

Megill, Karla

From: gene tyburn [REDACTED]
Sent: Friday, July 25, 2014 10:12 PM
To: Megill, Karla
Subject: Re: to be sent to each of the board membersthank you

KARLA MUCH THANKS FOR YOUR PROFESSIONAL WORK IN THE FACE OF A
SEE NO EVIL, HEAR NO EVIL, SPEAK NO EVIL, JERKS .
JUST BETWEEN ME AND YOU....IM BETTING THAT NOT ONE OF THESE
COMMISSIONER HAVE EVER LOOKED IN TO THE BEHAVIOR OF THAT
MAN...TO SEE HE HAS BEEN TERRORIZING THE PUBLIC FOR YEARS.
IT WAS LIKE STANDING IN FRONT OF A NAZI TRIBUNAL THAT, NO WHAT
YOU SAY. THERE GOING TO HANG YOU ANYWAY..
THANKS AGAIN GENE

On Friday, July 25, 2014 1:58 PM, "Megill, Karla" <KMegill@SantaBarbaraCA.gov> wrote:

Good afternoon Mr. Tyburn.

I am writing to tell you that I have forwarded your email to the Parks and Recreation Commissioners, per your request. Additionally, I wanted to let you know that the documents you provided during the Commission meeting were scanned and sent to the Commissioners yesterday.

Kind regards,

Karla Megill
Executive Assistant

From: gene tyburn [mailto:[REDACTED]]
Sent: Friday, July 25, 2014 10:07 AM
To: Megill, Karla
Subject: Fw: to be sent to each of the board membersthank you

On Wednesday, July 23, 2014 4:53 PM, gene tyburn [REDACTED] wrote:

dear board members

first of all i will say that the 2 minute comment time is **very unfair**...and is only meant to dissuade the public from standing before you with I pleas for help. note! that only i was there to complain about what is going on.....the public has just given up as they are shut up and made to feel like jerks if they go over this ridicules time

given to the public who are unhappy about the way they are treated....do you have the courage to challenge this unfair rule. i wonder.?

i hope you read the letter i have given you about this out of control city arborist who has put fear into the heart of everyone in this city.....using their own trees to create problems for them. setting standards that for tree care that **he does not follow himself.**

you can see by the letters i have given to you **how ridiculous he is** ...asking for me to tell him what branches i will cut**even before the branches grown in.**

i beg you to look into this mans behavior, and see he is brought under control and give the people of the city some relief from his dictatorship and threats.

as i said...i was taken to court **twice already for his crazy demands** how to prune trees on privet property and was found **not to break any rules or reg....**so its just a case of personal harrasment . only you can stop this.....and i hope you have the courage to do this.

please have the courage to stand up for the public and not be quelled by the other city bureaucrats who are all living in fear, and demanding that you walk out of a meeting like little robots as you did today....stay and listen you might learn something.

my site on the web is **TLCTREES.NET** THERE YOU WILL SEE EXAMPLES OF MY WORK OVER 20 YEARS AND REALIZE I KNOW WHAT IM TALKING ABOUT AND COULD BE A GREAT HELP TO YOU **IF YOU ARE REALLY INTERESTED** IN DOING A GOOD JOB FOR THE CITY. SINCERELY GENE TYBURN
805-9694057

ps..i can back up all my statements with facts, and witness other wise my letter to you would be libelous

Megill, Karla

From: gene tyburn [REDACTED]
Sent: Saturday, July 26, 2014 8:59 AM
To: Megill, Karla
Subject: how can i be put on the ajenda to speak ?

i suppose that might be the way to get something done ...never thought of this before

what do i have to do...so that i can discuss how downey is behaving towards the public and threatening the tree companies over rules that are ridiculous ...that he enforces just punish us for his personal reasons . forcing us to sign papers under threat that we will, prune trees under his direction.

gene tyburn

Megill, Karla

From: Megill, Karla
Sent: Monday, July 28, 2014 1:38 PM
To: Andrew Rodriguez; Beebe Longstreet; Carolyn Brown; Chris Casebeer; Jim Heaton; Lesley Wiscomb; Nichol Clark; Olivia Uribe
Cc: Megill, Karla; Rapp, Nancy
Subject: FW: PLEASE SEND TO THE PARKS COMMITTEE

Hello Commissioners.

Please find an email below from Mr. Tyburn.

Kind regards.

Karla Megill
Executive Assistant

From: gene tyburn [mailto:████████████████████]
Sent: Monday, July 28, 2014 12:07 PM
To: Megill, Karla
Subject: PLEASE SEND TO THE PARKS COMMITTEE

GENE TYBURN HERE

AS YOU DECIDED TO WALK OUT ON MY COMPLANT OF THE BEHAVIOR OF THE CITY ARBORITSI WILL WRITE YOU A SHORT LETTER.

IF YOU GO TO THE LOCATION OF THE TREE AT THE BANK OF AMERICA AND NOTE THAT THE TREE GIVEN THE CITATION IS WITHOUT MIRTE. AND ONLY MEANT TO CREATE PROBLEMS FOR THE BANKNOT SOLVE THEM.. THIS IS MR. DOWNEYS SPECIALITY...CAUSING PROBLEMS!!!

THE TREE IS FAR TO LARGE FOR ITS LOCATION. BREAKING UP THE SIDE WALK **AGAIN AND SMOTHERING A CITY TREE WITH FOLIAGE, **EVEN AFTER IT HAS BEEN PRUNED.****

BEFORE THE PRUNING IT WAS 12 FEET OVER THE STREET AND 15 OVER THE BANK ROOF AND CRACKING THE BANKS STAIRS. **AND NEEDED TO BE REDUCED.!!!!**

**THE SERVICE DID NOT BREAK THE RULES
THEY DIDNT REMOVE MORE THEN A FOURTH OF THE TREE
THEY DIDNT CHANGE THE SHAPE OF THE TREE.**

INSTEAD OF WORKING WITH THE BANK TO SOLVE THE PROBLEM ...ALL HE WANTED TO DO WAS PUNISH THE BANK.

WHAT IS IRONICTHE CITY OWNED TREE IN FRONT OF BANK IS ALMOST DEAD BECAUSE OF LACK OF CARE.

GENE TYBURN CERTIFIED ARBORIST. FOR 40 YEARS.

Rapp, Nancy

From: Rapp, Nancy
Sent: Wednesday, July 30, 2014 9:48 AM
To: 'Andrew Rodriguez'; 'Beebe Longstreet'; 'Carolyn Brown'; 'Chris Casebeer'; 'Jim Heaton'; 'Lesley Wiscomb'; 'Nichol Clark'; 'Olivia Uribe'
Cc: Zachary, Jill; Downey, Timothy E.; Escobar, Santos; Casey, Paul
Subject: BANK OF AMERICA TREE ENFORCEMENT CASE - MR. GENE TYBURN
Attachments: Tyburn.tree restoration plan.5-30-14.pdf; Example.Tree Restoration Plan.2011.pdf

Commissioners,

I thought it would be helpful to provide some background related to Mr. Gene Tyburn's comments during Public Comment at your meeting last week, and his two follow up emails directed to the Commission.

Background

Excessive pruning of several trees on the Bank of America property was reported by a local arborist, City staff, and a tree trimming company. One tree (Tipuana tipu) was a front setback tree, and the work done was severe enough to require a tree restoration plan if the tree is to remain safe. The City's tree preservation ordinance outlines "excessive pruning" violations, enforcement and remedies.

On May 20, 2014 Tim Downey and Jaime Limon (Community Development) met with the Bank Manager and the owner of the landscape company, (O'Brien) who did the work at the bank to discuss the trimming violations. (Jaime Limon is the lead on the City enforcement case because most of the trees are regulated by SBMC Chapter 28.00 – The Zoning Ordinance.) Most trees will grow back without any other action. The City enforcement action involved education about the Municipal Code requirements and better pruning practices. The remainder of the enforcement was specific to the Tipuana tipu tree.

Mr. Limon and Mr. Downey provided two options to resolve the enforcement case regarding the Tipuana tipu.

- A. Submit plans to replace the tree with something that fits the needs of the bank and Federal regulations that restrict trees from becoming a ladder to the roof of a bank.
- B. Retain the tree and provide a tree restoration plan.

The bank and landscape company chose option B and hired Gene Tyburn as their certified arborist to complete the tree restoration plan.

The Bank Manager forwarded Mr. Tyburn's tree restoration plan (attached) to Mr. Downey and Mr. Limon on June 2, 2014. Both agreed that the plan lacked sufficient detail to ensure restoration of the tree. The bank and landscape company were informed on July 10 that the restoration plan needed to be much more specific as to the scope of restoration work over time and dates work would be completed. Over the period July 11 – 28, Mr. Downey provided the bank and landscape company additional information and an example of the level of detail that the plan should include. (For your comparison, attached is a tree restoration plan developed by another arborist to resolve an enforcement case in 2011. The case was closed once the tree was restored.)

Today, Mr. Downey was informed by the Bank that they have engaged a different certified arborist, and will provide a new tree restoration plan by the end of the week. Mr. Downey has offered to be of assistance as needed through this process.

I hope this background information puts some of Mr. Tyburn's comments to you in perspective. Please let me know if you have any questions.

Nancy

Nancy L. Rapp

PARKS AND RECREATION DIRECTOR

City of Santa Barbara

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620 Laguna Street

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(805) 564-5431

nrapp@santabarbaraca.gov

Megill, Karla

From: gene tyburn [REDACTED]
Sent: Thursday, July 31, 2014 8:26 PM
To: Megill, Karla
Subject: HOPE TO BE PUT ON THE AGENDA

GENE TYBURN....PLEASE ADVISE HOW TO DO THIS.

YOURS GENE

Megill, Karla

From: gene tyburn [REDACTED]
Sent: Thursday, July 31, 2014 10:34 PM
To: Megill, Karla
Subject: Re: Automatic reply: HOPE TO BE PUT ON THE AGENDA

HI KARLA
PLEASE LET ME KNOW ABOUT THE RULES OF ENGAGEMENT
NATURALLY I WANT TO TALK ABOUT THE PARKS DEPT. AND THE
BEHAVIOR OF SOME OF ITS STAFF. AND THE LACK OF OVERSIGHT ON
EXCESSIVE BAD BEHAVIOR TOWARDS THE PUBLIC.
THANKS GENE

On Thursday, July 31, 2014 8:26 PM, "Megill, Karla" <KMegill@SantaBarbaraCA.gov> wrote:

I am sorry I missed you! Our office is closed Friday, August 1st, due to the City's compressed work schedule. I will return your email on Monday, August 4th.

Have a great weekend!

Thank you.

Karla Megill
Executive Assistant
City of Santa Barbara
Parks & Recreation Dept.
P. O. Box 1990
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City of Santa Barbara

Parks and Recreation Department

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August 5, 2014

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Neighborhood and

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423 W. Victoria St.

P.O. Box 1990

Santa Barbara, CA

93102-1990

Mr. Gene Tyburn

Via electronic mail at [REDACTED]

Dear Mr. Tyburn:

Although I wasn't in attendance to hear your Public Comment at the July 23, 2014, Commission meeting, I watched the meeting online. As well, all of the commissioners received your July 25 and July 28 emails.

Ms. Rapp forwarded to me your request to be on the Parks and Recreation Commission agenda at a future meeting. Your Public Comment on July 23rd and subsequent emails have not resulted in any commissioner's desire to receive more information or a need to add your request to our agenda. You are, however, welcome to continue to utilize Public Comment to address the Commission as you feel appropriate.

On several occasions, you've expressed frustration with the two minute limit on Public Comment. This limit has been in place for many years to provide everyone with equal time – whether we have one speaker or a dozen speakers. One way to gain more time is to have other members of the public "yield" or "defer" their time to you. For instance, someone could yield their two minutes to you which would allow you to speak for four minutes. If you go that route to gain more speaking time, please remember that the person giving you their time must also fill out a speaker slip and be present in Council Chambers when you speak, and that the total amount of time allowed for Public Comment is 15 minutes.

During your comments, you've also expressed frustrations specifically with the City's arborist. The Commission does not have purview over employee performance and cannot act upon your requests for further investigation and/or action. If you have concerns regarding an employee's performance, please direct them to Department Management or City Administration.

Finally, you continue to express frustration with our Municipal Code's provisions for tree preservation. I'm sure you remember that changes to the Municipal Code were developed following several public meetings over a year or more, with input from community members, landscape companies and local arborists. You participated in those meetings and expressed your opinions at that time. The recommended changes went to the Ordinance Committee and then to City Council, where they were adopted. Any proposed changes to the Municipal Code will need to go through the same process.

Mr. Gene Tyburn
August 5, 2014
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Please note that it's the Commission's obligation to make decisions in accordance with the current applicable provisions of the Municipal Code, and since the new ordinances have been adopted, the Commission has only received complaints or comments about the ordinances on a regular basis from you. We simply haven't seen a great public demand to change what's in place.

I hope this helps to clarify the Commission's duties and limitations and provides you with assistance on appropriate avenues for pursuit of some of your frustrations, should you wish to do so. Please feel free to contact me if you have any questions.

Sincerely,



Lesley Wiscomb
Chair, Parks and Recreation Commission

cc: Nancy Rapp, Parks and Recreation Director
Parks and Recreation Commission

From: [Rapp, Nancy](#)
To: ["Andrew Rodriguez"](#); ["Beebe Longstreet"](#); ["Carolyn Brown"](#); ["Chris Casebeer"](#); ["Jim Heaton"](#); ["Lesley Wiscomb"](#); ["Nichol Clark"](#); ["Olivia Uribe "](#)
Cc: [Megill, Karla](#)
Subject: FW: Response from Chair Wiscomb
Date: Thursday, August 07, 2014 9:15:54 AM

Commissioners, below is Mr. Tyburn's response to Chair Wiscomb's letter.

[Nancy](#)

From: Megill, Karla
Sent: Wednesday, August 06, 2014 3:56 PM
To: Rapp, Nancy
Subject: FW: Response from Chair Wiscomb

Mr. Tyburn's reply to Chair Wiscomb's response to him.

Karla Megill
Executive Assistant

From: gene tyburn [mailto:]
Sent: Wednesday, August 06, 2014 3:53 PM
To: Megill, Karla
Subject: Re: Response from Chair Wiscomb

TO LESLEY WISCOMB

AND THE HER FELLOW LACKEYS ON THE BOARD. IF YOU HAD ANY COURAGE TO DO THE RIGHT THING FOR THE PUBLIC THAT IS OUTRAGED BY THE CITY PARKS DEPT. BEHAVIOR TOWARDS THE CITIZENS OF THIS CITY YOU WOULDN'T HAVE WRITTEN ME THIS FORM LETTER. OF COURSE YOU ARE DENING ME THE RIGHT TO SPEAK...AS YOU AND YOUR BOARD WILL LOOK VERY INCOMPETENT. EVERYONE IN THE CITY KNOWS YOUR JUST A STOGES FOR NANCY RAPP AND HER CLICK OF NO NOTHING INCOMPETENT TREE DEPT.

HUNDREDS OF DEAD TREES ON THE STREETS AND A THOUSAND IN CRITICAL CONDITION, NEAR COMPLETE FAILURE DUE TO HIS INCOMPETENCE. THAT DOES NOT INCLUDE TREES THAT ARE ABOUT TO

FALL OVER, DO TO HIS LACK OF DUE DILIGENCE , **EVEN AFTER HE HAS BEEN WARNED!!!**

BUT CITY TREES AND THEIR CONDITION IS YOUR PROBLEM NOT MINE.

I WILL SITE THEM ALL WHEN I ADDRESS THE CITY COUNCIL!!!

THE REASON THERE ARE NOT A BOAT LOAD OF COMPLAINTS IS BECAUSE TIM DOWNEY MAKES VAILED THREATS TO THE PUBLIC WARNING THEM HE CAN MAKE THINGS HARDER FOR THEM SHOULD HE WANT TO.

YOUR TWO MINUTE RULE IS JUST AN OBVIOUS WAY TO SILENCE THE PUBLIC AND WHICH MAKE THE PUBLIC FEEL HOPELESS IN THE FACE OF YOUR BAND OF SO CALLED COMMISSIONERS . NOW I KNOW HOW IT WAS STANDING BEFORE THE NAZI COURTS DURING THE THIRD RICHET. THEY HEARD NOTHING AND THOUGHT NOTHING OUT OF FEAR THEY MIGHT ASK A QUESTION THAT WOULD REVEAL HOW STUPID THEY WERE REGARDING TREE WORK AND THE NATURE OF TREES ON PRIVATE PROPERTY . THATS WHY YOU WONT PERMIT THEM TO TALK...**ADMIT IT!!!**

THE MUNICIPAL CODE WAS PUT IN PLACE BY A SMALL CLICK OF THE CITY STOOGES WHO WERE LINED UP BY THE TREE DEPT SO THEY COULD HAVE CONTROL OVER PRIVIT PROPERTY; LIKE ONE OF YOUR FAVORITES. CATHY LEE BROWN. THE LOCAL SPY THAT WALKS THE NEIGHBORHOOD.LOOKING FOR SOME ONE TO TURN INRIGHT OUT OF THE NAZI PLAY BOOK.

EVERYONE IN TOWN KNOWS THE GAME IS RIGGED AND I HAVE BEEN TO NIEVE TO THINK THAT YOUR COMMISSION WAS OUT TO PROTECT THE PUBLIC. BUT YOUR REALLY NOTHING BUT A BUNCH OF STOOGES FOR THE PARKS DEPT. PRETENDING THAT YOU HAVE THE PUBLIC WELFARE AS YOUR GOAL.

BUT YOU SHOULD KNOW THIS BECAUSE YOU DONT...THE PUBLIC HAS THE LOWIST OPINON OF YOUR COMMISSION, AND HOW DO I KNOW THIS? ...I MEET PERHAPS 20 NEW PEOPLE A WEEK IN MY WORK, AND IF YOU KNEW WHAT THEY THINK OF THE TREE DEPT YOU WOULD NEVER ADMIT YOUR THE HEAD OF THIS

COMMISSION .

TO PROVE MY POINT...EVEN WHEN I OFFERED YOU AND YOUR PEOPLE A CHANCE TO LEARN WHAT WAS GOING ON IN THIS CITY YOU IGNORED MY OFFER.. SIDING WITH THE PHILOSOPHY OF " "LETS STAY IGNORANT ITS MORE COMFORTABLE '

A MIND IS A TERRIBLE THING TO WAST AND CURIOSITY IS A SIGN OF INTELLIGENCE . AND I SEEMS YOU HAVE NONE.

GENE TYBURN

On Wednesday, August 6, 2014 2:07 PM, "Megill, Karla" <KMegill@SantaBarbaraCA.gov> wrote:

Mr. Tyburn.

Attached is a letter from Chair Lesley Wiscomb in response to your request to be on the Parks and Recreation Commission agenda.

Kind regards,

Karla Megill

Executive Assistant

City of Santa Barbara

Parks & Recreation Dept.

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Fax: (805) 564-5480

take time today to **appreciate** someone **who does** something **you take** for granted...JLY