

**PUBLIC WORKS COMMISSION
MEETING OF WEDNESDAY, JUNE 15, 2005
CITY HALL, COUNCIL CHAMBERS
1315 VALLEY DRIVE
7:00 P.M.**

MINUTES

The meeting was called to order at 7:03 p.m.

1. Roll Call

Present: Commissioners Beste, DiVirgilio, Lombardo, Marinelli, Winnek

Also Present: Richard Morgan, Director of Public Works/City Engineer
Michael Flaherty, Public Works Superintendent
Rhea Punneo Administrative Assistant, Public Works Department

Absent: None

2. Flag Salute

Commissioner Beste led the flag salute.

3. Approval of Minutes: May meeting minutes will be presented at July meeting.

4. Public Comment

None

5. Correspondence

None

6. Items for Commission Consideration

a. Reconsideration of removal of eucalyptus tree at 5th St. and Prospect Ave.

Mr. Morgan presented the item, reviewing what occurred at the May 2004 meeting and noting that the request for removal of the tree was not supported by the commission at that time and therefore not forwarded to the City Council for approval.

He said that the item was back before the Commission due to a request submitted by the owner of the abutting property. Mr. Morgan discussed the situation and the new letter with the City Manager who suggested that the request be brought back to the Commission since the request was now from a resident rather than a developer. He noted that if the Commission again decides to keep the tree, then the owner of the abutting property could appeal the decision to the City Council.

General discussion among the Commissioners highlighted the following:

- This tree is in the public right-of-way – per Code, City holds owner of the adjacent property responsible for trees in the right-of-way.
- The tree is in a street easement; if area were to be vacated, the property would go to the abutting property.

- The tree has been trimmed by both the City and the property owner over the years.
- The developer's offer made at the previous meeting was no longer available.
- Tree wasn't planted by City, has been there since before the City started planting trees.
- Radical cutting of tree would promote huge new growth – cutting the tree now would cause more lifting of the foundation and fences, with no growth in the neighbor's yard.
- Last time before the Commission, they decided to take no action.
- The new twist for this meeting is that the owner of the adjacent property is now asking for the removal, asking that the Commission sent it on to Council with their support.

Coming forward to address the Commission were:

Mr. Belton, 1038 5th Street

Mr. Belton advised that he is the owner of the property next to the eucalyptus in question and presented pictures showing how much damage the tree has done which included:

- Showed how the tree hangs directly over his roof
- 25' wall crack
- Buckling sidewalk, leaning fountain

Mr. Belton noted that the roots have done more damage over the last 2 – 3 years and that the pictures he presented were taken the previous day. He said he feels that the tree should be maintained by the City, not the residents. He noted that he doesn't see the area in which the tree sits; he only sees what's in his yard. Also, he believes the tree will topple itself, landing on his home.

Ms. Bose, Mr. Belton's next-door neighbor

Ms. Bose noted that she had no idea of the extent of damage. She advised that the tree was part of a grove of trees when she moved in. She also said that if it were her backyard, she'd be upset as well. She would like the City to replace the eucalyptus with nice trees that would block the traffic noise from Prospect.

Bob Sencer, 1041 4th Street

He'd like to see the tree replaced with something - commenting that last year the proposer of the tree removal had made some suggestions of what could be put in there.

Mr. Steven Schreiner, 460 Prospect Ave.

Is in support of tree removal; feels Mr. Belton is correct, there is a pronounced leaning of the tree which will be a big problem; supports replacing with two or three trees.

At this time, Mr. Morgan read from a letter from Mr. Robert Conrad of 436 Prospect Avenue. Mr. Conrad urged the removal of the eucalyptus tree.

Discussion among the Commissioners included the following:

- Mike Flaherty has been working with the Friends of the Park and they're interested in this area.
- The reason the area south of the tree is maintained differently is because of the salt water barrier reef in the area.
- The photographs were quite compelling, could have made a difference when brought to the Commission last year.
- The Municipal Code assigns ownership of the tree to the abutting property owner and that includes responsibility for the tree's maintenance and/or replacement.
- This time the commission supports removal of the tree.

At this time the following motion was made:

MOTION by Commissioner Winnek to defer to the Public Works Director to do what he sees fit. Seconded by Commissioner Marinelli.

After some discussion, the motion was amended as follows:

MOTION by Commissioner Lombardo to give Director Morgan the authority to work with the resident to take care of the eucalyptus tree issues. Seconded by Commissioner Winnek.

AYES: Beste, DiVirgilio, Lombardo, Marinelli, Winnek
NAYS: None
ABSENT: None
ABSTAIN: None

Mr. Belton came forward at this time to add to his comments that he feels this property is very public – he’s maintained the part that’s personal to him; he doesn’t feel he should be the one to remove the tree.

Mr. Beste advised Mr. Belton that this was now an administrative matter and he should take it up with the City Council.

b. Request for Restricted Parking on Hermosa Ave.

Mr. Morgan presented the item, stating that it is now the standard action to bring requests for green parking spaces to the commission. He referred to the request from Rebecca Perry asking for a green space in front of her business at 901 Hermosa Ave., Unit G. He advised that there are no green spaces on the west side of the street on the 900 block of Hermosa Avenue.

Rebecca Perry, 901 Hermosa Ave, Unit G

Ms. Perry came forward and presented a petition from other businesses in that area.

MOTION by Commissioner Marinelli to support one green parking space on the west side of Hermosa Ave. on the 900 block. Seconded by Commissioner Beste.

AYES: Beste, DiVirgilio, Lombardo, Marinelli, Winnek
NAYS: None
ABSENT: None
ABSTAIN: None

7. Commissioners’ Reports

Disabled Parking Sub-Committee Report was presented by Commissioner DiVirgilio.

The members of the sub-committee have obtained much information and, after this evening’s discussion, will be able to prepare their draft document to be presented at the July meeting; the final document will be presented at the August meeting at a public hearing.

8. Public Works Department Reports

No questions or comments.

9. Items Requested by Commissioners

No reports were presented.

10. Other Matters

At this time, Commissioner DiVirgilio noted that he wasn’t satisfied with how the tree item concluded. He said he felt the property owner left dissatisfied and didn’t think the Commission gave him the direction he desired.

Felt the Commission struggled to give direction that would not later damage the City.

Mr. Beste noted that this was one of only two motions with which the Commission has struggled during his time on the Commission.

11. Public Comment

None

12. Adjournment

Commissioner Beste adjourned the meeting at 8:15 p.m. to the meeting of June 15, 2005.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Public Works Commission of Hermosa Beach at the regularly scheduled meeting of July 20, 2005.

Robert Beste, Chairman

Richard D. Morgan, P.E., Secretary

Date

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