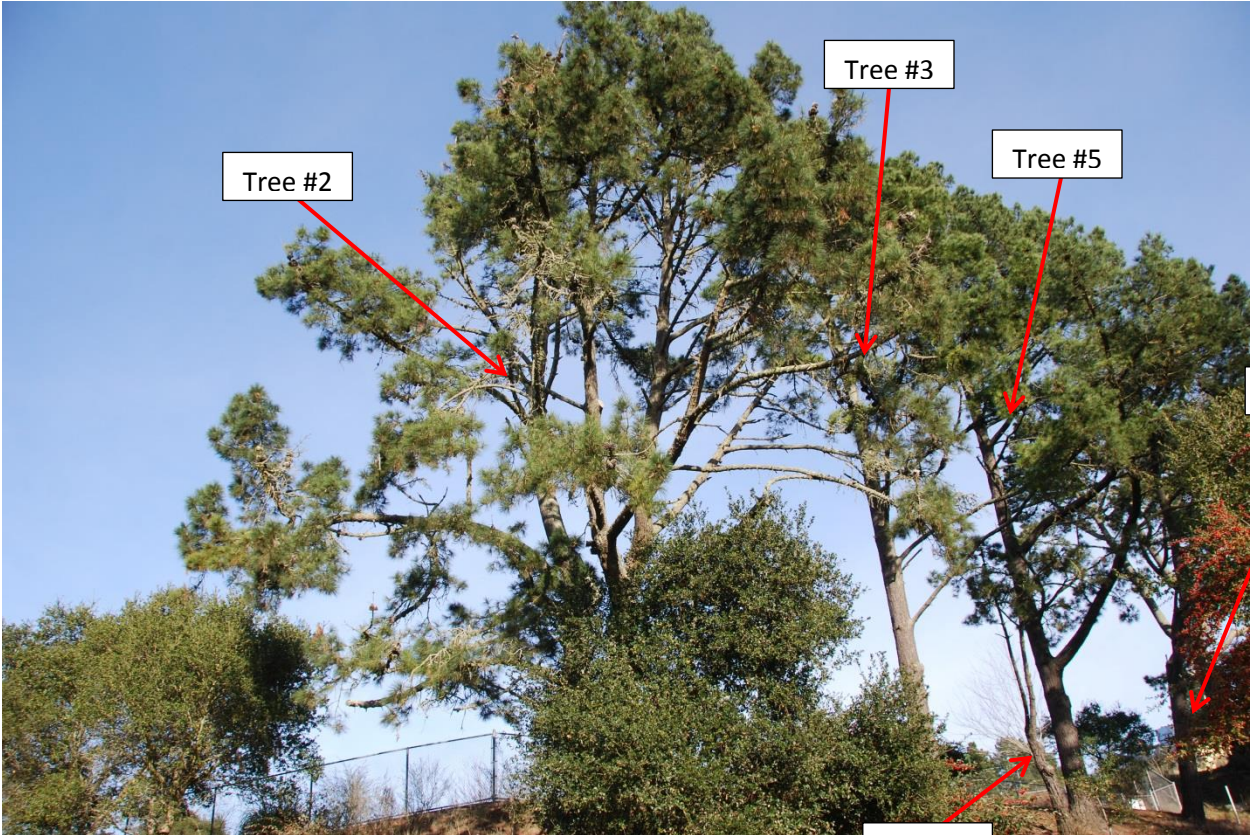


Photo D, tree #8

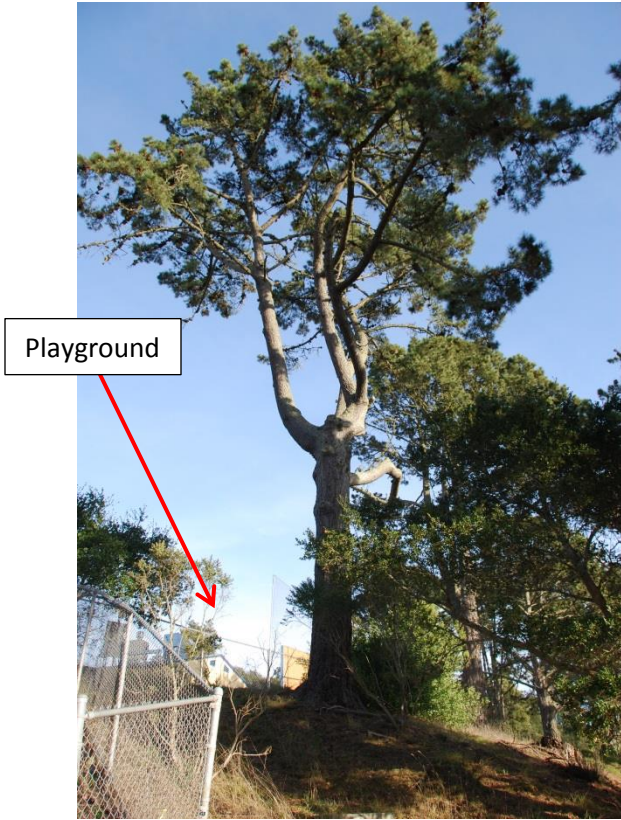


Photo E, trees #9 and #10

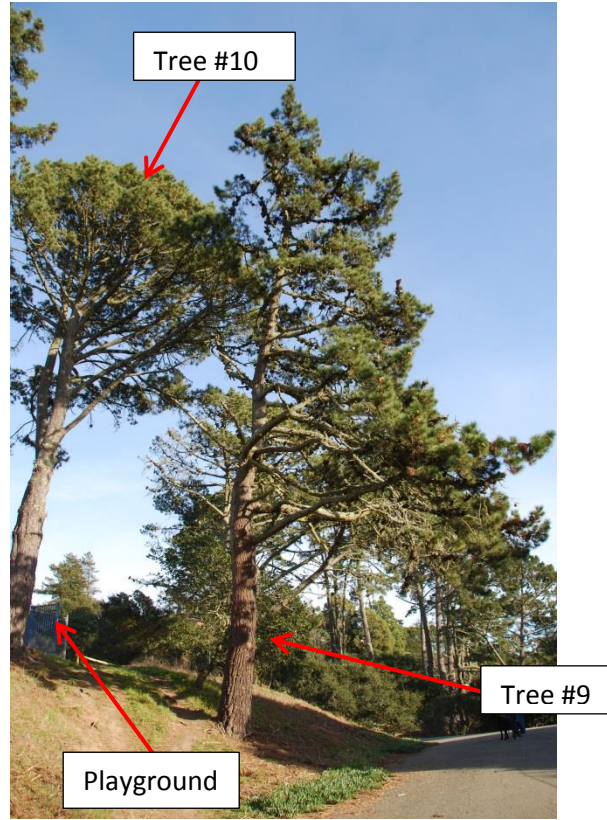


Photo F, tree #10

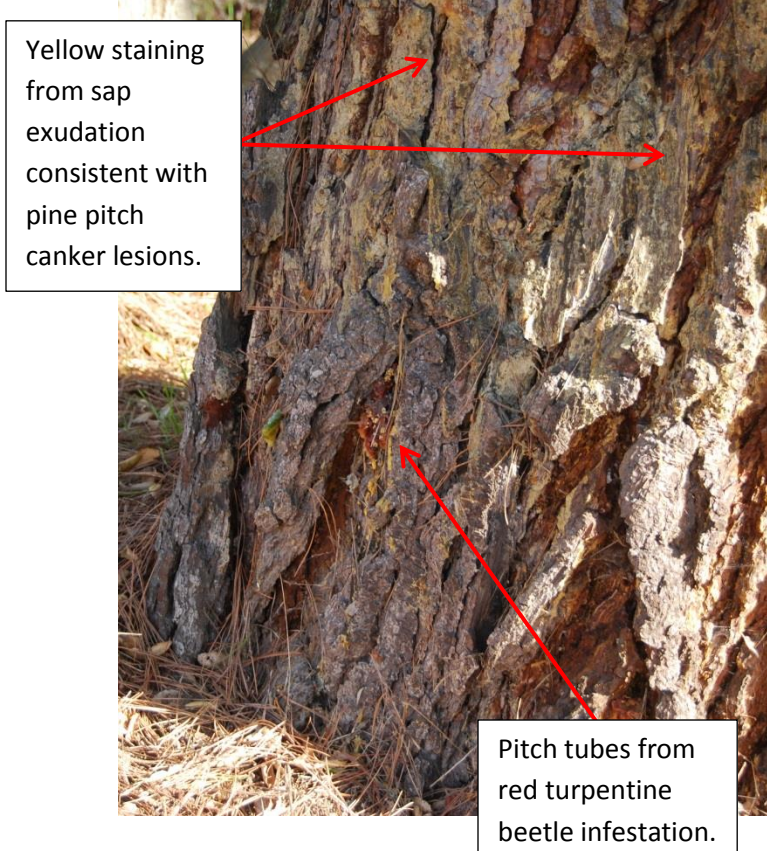


Photo G, tree #11

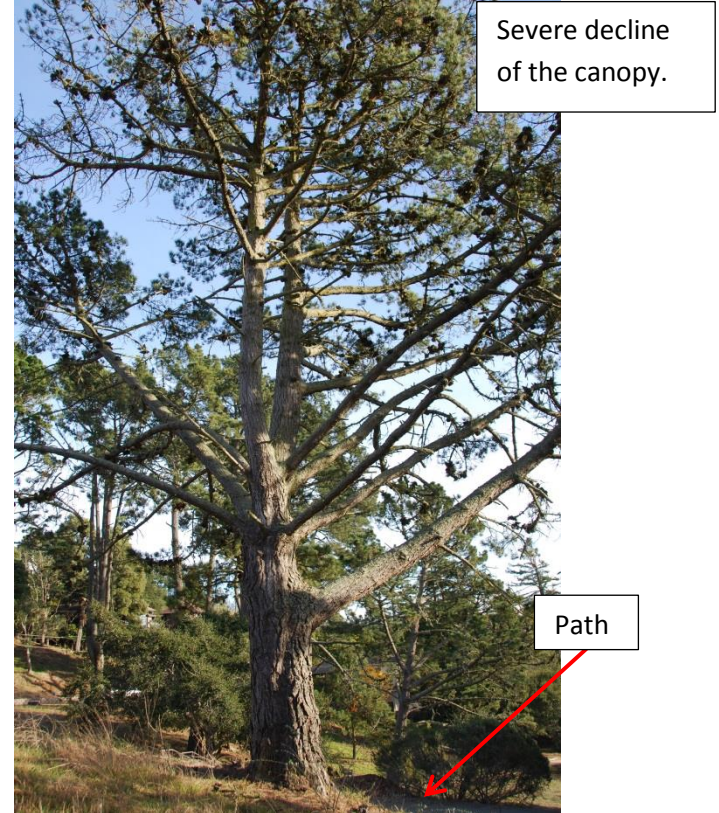
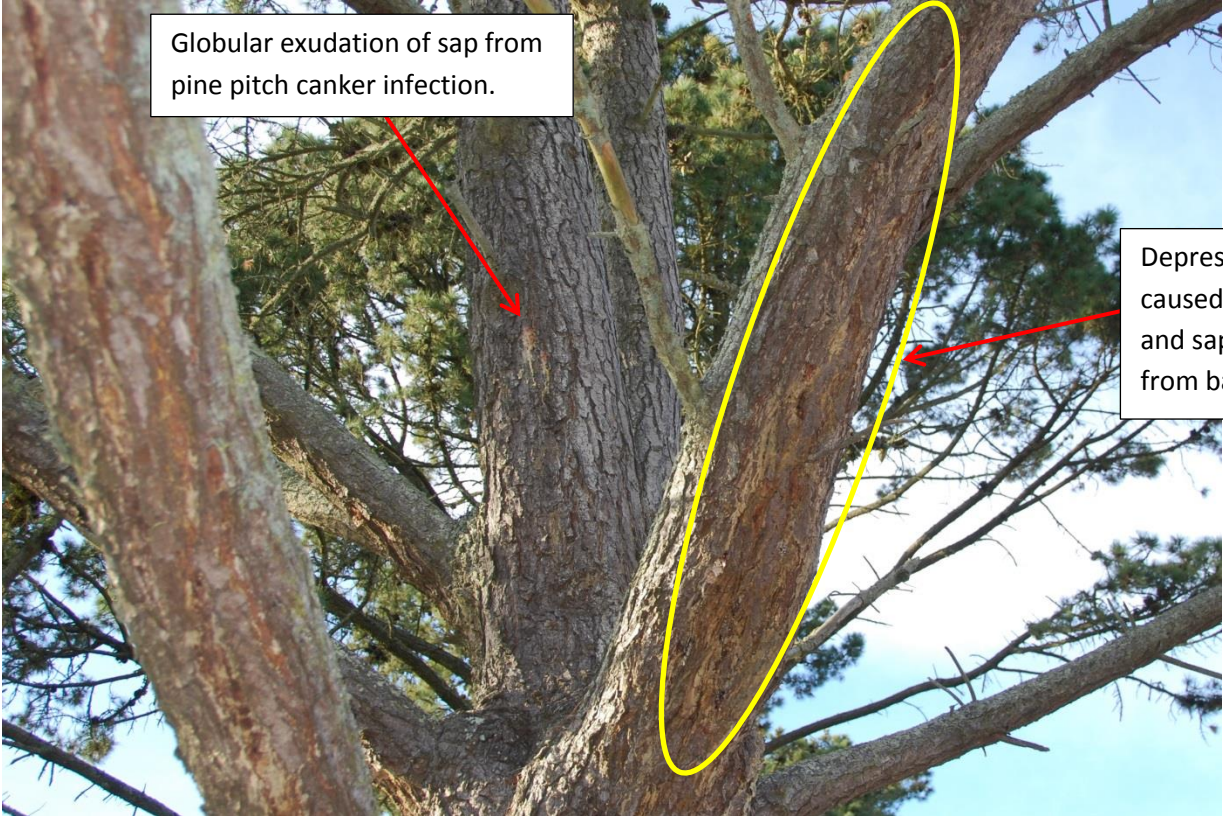


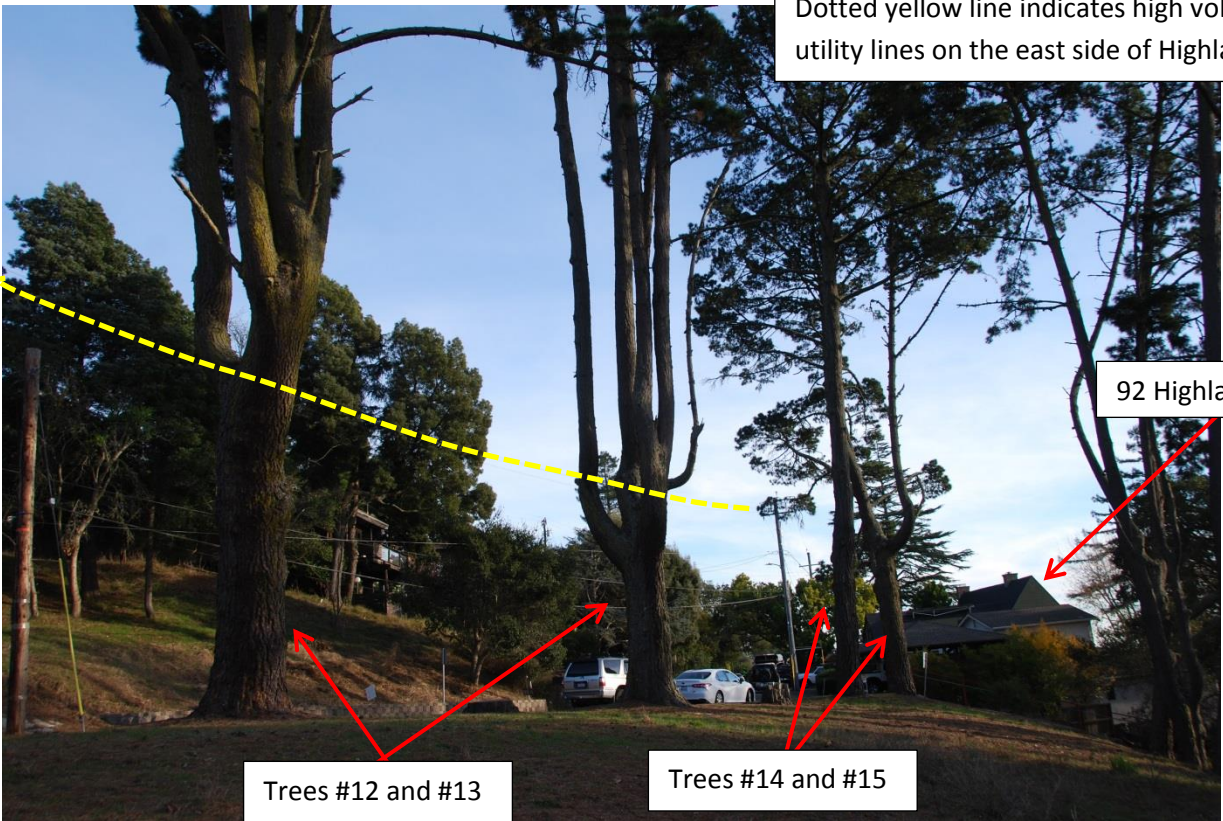
Photo H, tree #11



Globular exudation of sap from pine pitch canker infection.

Depressed section caused by canker, and sap exudation from bark lesions.

Photo I, trees #12 - #15



Dotted yellow line indicates high voltage utility lines on the east side of Highland Blvd.

92 Highland Blvd.

Trees #12 and #13

Trees #14 and #15



Photo J, tree #13

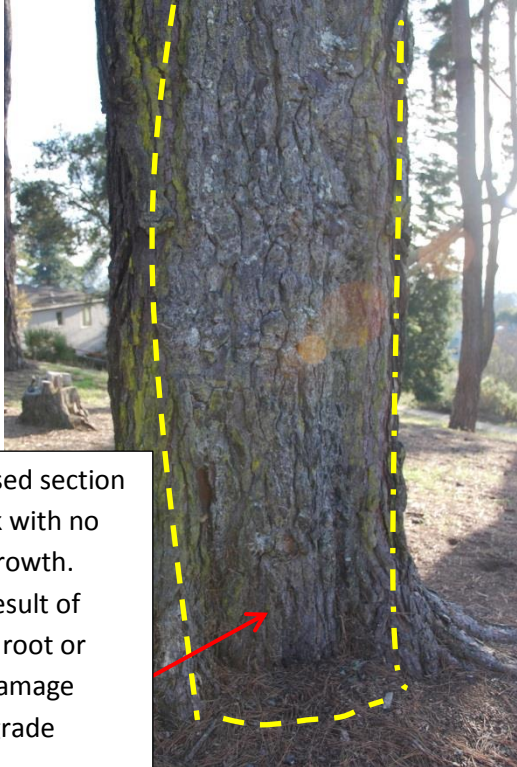


Photo K, tree #14

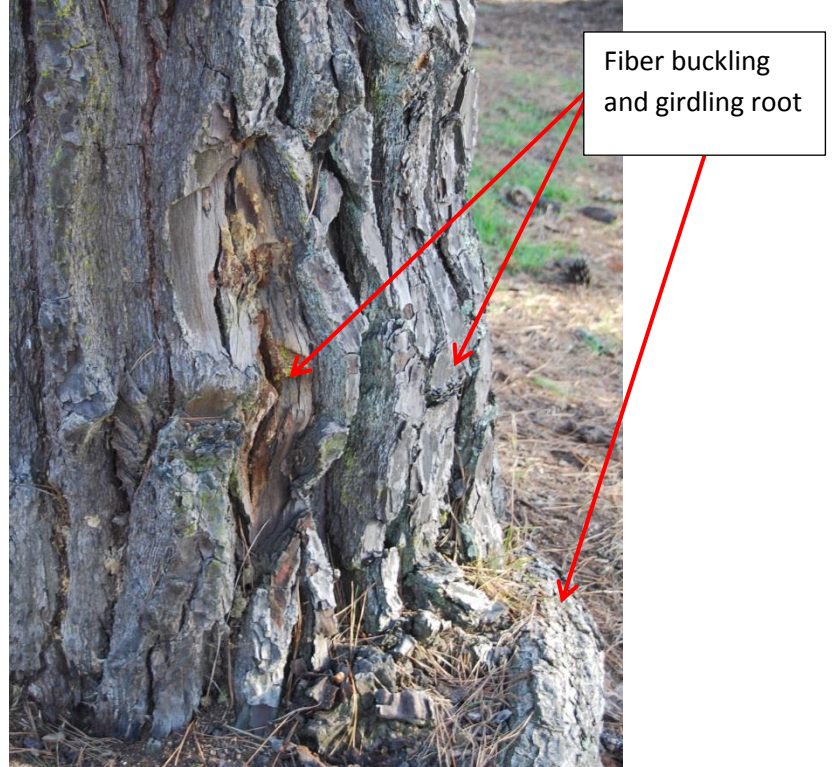


Photo L, trees #16 - #20



Photo M, tree #20

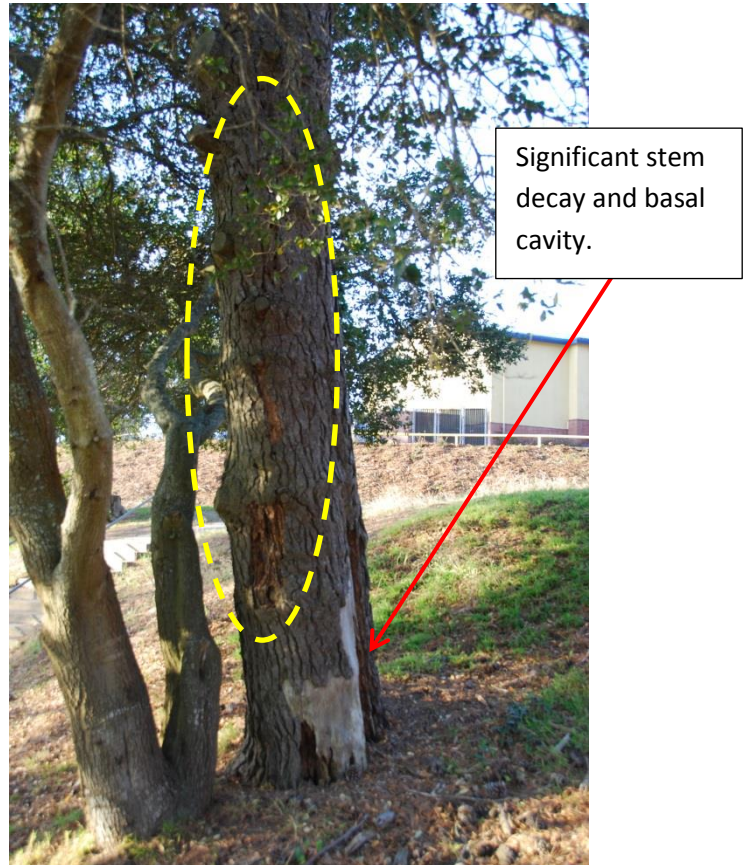
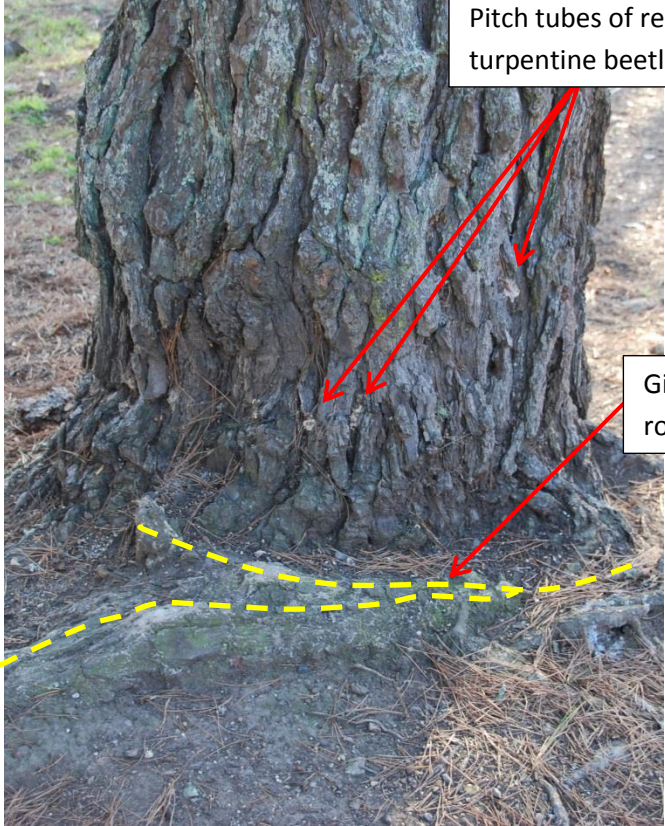


Photo N, tree #21



Photo O, tree #21



Pitch tubes of red turpentine beetle.

Girdling root.

Photo P, #22 Acacias



Photo Q, #23 Pines



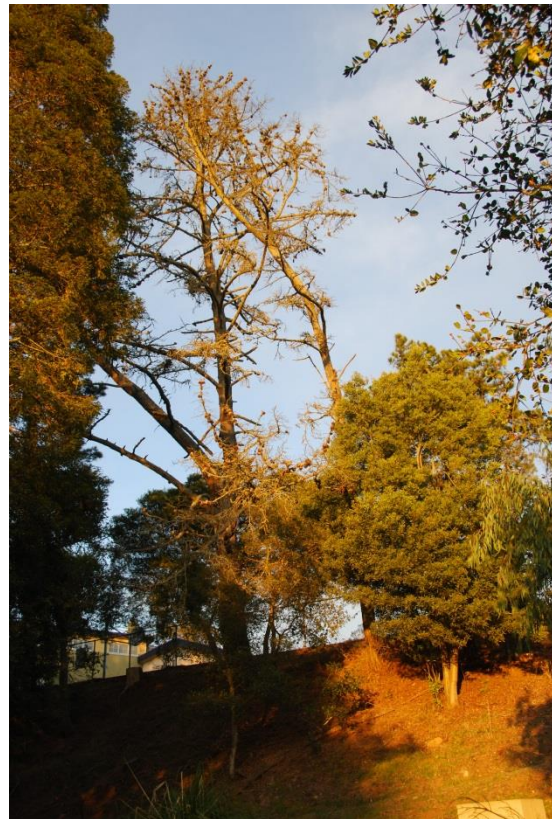
Photo R, #23 Pines



Photo S, tree #24



Photo T, #25





Arbor Culture Consulting

Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or to attend meetings, hearings, conferences, mediations, arbitrations, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

Sketches, drawings, and photographs in this report are intended for use as visual aids, are not necessarily to scale, and should not be construed as engineering or architectural reports or surveys. The reproduction of information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is only for coordination and ease of reference. Inclusion of said information with any drawings or other documents does not constitute a representation of Arbor Culture Consulting as to the sufficiency or accuracy of said information. This report was produced in color. If reproduced in any other manner, the accuracy of diagrams, photos, or any other visual aids may be compromised.

Unless otherwise expressed: a) this report covers only the examined items and their condition at the time of inspection; and b) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that structural problems or deficiencies of plants or property may not arise in the future.





November 15, 2022

KENSINGTON PARK ARBORIST'S OBSERVATION

The majority of the trees to be removed from this site are Monterey Pines. These trees were not chosen randomly, they were specifically selected due to failing health, insect infestation, and/or basal rot or decay. The attached photographs were taken while walking the site and they clearly demonstrate massive boring beetle infestation and/or dangerous basal rot and decay as well as dead branches that are hanging over the school yard.

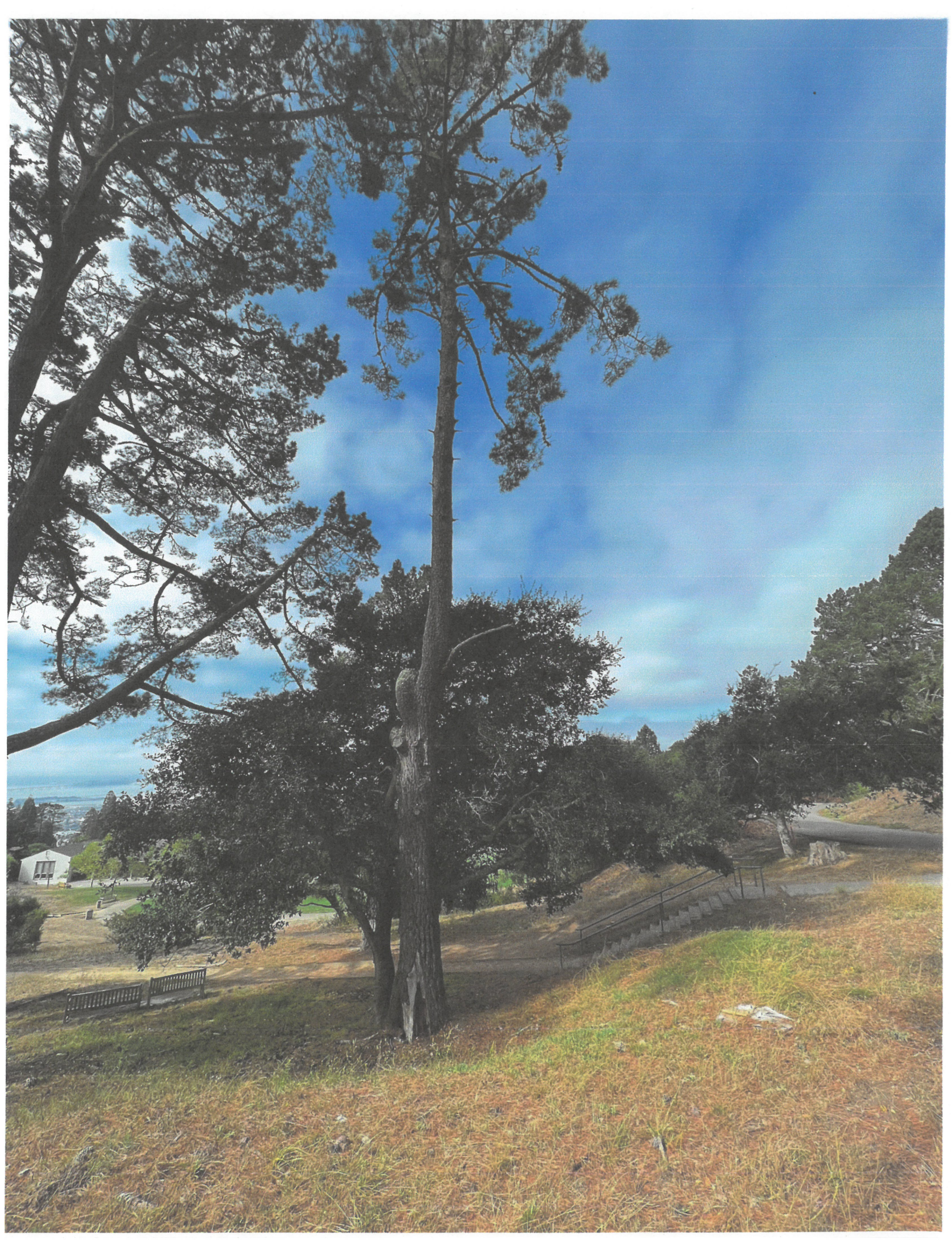
Monterey Pine Trees as a species have a long-troubled history since the 1980s. Whether because of drought, disease or insect infestation they have suffered greatly and in almost every case it is the far better choice to remove and replace the trees rather than prune them and keep them in place.

It should be noted that Monterey Pines grow extremely fast; this growth rate can lead to structural issues and poor branch attachment. In addition, Pine Pitch Canker has plagued this species for the past couple of decades and the Red Turpentine Beetle has decimated these trees as well. It is believed the drought in the early 1980s stressed many of these trees. A stressed tree is a vulnerable which allows insects and diseases to have an easy time infesting and infecting this species. The beetles are an especially lingering problem as they bore or eat their way into the tree and burrow a tunnel, lay eggs and then leave. The eggs then hatch and each of these those larvae burrow a tunnel then exit the tree and the whole process repeats. The tunnels the burrow destroy the cambium layer; this layer allows nutrient movement and the more it is destroyed the weaker the tree becomes until it dies. These beetles are easily spotted by looking at the base of any Monterey Pine. If one sees pitch tubes and a grainy or powdery pile that is evidence of Frass or bug defecation. This is clearly shown in the attached photos. It should be noted that insecticides are ineffective and not recommended as a control option.

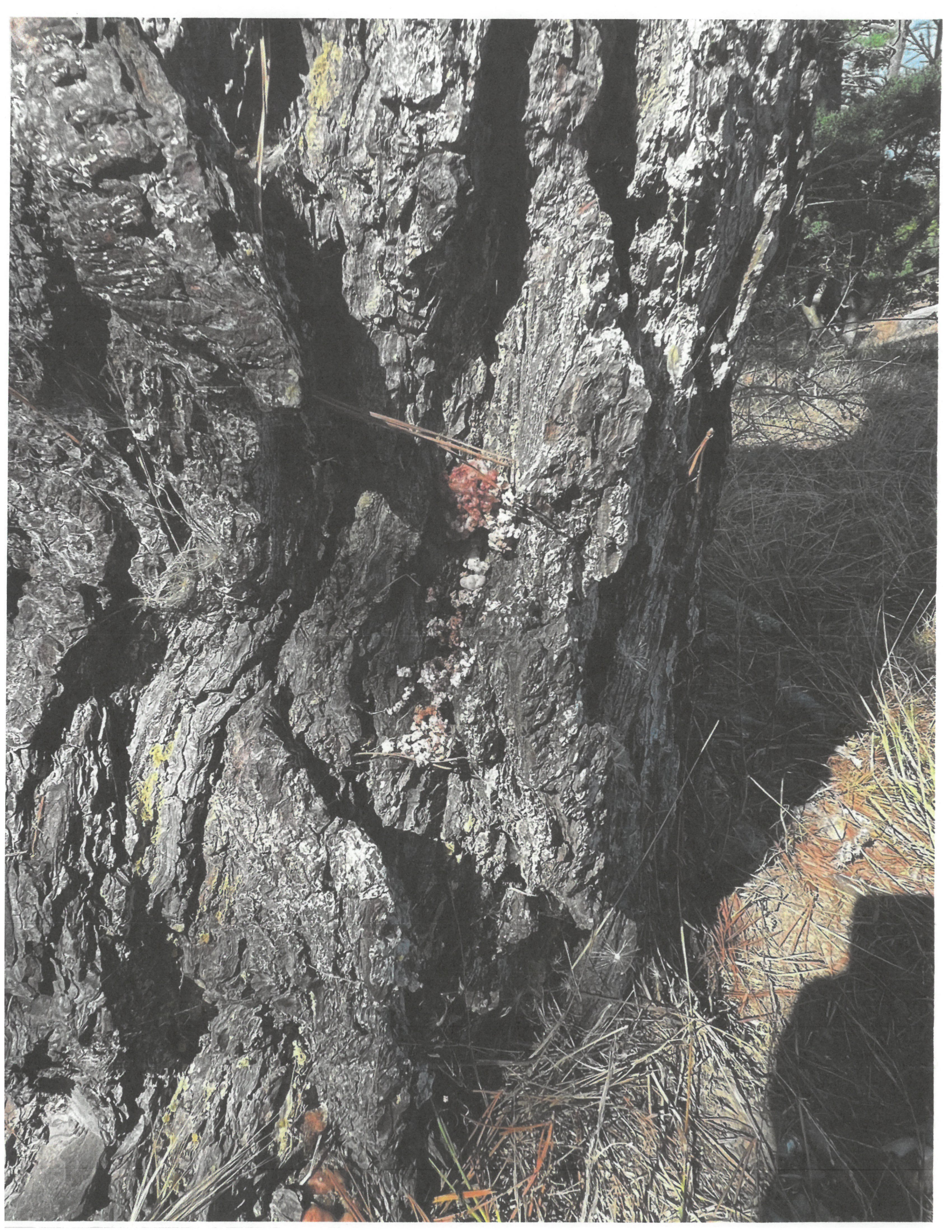
As a final point, the lifespan of Monterey Pine trees is short lived and it is rare if ever that more than 85 rings on any one tree is observed. Multitudes of these tree were planted after World War II as the east bay hills populated and many of them are now at the end of their lifespan.

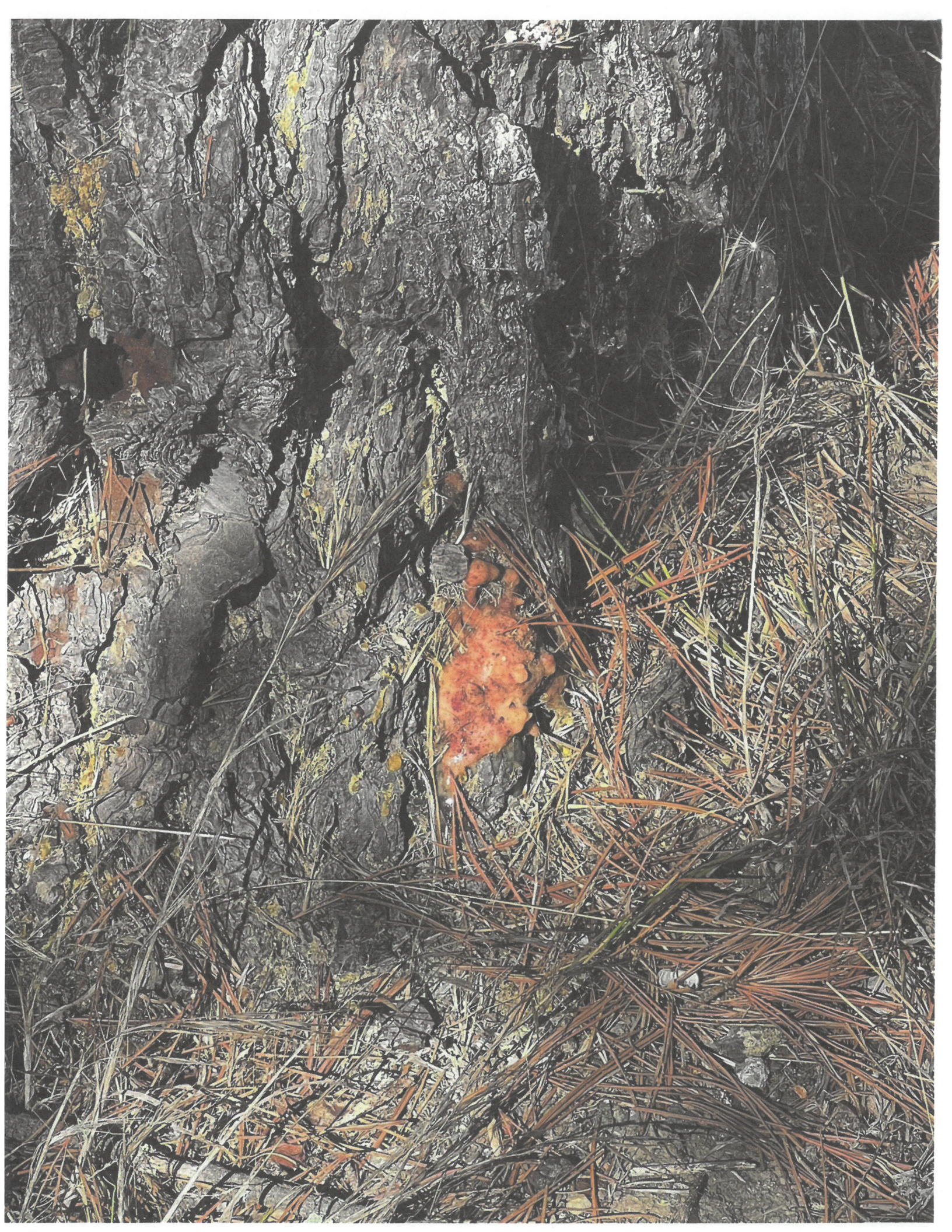
Common knowledge supports the fact that a dying tree is a dangerous tree and what is what the City of Kensington is mitigating with the removal of these trees. Most of these trees should have been removed long ago.

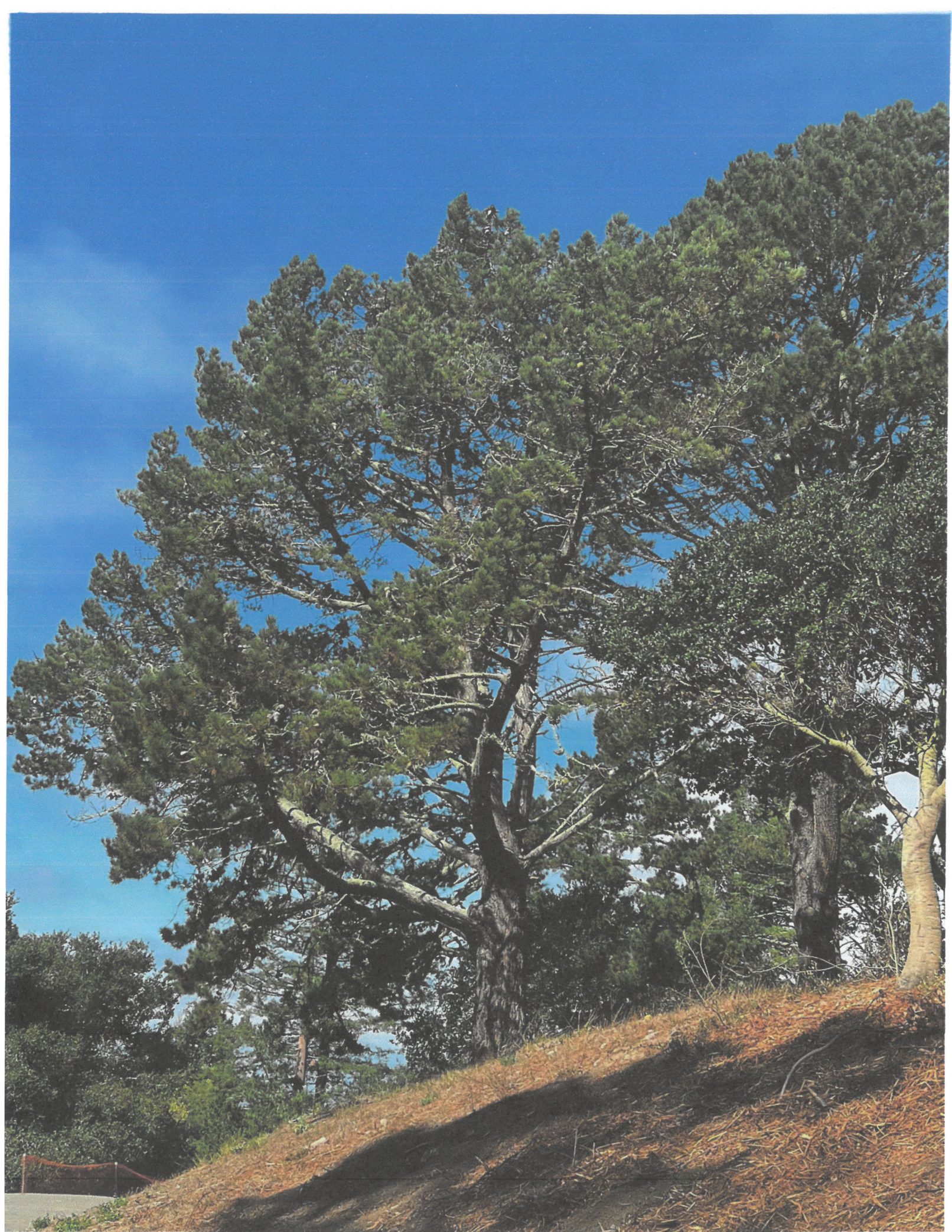


















Date: October 13, 2022
To: KPPCSD Board of Directors
From: Eileen Nottoli and Rachelle Sherris-Watt, Directors
Subject: Contract for Removal of Diseased, Distressed or Dead Trees in Kensington Park

Recommendation:

Authorize the Interim General Manager to negotiate and execute a contract with Professional Tree Care Company for removal of specified diseased, distressed or dead trees in the park, subject to the General Counsel's approval as to form.

Background:

The past several years of drought have stressed trees in the Park. Monterey pines have a lifespan of 80-100 years, and many were planted in the Bay Area in the 1940's. Many show much more disease and distress since the last survey in 2019. While several tree posing risks to children have been removed or have had limbs removed in the past few years, there remain several large Monterey pines in the Park that are infested with beetles. Many Monterey pines have multiple large branches that are unstable in wind and rain. Many have large branches that loom over areas of the Park where children walk or play and including over the Hilltop playground. Monterey pines tend to drop limbs or fall, especially in wind and rain, and trees with multiple branches are more prone to fall. Monterey pines in the Park have in fact fallen in recent years. The limbs and trunks are heavy and could cause significant injury if they were to fall on children, adults or vehicles.

All the trees with beetles will eventually die and will need to be removed. The difference on whether all the trees listed below should be removed now or later is a matter of opinion between the two arborists. The arborist from Davey took the view that if trees were to fall in rain and wind, the probability of injury would be slight as there would unlikely be children playing in the park at that time. The arborist from Professional was concerned that many of the trees had multiple large branches that could fall at unpredictable times.

Discussion and Analysis:

The following table identifies the trees to be removed at various locations.

Contract for Removal of Trees in Kensington Park

October 13, 2022

Page 2 of 3

Tree	Location	Reason
Monterey pine	Along road above Community Center near fire road to Hilltop	Infested with beetles, including roots, and near road where children walk
Two Monterey pines	Below Hilltop and at north end of park	Both are dead
Four Monterey pines plus one below Highland with rot at base	Four along Highland and one below Highland	Infested with beetles and along heavily traveled route with parents, and teachers going to Hilltop. The tree with rot at base is unstable and in an area where children play
Four Monterey pines	Below Highland	Infested with beetles with large branches looming over areas where children play
Monterey pine	Below Hilltop at southwest end	Infested with beetles and adjacent to Hilltop playground
Four Monterey pines	Below Hilltop at southwest end and along road	Infested with beetles and along the road where children walk
Monterey pine	Below Hilltop at midpoint along back of park	Infested with beetles and large limb looms over Hilltop playground
Four Monterey pines	Below Hilltop at midpoint along back of park and along road	Infested with beetles and along the road where children walk
Acacia	Picnic area by Windsor	Dead tree
Four acacia trees	Picnic area by Windsor	Distressed trees
Redwood trees	Picnic area by Windsor	Dying trees
Monterey Pines	Picnic area by Windsor	Leaning over
Monterey Pine	Picnic area by Windsor	Dead
Oak	Walkway by Building E	Exposed roots on hillside

The District received bids from two tree removal companies which are attached. The costs for the removal are as follows:

Tree	Location	Professional	Davey
Monterey pine	Along road above Community Center	\$3,600	N/A
Two Monterey pines	Below Hilltop and at north end of park	\$7,750	\$9,000
Four Monterey pines plus one with rot at base	Four along Highland and one below Highland	\$12,500	\$37,720 plus \$1,680 for a total of \$39,400
Four Monterey pines	Below Highland	\$8,500	N/A

Contract for Removal of Trees in Kensington Park

October 13, 2022

Page 3 of 3

Monterey pine	Below Hilltop at southwest end	\$5,750	\$7,680
Four Monterey pines	Below Hilltop at southwest end and along road	\$4,750	N/A
Monterey pine	Below Hilltop at midpoint	\$2,750	N/A
Four Monterey pines	Below Hilltop at midpoint and along road	\$3,750	N/A
Acacia(s)	Picnic area by Windsor	\$800	See Monterey pine below
Four acacia trees	Picnic area by Windsor	\$1,750	N/a
Redwood trees	Picnic area by Windsor	\$800	See Monterey pine below
Monterey Pines	Picnic area by Windsor	\$2,950	N/A
Monterey Pine	Picnic area by Windsor	\$2,500	\$5,040
Oak	Walkway to Building E	\$2,000	N/A
Total		\$60,150	\$61,120

The difference in price is largely a function of having equipment to do the removal in a timely manner. The trees would be removed to grade. The bid from Davey would leave the wood on site including logs that were too big to be chipped. The bid from Professional would leave chips on site if desired or recycled at the green waste recycle yard in Richmond. Both bids are based on prevailing wages.

Fiscal Impact:

This \$61,120 expenditure is within the budget for the 2022-2023 fiscal year.

Attachments:

1. September 28, 2022, Proposal from Professional Tree Care Company
2. September 29, 2022, Proposal from Davey Tree Expert Company
3. Photographs of Subject Trees



SBE OSDS Ref. No. 19519
 California Contractor's No. 676952
 Classifications: C21, C27, C31, C61/D49
 FEIN: 94-3226896
 DIR Registration 1000000343
 PHONE: 510-549-3954

PROPOSAL

September 28, 2022

The Professional Tree Care Company is pleased to present this proposal for the:

Kensington Park

After a detailed inspection of the job site, The Professional Tree Care Company will provide all labor, equipment and materials for the work listed below:

Item No.	DESCRIPTION	COST
1	Remove two Cherry trees to grade in back of Community Center and prune one cherry tree, two Liquidambar trees and one Live Oak	\$500.00
2	Remove two Cherry trees in front of Community Center to grade	\$400.00
3	Remove 30" pine on hillside to right of Community Center to grade and spray chips onto hillside near base of tree. Tree truck to be off hauled PRIORITY 1	\$3,600.00
4	Remove two dead Monterey Pine trees to grade below the school at the northern end PRIORITY 1	\$7,750.00
5	Remove four Monterey Pine trees on Highland and one Monterey Pine below Highland with rot at base to grade PRIORITY 1	\$12,500.00
6	Remove four Monterey Pine trees below Highland to grade PRIORITY 1	\$8,500.00
7	Remove Monterey Pine southwest of school over playground to grade PRIORITY 1	\$5,750.00
8	Remove four Monterey Pine in same area as No. 7 above to grade PRIORITY 2	\$4,750.00
9	Remove 28" DBH Monterey Pine midway down path west of school to grade PRIORITY 1	\$2,750.00
10	Remove four Monterey Pine trees midway down path west of school to grade PRIORITY 2	\$3,750.00
11	Remove dead Acacia tree in picnic area to grade PRIORITY 1	\$800.00
12	Remove four Acacia trees to grade in same area as No. 11 – PRIORITY 2	\$1,750.00



13	Remove two 12" dying Redwood trees in picnic area to grade PRIORITY 3	\$800.00
14	Remove two 12" leaning Monterey Pine trees below south in picnic area to grade PRIORITY 2	\$2,950.00
15	Remove dead 18" DBH Monterey Pine on hill below south picnic table area and above Arlington Road to grade PRIORITY 2	\$2,500.00
16	Remove 30" Live Oak with double trunk along walkway from parking area to Building E to grade PRIORITY 2	\$2,000.00
17	Prune four Live Oak trees across from basketball area. Prune out deadwood, cracked or broken branches and reduce end weight were necessary and shape as much as possible for tree health and safety PRIORITY 4	\$2,200.00
18	Prune Live Oak with twig blight next to swings PRIORITY 4	\$950.00
	TOTAL	\$64,200.00

EXCLUSIONS: Vehicle and Pedestrian Traffic Control (Except for signs and cones); Dust Control; Posting of No Parking Signs or Resident or Business Alerts

ACCESS TO STUMPS TO BE PROVIDED BY OTHERS WHENEVER THERE ARE POTENTIAL ISSUES FOR ACCESS.

IF UTILITY LINES ARE FOUND TO BE LOCATED AFTER SITE IS USA'D THE PROFESSIONAL TREE CARE CO. RESERVES THE RIGHT TO ISSUE A CHANGE ORDER THAT REFLECTS THE ADDITIONAL COST OF DIGGING OUT THE STUMPS BY HAND OR BY MECHANICAL MEANS OR BY ISSUING A DEDUCTIVE CHANGE ORDER REMOVING THE STUMP GRINDING FROM THE ORIGINAL PROPOSAL.

IMPORTANT: UNLESS OTHERWISE STATED, THE COSTS SHOWN FOR THE DESCRIBED WORK DO NOT INCLUDE ANY EXTRANEIOUS FEES SUCH AS THE COST FOR DRUG TESTING, TRAINING, PERMITS, FEES, ETC. OR THE APPLICATION FOR ANY PERMITS.

COSTS SHOWN BASED ON PREVAILING WAGE.

COST SHOWN BASED ON WORKING NORMAL BUSINESS HOURS MONDAY THROUGH FRIDAY. WEEKEND AND/OR NIGHT WORK WILL RESULT IN ADDITIONAL CHARGES UNLESS AGREED TO BEFOREHAND.

COST INCLUDES CLEAN UP AND DISPOSAL OF ALL WOOD AND BRUSH DEBRIS CREATED BY THE WORK WE PERFORM UNDER THIS PROPOSAL. ALL WORK TO BE COMPLETED IN A PROFESSIONAL MANNER ACCORDING TO STANDARD PRACTICES.



STUMP GRINDING MATERIAL (INCLUDING MATERIAL GENERATED FROM ROOT PRUNING) WILL BE BACKFILLED INTO HOLES CREATED BY STUMP GRINDING. IN CASES WHERE THERE IS ONLY ROOT PRUNING WORK, MATERIAL, PRICES SHOWN DO NOT INCLUDE THE OFF HAULING OF ROOT PRUNING MATERIAL. PRICE SHOWN DOES NOT INCLUDE OFF HAUL OF ANY STUMP CHIPS REGARDLESS OF THE SIZE OF THE PILE OF CHIPS REMAINING. STUMP GRINDING DOES NOT INCLUDE POT HOLING. PLEASE BE AWARE THAT LARGE STUMPS WILL PRODUCE MORE CHIPS THAN WILL FIT INTO THE HOLE GENERATED BY THE STUMP GRINDING. THESE CHIPS WILL BE PILED ABOVE THE HOLE. EVENTUALLY THEY WILL COMPACT AND FIT INTO THE HOLE. THE EXCESS CHIPS CAN BE REMOVED USING TIME & MATERIAL CHARGES IF DESIRED.

ALL MATERIALS GENERATED FROM SITE WILL BE RECYCLED AT THE GREEN WASTE RECYCLE YARD IN RICHMOND, CA.

THE PROFESSIONAL TREE CARE COMPANY IS NOT RESPONSIBLE FOR DAMAGE TO UNDERGROUND UTILITIES I.E.: GAS, WATER, ELECTRIC, ETC. STUMPS THAT ARE IN CONFLICT WITH UTILITIES WILL NOT BE GROUND UNTIL CONFLICT IS RESOLVED TO THE SATISFACTION OF THE PROFESSIONAL TREE CARE CO.

ANY ALTERATIONS OR DEVIATION FROM THE ABOVE SPECIFICATION WILL BE EXECUTED UPON WRITTEN OR VERBAL ORDERS AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE.

TEN DAYS' NOTICE REQUIRED FOR START OF WORK UNLESS ALTERNATE TERMS HAVE BEEN AGREED UPON.

A handwritten signature in black ink, appearing to read 'Charles Slesinger'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles Slesinger
Bid Coordinator
The Professional Tree Care Company



TERMS AND CONDITIONS

1. PROPOSAL MUST BE ACCEPTED WITHIN 30 DAYS FROM DATE OF PROPOSAL.
2. WORK MUST BE STARTED NO LATER THAN ONE YEAR FROM DATE OF PROPOSAL.
3. PROPOSAL MUST BE MADE PART OF CONTRACT SIGNED BY CONTRACTOR AND SUBCONTRACTOR AND REFERENCED IN THE CONTRACT EITHER AS AN EXHIBIT OR AN ATTACHMENT.
4. PROPOSAL ASSUMES ONE MOBILIZATION
5. THE PROFESSIONAL TREE CARE CO. REQUIRES A WRITTEN CONTRACT PRIOR TO STARTING WORK.
6. THE PRICE OF BONDING IS NOT INCLUDED IN THIS PROPOSAL. OUR BOND RATE IS 2.5% FOR THE FIRST \$100,000; 1.5% FOR THE NEXT \$400,000 AND 1% THEREAFTER.
7. THE PROFESSIONAL TREE CARE CO. REQUIRES TEN WORKING DAYS' NOTICE PRIOR TO SCHEDULING WORK.
8. PAYMENT TERMS: THE PROFESSIONAL TREE CARE CO. MUST BE PAID WITHIN TEN DAYS OF GENERAL CONTRACTOR RECEIVING PAYMENT BY PROJECT OWNER.
9. NO RETENTION SHALL BE HELD FOR TREE REMOVAL OR TREE PRUNING WORK.

I HAVE READ AND UNDERSTAND THE ABOVE "TERMS AND CONDITIONS" AND AGREE THAT OUR QUOTE AND THESE TERMS AND CONDITIONS WILL BECOME PART OF THE CONTRACT IN THE EVENT THE PROFESSIONAL TREE CARE CO. IS AWARDED THE CONTRACT.

GENERAL CONTRACTOR _____

SIGNATURE _____ TITLE _____

NAME (TYPE OR PRINT) _____ DATE _____



The Davey Tree Expert Company
 2617 S. Vasco Road
 Livermore, CA 94550
 Phone: (925) 855-9974 Fax: (925) 855-9973
 Email: Joe.Berg@davey.com
 CA Contractor Lic 694001



Client	Service Location	9/29/2022
Kensington Police Protection & Comm Marti Brown 217 Arlington Ave Kensington, CA 94707-1401	Kensington Park Attn Marti Brown 59 Arlington Ave Kensington, CA 94707-1037 Mobile: (707) 704-2688 Email: mbrown@kppcsd.org	Proposal #: 20023065-1664475286 Account #: 7836012 Ship To #: 7836836 Mobile: (707) 704-2688 Email: mbrown@kppcsd.org

CONTRACT FOR MATERIALS AND SERVICES

YOU ARE ENTITLED TO A COMPLETED COPY OF THIS CONTRACT, SIGNED BY BOTH YOU AND US (THE CONTRACTOR), BEFORE ANY WORK MAY BE STARTED

Tree Care	Service Period	Price	Tax	Total
<input type="checkbox"/> Tree Removal PRIORITY #1 Monterey Pine (near school with basal decay) -Remove to grade. *Leave wood on site*	October	\$1,680.00		\$1,680.00
<input type="checkbox"/> Tree Removal PRIORITY #2 Monterey Pine (2 dead near school) -Remove to grade.	October	\$9,000.00		\$9,000.00
<input type="checkbox"/> Tree Removal PRIORITY #3 Acacia (2), Redwood (dead in lower area adjacent to houses), Monterey Pine (dead) -Remove to grade. -Leave wood on site, broadcast chips.	October	\$5,040.00		\$5,040.00
<input type="checkbox"/> Tree Removal Monterey Pine (4 along road towards school) -Remove to grade. *Broadcast chips on site, leave logs*	October	\$37,720.00		\$37,720.00
<input type="checkbox"/> Tree Removal Monterey Pine (Co-dominant leaders over school) -Remove to grade.	October	\$7,680.00		\$7,680.00
Priority rank does not guarantee or predict risk of any trees on site				
Cost reflects prevailing wage- Maintenance Rates				
Total of All Services		\$61,120.00	\$0.00	\$61,120.00

Yes, please schedule the services marked above.



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\$ _____ Deposit Required / \$ _____ Deposit Received

Deposit cannot exceed 10% or \$1,000, whichever is less.

Upon completion of work, please charge balance to credit card ___Yes ___No

Deposit payment options we accept are check or credit card

To pay by check mail to

To pay by credit card call

The Davey Tree Expert Company
 2617 S. Vasco Road
 Livermore, CA 94550



ACCEPTANCE OF PROPOSAL: The above prices and conditions are hereby accepted. You are authorized to do this work as specified. I am familiar with and agree to the terms and conditions appended to this form. All deletions have been noted. I understand that once accepted, this proposal constitutes a binding contract. This proposal may be withdrawn if not accepted within 30 days.

My signature below signifies my understanding that the contractor has given me "Notice of a Three-Day Right to Cancel".


Joseph Berg

Joseph Berg
Authorization
Date
ISA Certified Arborist WE-8057A

Client Guarantee

We use quality products that are administered by trained personnel. We guarantee to deliver what we have contracted to deliver. If we do not, we will work with you until you are satisfied, or you will not be charged for the disputed item. Our Client Care Guarantee demonstrates our commitment to creating lifelong client relationships.

Tree Care

PRUNING: Performed by trained arborists using industry and Tree Care Industry Association (TCIA) approved methods.

TREE REMOVAL: Removal to within 6" of ground level and cleanup of debris.

STUMP REMOVAL: Mechanical grinding of the visible tree stump to at or just below ground level. Stump area will be backfilled with stump chips and a mound of remaining chips will be left on site unless otherwise stated in the contract. Chip removal, grading and soil backfill are available.

CLEAN-UP: Logs, brush, and leaves, and twigs large enough to rake are removed. Sawdust and other small debris will not be removed.

CABLING/BRACING: Cabling and bracing of trees is intended to reduce damage potential. It does not permanently remedy structural weaknesses, is not a guarantee against failure and requires periodic inspection.

Tree and Shrub Fertilization/SoilCare

Your arborist will assess your property's overall soil conditions either through physical assessment or through soil testing and will recommend a soil management program to help the soil become a better medium to enable healthy plants to thrive or unhealthy plants to regain their vitality. SoilCare programs will include fertilizers, organic humates, fish emulsions and other organic soil conditioners.

Our advanced formula, Arbor Green PRO, works with nature to fertilize without burning delicate roots, building stronger root systems and healthier foliage. It contains no chlorides or nitrates. It is hydraulically injected into the root zone and the nutrients are gradually released over time. Research and experience shows the dramatic benefits Arbor Green PRO provides: greater resistance to insects and diseases, greater tolerance to drought stress, increased vitality, and healthier foliage.

Tree and Shrub Plant Health Care

PRESCRIPTION PEST MANAGEMENT: Customized treatments to manage disease and insect problems specific to plant variety and area conditions. Due to the short term residual of available pesticides, repeat applications may be required.

INSECT MANAGEMENT: Inspection and treatment visits are scheduled at the proper time to achieve management of destructive pests. Pesticides are applied to label specifications.

DISEASE MANAGEMENT: Specific treatments designed to manage particular disease problems. Whether preventative or curative, the material used, the plant variety being treated, and the environmental conditions all dictate what treatment is needed.

EPA approved materials will be applied in accordance with State and Federal regulations.

Other Terms and Contract Conditions

INSURANCE: Our employees are covered by Worker's Compensation. The company is insured for personal injury and property damage liability. Proof of insurance can be verified by requesting a copy of our Certificate of Insurance.

WORKING WITH LIVING THINGS: As trees and other plant life are living, changing organisms affected by factors beyond our control, no guarantee on tree, plant or general landscape safety, health or condition is expressed or implied and is disclaimed in this contract unless that guarantee is specifically stated in writing by the company. Arborists cannot detect or anticipate every condition or event that could possibly lead to the structural failure of a tree or guarantee that a tree will be healthy or safe under all circumstances. Trees can be managed but not controlled. When elevated risk conditions in trees are observed and identified by our representatives and a contract has been signed to proceed with the remedial work we have recommended, we will make a reasonable effort to proceed with the job promptly. However, we will not assume liability for any accident, damage or injury that may occur on the ground or to any other object or structure prior to us beginning the work. Site inspections do not include internal or structural considerations unless so noted. Unless otherwise specified, tree assessment will not include investigations to determine a tree's structural integrity or stability. We may recommend a Risk Assessment be conducted for an additional charge.

TREE CARE STANDARDS: All work is to be performed in accordance with current American National Standards Institute (ANSI) Standard Practices for Tree Care Operations.

OWNERSHIP OF TREES/PROPERTY: Acceptance constitutes a representation and warranty that the trees and property referenced in this quote are either owned by the signee or that written permission has been received to work on trees which are not on the signee's property.

TIME & MATERIAL (T&M): Jobs performed on a T&M basis will be billed for the time on the job (not including lunch break), travel to and from the job, and materials used.

BILLING & SALES TAX: All amounts deposited with us will either be credited to your account or applied against any amounts currently due. Our invoices are due net 30 days from invoice date. Services may be delayed or cancelled due to outstanding account balances. Sales tax will be added as per local jurisdiction.

Clients claiming any tax exempt status must submit a copy of their official exempt status form including their exemption number in order to waive the sales or capital improvement tax.

PAYMENT: We accept checks and credit cards. Credit card payments may be made online at our web site. Paying by check authorizes us to send the information from your check to your bank for payment.

UNDERGROUND PROPERTY: We are not responsible for any underground property unless we have been informed by you or the appropriate underground location agency.

SCHEDULING: Job scheduling is dependent upon weather conditions and work loads.

California Specific Notices

INFORMATION ABOUT THE CONTRACTORS STATE LICENSE BOARD ("CSLB"): The Davey Tree Expert Company (we or us) is registered with the CSLB under number 694001. CSLB is the state consumer protection agency that licenses and regulates construction contractors. Contact CSLB about complaints, disciplinary actions and judgments that are reported to CSLB. File a complaint against an unlicensed or licensed contractor with CSLB generally with four years of the event. For information call 800.321.2752 or visit www.slb.ca.gov or write CSLB, P.O. Box 26000, Sacramento, CA 95826.

DELAYS: Our work may be delayed because of weather, as well as unavailability of workers, delay caused by other contractors or government agencies, emergencies or other circumstances unanticipated by or beyond our reasonable control.

EXTRA WORK: Extra work will be described in writing, including pricing, and will become part of the contract when signed by the client or the client's agent or representative.

NOTICE OF MECHANICS LIEN: A mechanics lien is a claim made against your property and records and recorded with the county recorder. Anyone who helps improve property, but who is not paid, may record a mechanics lien against your property. This includes subcontractors, suppliers, and laborers involved in the improvements to the property. Even if you pay your contractor, an unpaid subcontractor or other party may record a mechanics lien and you could be required to pay twice or have the court sell the property where the work was done to pay the lien. To preserve the right to record a lien, each party eligible to record a lien must provide you with a 20-day Preliminary Notice. This notice is not a lien; it lets you know that a party has the right to record a lien if the party is not paid. Be careful- make sure your contractor pays everyone improving the property before you pay your contractor. You can write joint checks in payment to your contractor and any other party working for your contractor. For more information on mechanics liens go to www.cslb.ca.gov and search the term mechanics liens.

STOP WORK/BANKRUPTCY/ASSIGNMENT: We have the right to stop working for you if any amount due to us is not paid when due. If either party files bankruptcy, the other party has the right to cancel this contract. You may not assign this contract to anyone without our written permission.

3-DAY RIGHT TO CANCEL: The Home Solicitation Sales Act requires a seller of home goods or services to give the buyer three (3) business days to cancel the contract. To cancel without penalty or obligation, you must give us written notice by email, fax, mail or other delivery for your decision not to have the work or services performed. If you paid money in advance, we will return your money within ten (10) days of our receipt of your cancellation notice. This cancellation right does not cover emergency repairs or services that you request to be performed on short notice. The right to cancel the contract terminates when we begin working or performing a service and repair contract. If you cancel, you must make available to us to pick up any goods provided by us to you. If we do not pick them up within 20 days, you may retain or dispose of them without further obligation.

Photos of Dead and Distressed Trees in Kensington Park

Monterey Pine Infested with Beetles Along Road to Hilltop and Above Community Center



Two Dead Monterey Pines below Hilltop at North end of Park



Four Monterey Pines Invested with Beetles Along Highland



Monterey Pine Below Highland with Rot at Base



Four Monterey Pines Infested with Beetles and With Large Looming Branches



Five Monterey Pines Infested with Beetles at Southwest End of Hilltop And Branching Over Roa



Five Monterrey Pines Infested with Beetles Midway Along Road from Hilltop and Branching Over Road



Acacia Trees By Windsor Picnic Area



**Redwood Trees
by Windsor**

Picnic Area



Leaning Monterey Pines by Windsor Picnic Area



Dead Monterey Pine by Windsor Picnic Area



Oak Along Pathway to Building E





Date: November 30, 2022
To: Board of Directors
From: Tony Constantouros, Interim General Manager
Subject: Update on KCC Contract

Recommendation:

Update on the status meetings of a new agreement with the KCC.

Background:

At the November 10, 2022 Board Meeting the KCC contract was extended to December 7, 2022. It was also tentatively decided to hold a meeting on November 30, 2022 and consider contract provisions of interest to the Board. Several meetings have been held and there has been progress toward a new contract. There has been tentative agreement on many issues and the process is nearing completion.

Fiscal Impact:

None

Exhibit (s):

None