

**PUBLIC WORKS COMMISSION
MEETING OF WEDNESDAY, JULY 20, 2005
CITY HALL, COUNCIL CHAMBERS
1315 VALLEY DRIVE
7:00 P.M.**

MINUTES

The meeting was called to order at 7:00 p.m.

1. Roll Call

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

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

Absent: None

2. Flag Salute

Commissioner Beste led the flag salute.

3. Approval of Minutes: The minutes of the May meeting were approved as written, the minutes of the June minutes were approved as amended.

4. Public Comment

None

5. Correspondence

None

6. Items for Commission Consideration

a. Parkway Tree Ordinance

Mr. Morgan presented the item, noting that the City Attorney had crafted an Ordinance from materials the Tree Sub-Committee had compiled in a larger document. He advised that Ms. Lombardo had brought some points to his attention and Mr. Morgan had done his best to tweak the Ordinance to coordinate with Ms. Lombardo's comments/corrections. He advised that he'd spoken with the City Attorney and the tree definition was modified. Discussion of this portion of the item generated the following comments:

- Staff could see requiring a permit for shrubs but plants would be difficult to regulate.
- It is important to note that the City's aging sewer system is jeopardized by trees.
- Possibly shrubs and plants should be included because they can cause problems with adjoining property owners.
- Mr. Morgan stated that the above item could be covered under abatement as a public nuisance.
- This Ordinance is only concerned with trees on public property or in the public right-of-way, not regulating trees on private property.
- Ordinances and regulations from many other cities were reviewed when putting together the original draft Ordinance.

- With this in place, property owners cannot simply say they want to remove and/or replace a tree – they would have to go about it the right way and put in an approved tree.
- It was asked whether someone could realistically rebuild and not damage or remove a tree.
- Is it necessary to define what a nuisance is? Generally, is any time there is ¾” sidewalk lifting.
- Concern noted that the Tree, Shrub and Plant Ordinance became the Tree Ordinance – the Tree Committee brought the draft Ordinance to Council where it was sent to the City Attorney.
- The problem is that no one understands that the parkway tree is the property owner’s responsibility, not the City’s.
- What the City Attorney sent back was substantially reduced to cover only the parkway.
- Enforcement is in Section 8 of the Municipal Code, 8.28 Public Nuisance Abatement.
- The Planning Commission can require private property projects to include trees – trees taken from the Approved Tree List developed by the Tree Sub-Committee when they developed the Ordinance.
- As written, Public Works Commission would not be involved with tree planting.
- Requiring a permit from the Public Works Department would be the appropriate way to regulate.
- One of the goals of the Tree Sub-Committee was to list appropriate tree species and provide guidelines for selection; create more interest in planting trees.
- Purpose of requiring a permit with fee for tree planting and/or removal is to make person planting the tree aware of trees included on Approved Tree List as well as covering inspection costs.
- As written, if property owner wants to remove a tree, the tree must be replaced however; the PW Director can waive the requirement.

Preceding highlights and additional discussion brought the Commission to the following four questions and answers:

1. Should the Ordinance definition be changed or should all planting with woody stems in the parkway be regulated?

Determination: 5 – 0 Add definition of shrubs when defining nuisances; do not try to fit into tree definition.

2. What should residents do if they simply want to replace the tree(s) in the parkway?

Determination: 5 – 0 Property owners permitted to remove and replace using Approved Tree List.

3. What if it is not feasible to remodel or do reconstruction without removing tree?

Determination: If within guidelines, point is moot – see Item 2.

4. Should more than parkway trees be addressed?

Determination: Not determined – more clarity needed; Mr. Morgan will review with the City Attorney to clearly define liability regarding roots in public right-of-way, define who has responsibility for the tree.

The Ordinance will be re-worked and brought back to the September meeting.

7. Commissioners’ Reports

Disabled Parking Sub-Committee Report was presented by Commissioner DiVirgilio, noting that they had revised the Disabled Parking Guidelines in accordance with the suggestions made at the June meeting. The review at this meeting tweaked it a bit more, several areas were clarified and the commission determined that the Guidelines would be presented as a Public Hearing at the September meeting. The hearing will be advertised in the Easy Reader and a meeting notice will be mailed to disabled parking space holders.

8. Public Works Department Reports

No questions or comments.

9. Items Requested by Commissioners

No reports were presented.

10. Other Matters

At this time, the Commission decided to cancel the August meeting and reconvene on September 21, 2005.

11. Public Comment

None

12. Adjournment

Commissioner Beste adjourned the meeting at 8:39 p.m. to the meeting of September 21, 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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