



Staff Report

Date: June 7, 2016

To: City Council

From: Valerie J. Barone, City Manager

Prepared by: Justin Ezell, Director of Public Works
Justin.ezell@cityofconcord.org
(925) 671-3231

Subject: **Considering Resolution No. 16-36 authorizing PG&E to resume the revised version of the Community Pipeline Safety Initiative (formerly known as the Pipeline Pathway Project)**

Report in Brief

In April 2014 the City Council adopted a resolution demanding that Pacific Gas and Electric Company (PG&E) refrain from all tree removal activities in the City of Concord as a part of its Pipeline Pathways Project (what is now called the Community Pipeline Safety Initiative). The company complied with the order and has returned to the City with a revised program and approach. This report provides background and history on the PG&E Community Pipeline Safety Initiative and recommends that the City Council adopt a resolution which authorizes the company to resume its project.

Recommended Action

1. Adopt Resolution No. 16-36 authorizing PG&E to resume the Community Pipeline Safety Initiative (formerly known as its Pipeline Pathway Project) in order to protect the integrity of natural gas transmission pipelines and to provide adequate access to crisis response crews in the event of an emergency or natural disaster; and
2. Allocate the \$66,551 fee paid by PG&E to construct an environmentally friendly community benefit project to replant the street median that is located on Gateway Boulevard between Clayton and Willow Pass roads.

Background

Pacific Gas & Electric Company (PG&E) planned to cut down 730 trees in Concord as part of a project to survey its natural gas pipeline, effectively clear-cutting a 20-foot

swath through the City, and many other cities in the state, without regard for the impact to the community or the environment. Although the City supported the need for measures to ensure pipeline safety, the concern was that PG&E's Pipeline Pathway Project needed to more realistically evaluate safety impacts and keep in mind the goal of minimizing negative impacts to protect quality of life.

Concord's Council Members and City Manager and City Attorney were leaders in a multi-city effort to convince PG&E that they needed to rethink their approach to their program. In response, PG&E formally decided to "pause" their Community Pipeline Pathways Project while they worked to respond to the myriad of concerns being expressed by cities and community members. The City of Concord followed PG&E's action of pausing the project by adopting Resolution No. 14-21 (Attachment 3), demanding Pacific Gas & Electric Company to refrain from all tree removal activities in the City of Concord until certain conditions had been met.

Between April 2014 and the May of 2015, PG&E developed a revised project approach, which incorporated a safety assessment on the following tree data: species, size at maturity, distance from the pipe, as well as information about the pipe itself and the environment around it to determine if a tree poses a risk to the pipeline. This approach reduced the total number of trees identified for removal from 730 to 272, of which 75 are protected under the City of Concord's Protected Tree Ordinance). Only 6 of the 272 trees identified for removal are located on City property. These six trees are located at the Diablo Creek Golf Course and are not protected. In addition PG&E identified 287 trees that they needed to actively monitor, but that did not require removal at this point. A May 27, 2015 letter from PG&E is included as Attachment 1, which details the company's revised project and approach.

In April 2016 PG&E met with the City's Policy Development and Internal Operations Committee, at which time staff provided a report on the PG&E Pipeline Safety Initiative and answered questions from the Committee. The Committee directed staff to bring the item to the full City Council for consideration after gathering the requested information provided below.

Analysis

During the April 2016 Policy Development and Internal Operations Committee meeting, a question was asked as to whether or not the City Council will need to take amending action if privately owned trees required as a project's condition of approval are removed during the PG&E Community Pipeline Safety Initiative; the answer is yes. However, the resolution before Council will delegate to the Public Works Director (or designee) the authority to approve tree removals under the program, and such changes shall be considered applicable amendments to individual use permits which required the trees to be planted as a condition of approval. No additional action by the City Council will be necessary.

The Committee also requested more information as to what sort of community presence and support PG&E offers to the community. To start, the company provides electrical and gas service to approximately 125,000 citizens and has a long history of working together with the City. The company employs approximately 1,500 people in Concord, and about 425 current PG&E employees and 180 retirees live within our community. The company has employees who sit on the Boards of the Concord Chamber of Commerce and the Monument Crisis Center.

The company supports the community in a number of ways, including: securing more than \$340,000 in energy efficiency rebates and incentives for Concord residents in 2015; providing \$2 million to Contra Costa County Fire Protection in 2015; providing \$363,000 in grants, employee donations and matching funds to 77 local organizations through PG&E's Campaign for the Community in 2015; pledging \$259,400 in grants, employee donations and matching funds to 66 local organizations through PG&E's Campaign for the Community during 2016; and providing more than \$39,000 to 149 households through REACH assistance in 2015.

PG&E supports a number of other programs and services for the community as well. According to the company, however, ensuring the safety of its customers, their families, the communities and its employees is always its number one priority. PG&E cites leading national experts on pipeline safety when it describes the replacement of trees and other obstacles that are located too close to underground pipelines, as putting safety first. Doing so helps ensure public safety by preventing gas leaks and speeds up first responder response times during emergencies or natural disasters.

Given PG&E's follow through on their commitment to reevaluate their project and to ensure that only trees which pose an unacceptable safety risk to the gas pipeline are identified for removal, staff recommends that the City Council adopt a resolution which authorizes the company to resume its project as revised. Staff makes this recommendation based on PG&E's assurance that only unacceptable risk trees will be removed as a part of the Community Pipeline Safety Initiative.

PG&E has offered to the City the following terms in exchange for the City's authorization to resume the Community Pipeline Safety Initiative work:

- a. PG&E will work cooperatively with the individual property owners to develop restoration plans that meet the needs of both the property owner to mitigate the removal of the 272 unacceptable risk trees; and
- b. PG&E will obtain the necessary ministerial permit associated with the Pipeline Safety Initiative work and will pay to the City a flat fee of \$66,551.

Staff recommends that the fee of \$66,551 be allocated toward an environmentally friendly community benefit project to replant the median that is located on Gateway

Boulevard between Clayton and Willow Pass roads. The median, which used to be covered in lush, green grass, is now covered with bark and has trees that are suffering from the lack of water. The water was turned off to the median in April 2015 when Governor Jerry Brown made it illegal to irrigate turf with potable water in street medians. Since then, bark was used to “cover up” the dead grass and to help preserve the little water available to the now suffering trees.

Staff recommends that the fee be used to replant the median using a variety of ornamental trees, plants and grasses which require low water use. The estimated cost to design and construct the project, including irrigation work and material purchase, is estimated at \$66,551. PG&E offered to pay this exact amount as a flat fee to once again show its support for the community and to help offset the impacts of their revised project. The staff-recommended median replanting project not only has environmental and aesthetic benefits, but also has a strong economic benefit for the community, given the now defunct median is situated in the heart of Concord’s Class A office space.

Alternatives

1. The City can reject PG&E’s terms and direct staff to continue negotiating the agreement requirements; or
2. The City can accept PG&E’s terms and direct staff to allocate the \$66,551 fee offered by PG&E to a different community benefit project.

Financial Impact

PG&E will pay to the City a flat fee of \$66,551.

Environmental Determination

PG&E is the lead agency that will work with the regulatory bodies which permit their safety work to ensure compliance with CEQA (wherever applicable).

Public Contact

The City Council Agenda was posted.

Attachments

1. May 27, 2015 letter from PG&E
2. Resolution No. 16-36
3. Resolution No. 14-21



Pacific Gas and Electric Company
Land & Environmental Management
6111 Bollinger Rd, 3rd Floor
San Ramon, CA 94583

May 27, 2015

Valerie Barone
City Manager
City of Concord
1950 Parkside Drive
Concord, CA 94519

Re: Safety Assessment on Private Property

Dear Ms. Barone:

On behalf of Pacific Gas and Electric Company (PG&E), we want to thank you and other members of the city staff for meeting with us on April 17, 2015 to discuss safety assessments on private property. We have a long history of working side by side, and we see this important gas safety initiative as another step forward in that partnership. Your guidance and leadership are essential as we continue working together on shared solutions for public safety. Our upcoming pipeline safety work will help safeguard the integrity of the gas system and allow first responders and PG&E's safety crews to access the pipeline to make it safe in an emergency or natural disaster. We know how important trees are to your residents, your community and the environment. Trees are important to us, too. That's why we are looking closely at the area above natural gas transmission pipelines to ensure we are only replacing trees that pose an unacceptable safety risk, including those on private property. While removing vegetation from 10 feet on either side of the pipeline is industry best practice, we will work with property owners to conduct a safety assessment of trees located on residential private property as detailed below (additional information can be found in Attachment A).

- PG&E will work with private property owners to share with them what we know about the safety risks and gather specific information about their tree(s) and property so that we can conduct an in-depth review.
- Trees and brush located between zero and five feet from the edge of the gas pipeline will need to be removed, in order to:
 - Ensure emergency first responders and PG&E gas safety specialists have the minimum clearance (five feet on either side of the pipeline) to get to the pipe in an emergency.
 - Protect the pipeline from damage caused by tree roots.
 - Help keep the community safe.
- For trees and brush located between 5.1 and 10 feet from the edge of the pipeline, PG&E will conduct an assessment of the following data: tree species, size at maturity, distance from the pipe, as well as information about the pipe itself and the environment around it to determine if a tree poses an unacceptable risk to the pipeline.
- PG&E will meet with the property owner to review the results of the safety assessment. When trees need to be removed for safety reasons from private or commercial property, we will work with the individual property owner or the city to offer replacement trees, a safe distance from the pipe.
- Trees that are between 5.1 and 10 feet from the pipe and considered a manageable risk can potentially remain in place with ongoing monitoring by PG&E professionals. In the future, these trees may become an unacceptable risk to the pipeline, and we will work with the property owner to address the situation at that time.

- PG&E will share with the city the number of trees planned for removal on commercial and private property and provide the city with a neighborhood map for those trees that are deemed significant by the local ordinance and need to be removed for safety reasons.
- PG&E will obtain ministerial encroachment permits or building permits associated with this gas safety work.
- For those trees designated significant or protected, PG&E will offer replacement trees consistent with the ratio specified in the city's tree ordinance.

Proposed Schedule for Outreach

Below is a preliminary timeline for your review of how and when we could begin outreach to private property owners while continuing to work in close coordination with you and city staff.

- Week of June 1: PG&E will meet with Walnut Creek and Concord individually to discuss next steps
- Week of June 8: PG&E will begin outreach to private property owners, including mailing a shared letter developed by the city and PG&E
- Week of June 15: PG&E will work with private property owners to schedule onsite visits
- Week of June 22: PG&E will begin meeting onsite with property owners to explain the program, discuss the safety assessment and gather the additional data
- Mid-July through late-August: PG&E will conduct in-depth review of trees on private property to determine if a tree poses an unacceptable risk and will need to be replaced for safety reasons, or if the tree is a manageable risk and can potentially remain in place with ongoing monitoring
- Week of August 31: PG&E will meet with city staff to review the results of the safety assessment on private property, discuss any additional outreach and review the work schedule

Please note this proposed timeline is subject to change based upon scheduling and availability of property owners.

Next Steps

We all care deeply about public safety, and we also share a desire to preserve the natural beauty of the community (please see Attachment B for a guide to safe landscaping near gas pipelines). Thank you again for working with us to move this important gas safety initiative forward. We will be contacting you in the coming days to schedule a time to meet and continue this important conversation about community safety.

Sincerely,



Brandon Hernandez
Government Relations Director
Pacific Gas and Electric Company



Sheryl Bilbrey
Land Management Director
Pacific Gas and Electric Company



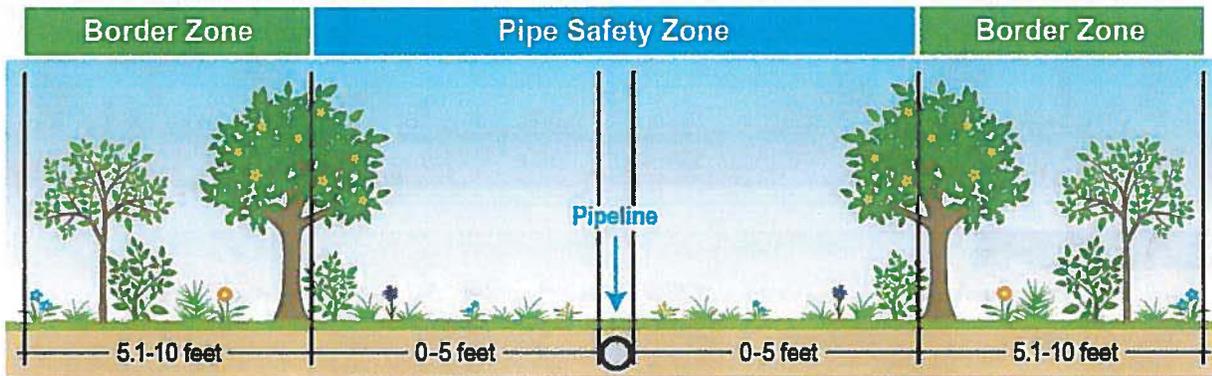
Megan Ardell
Customer Impact Director
Pacific Gas and Electric Company

ATTACHMENT A

Private Property Safety Assessment – Trees and Vegetation

PG&E understands how important trees are to customers, the community and the environment. To ensure we are only replacing trees that pose a safety concern, we are conducting an in-depth assessment of trees located on private property. As part of this assessment, we will work with private property owners to share with them what we know about the safety risks and gather specific information about their tree and property. While removing vegetation from 10 feet on either side of the pipeline is the industry’s best practice to reduce safety risks, trees that are determined to be a manageable risk can potentially remain in place with ongoing monitoring and inspections by our PG&E safety professionals. In the future, it may be determined that these trees develop into a risk for the pipeline serving gas to the community, and we will work with the property owner to address the situation at that time.

The chart below outlines the steps PG&E will utilize to conduct the review of trees on private property.



Pipe Zone

This zone includes the area five feet on either side of the transmission pipeline, which is the minimum clearance required to:

- Ensure emergency access to the pipeline
- Protect the pipe from damage
- Keep the community safe

As part of the private property safety assessment, PG&E will:

- Work together with the property owner
- Gather the distance from edge of pipe to edge of tree, including tree size at maturity
- If it is determined that a tree is located in the pipe safety zone, PG&E will offer the property owner a replacement tree to be planted a safe distance from the pipe

Note: the width of the tree canopy is not included as a factor

Border Zone

Some trees located in the border zone may be far enough away from the pipeline that they pose a risk PG&E can manage through ongoing monitoring. As part of the private property safety assessment, PG&E will:

- Work together with the property owner
- Gather specific tree and pipe data, such as:
 - Tree species
 - Tree diameter
 - Depth of the pipe
 - Age of pipe
 - Wind exposure
 - Soil Type
- Conduct an in-depth review of the data to determine if a tree is a manageable risk and can potentially remain in place with ongoing monitoring

Note: the width of the tree canopy is not included as a factor

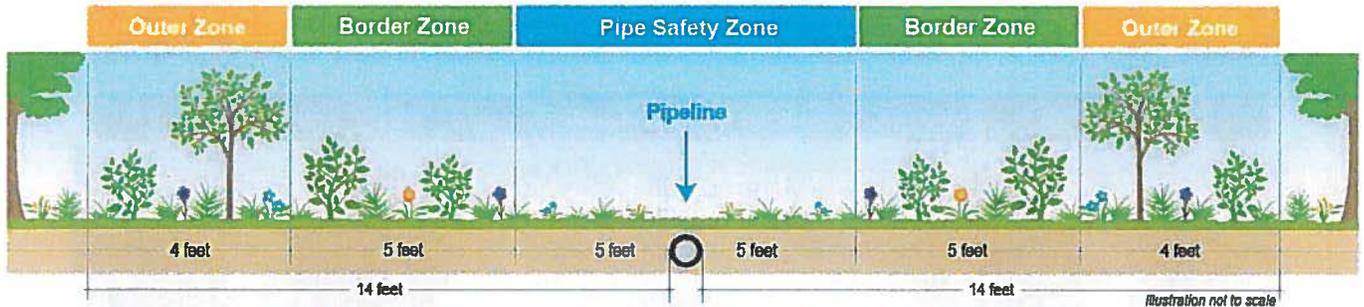
Please note for trees located on city-owned property, PG&E will continue to work with city leaders to conduct an in-depth review of every tree.

ATTACHMENT B



Community Pipeline Safety Initiative
 Guide to Safe Landscaping Near Gas Pipelines

When planning new landscaping near underground utilities, it's important to remember that the right plant in the right location can both add to the natural beauty of your home and help protect the safety of your community. First responders and safety crews depend on ready access to the area above PG&E's natural gas transmission pipelines in order to keep them operating safely. The following is a list of plant types that are safe in certain locations, or zones, around the pipeline. Please note the suggested list is not all-inclusive.



Pipe Zone

Lawns, flowers, low-profile grasses and low-growing herbaceous plants are permitted within the Pipe Zone. See the list below for plant suggestions.

African daisy (<i>Osteospermum fruticosum</i>)	California poppy (<i>Eschscholzia californica</i>)	common thrift (<i>Armeria maritima</i>)	poppy mallow (<i>Callirhoe involucrata</i>)	stonecrop (<i>Sedum</i> spp.)
blanket flower (<i>Gaillardia</i> spp.)	candytuft (<i>Iberis sempervirens</i>)	dymondia (<i>Dymondia margaritae</i>)	santa barbara daisy (<i>Eriogonon karvinskianus</i>)	thyme (<i>Thymus</i> spp.)
blue eyed grass (<i>Sisyrinchium bellum</i>)	chalk lettuce (<i>Dudleya pulverulenta</i>)	grama grass (<i>Bouteloua</i> spp.)	sedge (<i>Carex</i> spp.)	veronica (<i>Veronica prostrata</i>)
blue fescue (<i>Festuca glauca</i>)	coast aster (<i>Aster chilensis</i>)	lamb's ears (<i>Stachys byzantina</i>)	society garlic (<i>Tulbaghia violacea</i>)	wild strawberry (<i>Fragaria chiloensis</i>)
				woolly yarrow (<i>Achillea tomentosa</i>)

Border Zone

Small to medium shrubs with a trunk or main branch less than 8" in diameter at full maturity are permitted within the Border Zone. Diameter is measured at chest height. See the list below for plant suggestions.

Australian rosemary (<i>Westringia fruticosa</i>)	California sagebrush (<i>Artemisia californica</i>)	fortnight lily (<i>Diets vegeta</i>)	manzanita (<i>Arctostaphylos</i> spp.)	pink fairy duster (<i>Calliandra eriophylla</i>)
buckwheat (<i>Eriogonum</i> spp.)	coffeeberry (<i>Rhamnus californica</i>)	golden daisy bush (<i>Euryops pectinatus</i>)	matilija poppy (<i>Romneya coulteri</i>)	rockrose (<i>Gistus purpureus</i>)
bush anemone (<i>Carpenteria californica</i>)	coyote brush (<i>Baccharis pilularis</i>)	hybrid daylily (<i>Hemerocallis hybrid</i>)	Mojave lupine (<i>Lupinus sparsiflorus</i>)	rosemary (<i>Rosemarinus officinalis</i>)
California fescue (<i>Festuca californica</i>)	deer grass (<i>Muhlenbergia rigans</i>)	hybrid penstemon (<i>Penstemon</i> "Hybrids")	Parry's agave (<i>Agave parryi</i>)	Russian sage (<i>Perovskia atriplicifolia</i>)
California fuchsia (<i>Zauschneria californica</i>)	desert mallow (<i>Sphaeralcea ambigua</i>)	laurustinus (<i>Viburnum tinus</i>)	phormium (<i>Phormium</i> spp.)	santolina (<i>Santolina rosemariifolia</i>)

Outer Zone

Large shrubs and small trees with a trunk less than 36" in diameter at full maturity are permitted within the Outer Zone; however, if space allows, we recommend planting trees at an even greater distance from the pipeline. Diameter is measured at chest height. See the list below for small tree suggestions.

American smoke tree (<i>Cotinus obovatus</i>)	bottlebrush (<i>Callistemon viminalis</i>)	Catalina cherry (<i>Prunus liriodora</i> spp. <i>hyonii</i>)	cape myrtle (<i>Lagerstroemia indica</i>)	soaptree yucca (<i>Yucca elata</i>)
Arizona madrone (<i>Arbutus arizonica</i>)	bush poppy (<i>Dendromecon rigida</i>)	Chinese pistache (<i>Pistachia chinensis</i>)	desert willow (<i>Chilopsis linearis</i>)	southern flannel bush (<i>Fremontodendron mexicanum</i>)
Biglow's nolina (<i>Nolina bigelovii</i>)	California lilac (<i>Ceanothus</i> spp.)	chitalpa (<i>Chitalpa tashkentensis</i>)	lilac chastetree (<i>Vitex agnus-castus</i>)	yellow paloverde (<i>Parkinsonia microphylla</i>)

811 Be Safe. Dig Safe.
 Before you begin any landscaping work, always call **811** at least two business days in advance. With one free call to **811**, PG&E will send a crew that can mark our underground gas and electric facilities before you begin work, helping you plan a safe project.

The above list includes water-wise plants suited for most California climate zones, however each location is different. PG&E makes no representation or guarantee that these plants are suitable for every location. Please consult your local nursery for more information. If there is an electric powerline on or near your property, there may be additional land use restrictions. Please take care to consult any easement agreement you may have for your property or call PG&E at 1-877-259-8314.

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**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

A Resolution authorizing PG&E to resume the Community Pipeline Safety Initiative (formerly known as the Pipeline Pathway Project) in order to protect the integrity of natural gas transmission pipelines and to provide adequate access to crisis response crews in the event of an emergency or natural disaster.

Resolution No. 16-36

WHEREAS, Pacific Gas and Electric Company (PG&E) has a Community Pipeline Safety Initiative to ensure that its natural gas transmission lines are operating safely and that first responders have the necessary access to the pipelines in the event of an emergency or natural disaster; and

WHEREAS, in response to PG&E’s Community Pipeline Safety Initiative, the City of Concord adopted Resolution No. 14-21 demanding that PG&E refrain from all tree removal activities in the City of Concord; and

WHEREAS, in response to the City of Concord’s demands, PG&E complied with the provisions adopted in Resolution No. 14-21 and revised its program and approach.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1. Delegates to the Public Works Director (or designee) of the City of Concord the authority to approve tree removals under PG&E’s Community Pipeline Safety Initiative.

Section 2. Tree removals approved by the Public Works Department as a part of PG&E’s Community Pipeline Safety Initiative shall be considered applicable amendments to individual use permits which required the trees to be planted as a condition of approval.

Section 3. Accepts funding from Pacific Gas and Electric Company in the amount of \$66,551.

Section 4. This resolution shall become effective immediately upon its passage and adoption.

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1 **PASSED AND ADOPTED** by the City Council of the City of Concord on June 7, 2016, by
2 the following vote:

3 **AYES:** Councilmembers -

4 **NOES:** Councilmembers -

5 **ABSTAIN:** Councilmembers -

6 **ABSENT:** Councilmembers -

7 **I HEREBY CERTIFY** that the foregoing Resolution No. 16-36 was duly and regularly
8 adopted at a regular meeting of the City Council of the City of Concord on June 7, 2016.

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Joelle Fockler, MMC
City Clerk

APPROVED AS TO FORM:

Susanne Meyer Brown
City Attorney

BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A Resolution Demanding that Pacific Gas & Electric
Company Refrain from all Tree Removal Activities in
the City of Concord

Resolution No. 14-21

WHEREAS, the City of Concord (“City”) was incorporated in 1905. Included within the rights and responsibilities that it assumed as a city under the California Constitution and State Laws is the right to own and manage the public rights-of-way, parks and other public property, and to adopt laws furthering the health, safety and general welfare of the citizens of Concord; and

WHEREAS, in managing the public rights-of-way and public property, the City must balance many interests, including: vehicular, bicycle and pedestrian traffic; water, sewer, storm water, gas, electric and telecommunications utilities both above ground and underground; pipelines carrying fuel, telecommunication fiber or other materials; environmental protection; the visual attractiveness of the community, whether in a business or rural setting; environmental concerns, including protection of the habitat for flora and fauna; and the interests of neighboring property owners and the residents in the communities comprising the City; and

WHEREAS, trees in our City provide not only life-sustaining oxygen, but also shade, privacy, mitigation of topsoil erosion and flood hazards, wind protection, beauty, and critical habitat for birds and many wildlife species; and

WHEREAS, since 1981, Concord has been named a “Tree City USA” community, and since 1998 the City has received a “Tree City Growth Award” by the National Arbor Day Foundation for demonstrating progress in our community forestry program and for recognizing the value of trees in our community by planting and nurturing hundreds of trees; and

WHEREAS, the presence of landscaping, and particularly mature trees, increases the value of property, whether public or private, and is often critical in economic development efforts in our communities throughout the City; and

WHEREAS, the shade provided by trees mitigates the degradation of roadway surfaces caused by prolonged exposure to direct sunlight, prolonging the life of affected roadways and

1 resulting in attendant cost savings to the City; and

2 **WHEREAS**, the City has adopted Tree Protection Ordinances in both its Municipal and
3 Development Codes (Concord Municipal Code Chapter 8.40, Concord Development Code Sections
4 122-825 through 122-832), to provide oversight and protection of City-owned trees and shrubs and
5 privately owned trees that meet specified species and size requirements. In particular, the Tree
6 Protection Ordinances preclude the pruning or removal of any City-owned trees growing in, along or
7 upon any street, park or public place without written approval by the City Manager. The Tree
8 Protection Ordinances also establish a discretionary permitting process and provide a detailed set of
9 criteria that must be met before any protected trees on private property may be removed. The purpose
10 of the Tree Protection Ordinances is to ensure the proper care of trees, shrubs, and hedges in parks, in
11 public places, and streets; to provide for the public health, safety, and general welfare; to contribute to
12 the attractiveness of the City and the quality of life of citizens and visitors; to maintain the climatic
13 and ecological balance of the area; and to protect large native trees, trees of historic or cultural
14 significance, groves and stands of mature trees, and mature trees in general; and

15 **WHEREAS**, the City supports Pacific Gas & Electric's ("PG&E") goal of ensuring that
16 improvements and trees and other flora planted over or near gas transmission pipelines do not
17 compromise the safe operation of those pipelines, and recognizes PG&E's interest in efficiently
18 accessing its gas transmission pipelines; and

19 **WHEREAS**, the City nevertheless disagrees with the manner in which PG&E is pursuing its
20 Pipeline Pathways Program, which threatens the destruction of over 700 public and privately-owned
21 trees throughout the City. Many of those trees are decades old, and are expressly protected under the
22 City's Tree Protection Ordinances, and/or under other city ordinances, regulations or City-issued
23 entitlements, including entitlements mandating tree/flora maintenance as a condition of a discretionary
24 approval, or as an environmental mitigation measure. Moreover, many of the trees/flora at issue were
25 growing in place before PG&E constructed its gas transmission pipelines.

26 Notwithstanding PG&E's acknowledgment that the California Public Utilities Commission has not
27 issued any orders specifically requiring implementation of the Program, and that none of PG&E's gas
28 transmission pipelines in the City are in imminent danger of tree-related damage or compromised

1 structural safety, PG&E has attempted to institute its Program with minimal advance notice, without
2 any meaningful dialogue with City representatives or other stakeholders, without following the
3 permitting requirements set forth in the City's Tree Protection Ordinances or in other City regulations,
4 without complying with the procedures of California's Environmental Quality Act (CEQA), and
5 without considering viable alternatives or mitigation measures; and

6 **WHEREAS**, PG&E does not have the legal authority to unilaterally remove or prune either
7 City or privately-owned trees and other flora, as reflected in the Franchise Act of 1937 and decisions
8 issued by the California Supreme Court; and

9 **WHEREAS**, in response to PG&E's actions and the stated intentions of its Pipeline Pathways
10 Program, the City is compelled to demand that PG&E cease its tree removal activities under that
11 Program throughout the City until the issues described above can be addressed to the satisfaction of
12 the City and other stakeholders.

13 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES**
14 **RESOLVE AS FOLLOWS:**

15 **Section 1.** PG&E must provide the City with the precise locations of the public and privately-
16 owned trees /flora under consideration for removal, and demonstrate the necessity of removing them
17 to protect its gas transmission pipelines.

18 **Section 2.** PG&E must engage in meaningful discussions to consider appropriate alternatives
19 and mitigation measures to achieve the goals of all stakeholders, including adequate compensation for
20 any public or privately-owned trees/flora that ultimately are removed by PG&E.

21 **Section 3.** PG&E must comply with all applicable federal, state and local laws and
22 requirements, including but not limited to the California Environmental Quality Act (CEQA), and the
23 permitting process set forth in the City's Tree Protection Ordinances, and where applicable, other City
24 ordinances, regulations and requirements.

25 **Section 4.** PG&E must provide full reimbursement to the City and to affected private
26 homeowners for all mitigation and other costs incurred as a result of PG&E's Pipeline Pathways
27 Project.

28 **Section 5.** This resolution shall become effective immediately upon its passage and adoption.

1 **PASSED AND ADOPTED** by the City Council of the City of Concord on April 8, 2014, by
2 the following vote:

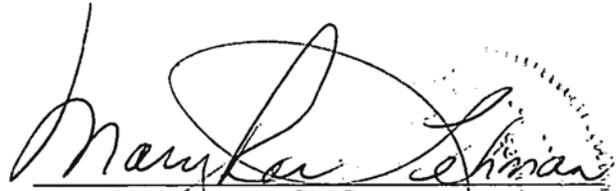
3 **AYES:** Councilmembers - E. Birsan, D. Helix, L. Hoffmeister, R. Leone, T. Grayson

4 **NOES:** Councilmembers - None

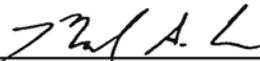
5 **ABSTAIN:** Councilmembers - None

6 **ABSENT:** Councilmembers - None

7 **I HEREBY CERTIFY** that the foregoing Resolution No. 14-21 was duly and regularly
8 adopted at a regular meeting of the City Council of the City of Concord on April 8, 2014.

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11 
12 Mary Rae Lehman, CMC
13 City Clerk

14 **APPROVED AS TO FORM:**

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16 Mark S. Coon
17 City Attorney