

**MINUTES**

**PARK AND ACTIVITIES COMMISSION**

**OCTOBER 19, 2004**

A regular meeting of the Park and Activities Commission of the City of Rolling Hills Estates was called to order at 7:30 p.m., in the City Hall Council Chambers, 4045 Palos Verdes Drive North, by CHAIRMAN PEKICH.

COMMISSIONERS PRESENT: Allen, Clewis, Davis, Pagliano, Pekich, Persichina, Pierson

STAFF PRESENT: Andy Clark, Community Services Director

David Wahba, Planning Director

**PARK AND ACTIVITIES COMMISSION MINUTES, SEPTEMBER 21, 2004**

COMMISSIONER DAVIS amended the minutes, Page 4, under CITY CELEBRATION DEBRIEFING - NOVEMBER 2, 2004, under No. 5, to read: "Consider adding more activities for children AND START THESE ACTIVITIES EARLIER IN THE DAY (12:00 NOON).

COMMISSIONER PIERSON suggested amending No. 7 under CITY CELEBRATION DEBRIEFING - NOVEMBER 2, 2004, to read: "Have coffee AND PUNCH provided or sold DURING DINNER." The Community Services Director stated that the agreement with the Empty Saddle Club provides that the drinks be sold by the Club exclusively. Discussion ensued whether "drinks" included coffee and punch. The Community Services Director will clarify this with the Empty Saddle Club.

There being no further amendments, COMMISSIONER PIERSON moved, seconded by COMMISSIONER DAVIS

TO APPROVE THE PARK AND ACTIVITIES COMMISSION MINUTES OF SEPTEMBER 21, 2004, AS AMENDED.

THERE BEING NO OBJECTION, CHAIRMAN PEKICH SO ORDERED.

**AUDIENCE ITEMS ON THE AGENDA**

Jud Norrell, Finance Director, addressed the COMMISSION to inform them his last day as Finance Director is October 27, 2004. He added that he accepted a job as Finance Director of Half Moon Bay. Mr. Norrell stated the COMMISSION provides a fantastic service to the residents of Rolling Hills Estates. The COMMISSION wished him well in his future endeavors.

**APPEAL OF NOTICE TO REMOVE TREES FROM CITY'S RIGHT-OF-WAY**

The Community Services Director reviewed the staff report per written agenda material. He stated that the points determined by staff for the COMMISSION'S information in considering this matter are:

1. The landscape maintenance bond in this matter only pertained to private property and not the City's right-of-way.

2. The COMMISSION took no action in this matter at their June 15, 2004 meeting, as Mr. Linares was not able to attend. The July 6 COMMISSION meeting was held at Ernie Howlett Park to discuss the upcoming City events, and the meetings of July 20 and August 3 were cancelled.

As reflected in the minutes, Mr. Linares was not able to attend the meeting of August 17, 2004, to discuss his appeal of staff's directive to remove the unapproved trees and irrigation system, and therefore not included in the discussion of this item.

3. West Coast Arborists have determined that all of the trees proposed for removal will have a reasonable chance of living if transplanted.

4. Arborist's information indicates that the California Pepper Tree canopy reaches 40 feet, thus trees need to be spaced approximately 30 feet to avoid entangled crowns. RHE Municipal Code 12.20.030 indicates that the City's General Maintenance Superintendent shall designate a plan for the uniform planting of City street trees.

5. The Master Tree Planting List is used as a guideline to plant trees in the City's parks, parkways, medians, and rights-of-way.

COMMISSIONER ALLEN stated that the City would be setting a dangerous precedent if the subject trees that were planted in this right-of-way location without permission were not removed. He added that rules should be adhered to.

COMMISSIONER DAVIS stated she was not present at the August 17 meeting, but it was her understanding that Mr. Linares installed a drip system that could be a problem for the bridle trail, in addition to his watering the area with a hose.

COMMISSIONER ALLEN stated that allowing residents to encroach into the right-of-way with not only plants but also an irrigation system could be a hazard. COMMISSIONER ALLEN moved, seconded by COMMISSIONER PERSICHINA

TO UPHOLD THE PARK AND ACTIVITIES COMMISSION'S DECISION TO DENY MR. LINARES' APPEAL TO MAINTAIN ELEVEN (11) CALIFORNIA PEPPER TREES AND AN IRRIGATION SYSTEM IN THE CITY'S RIGHT-OF-WAY, IN ADDITION TO THE CONDITIONS FOR THE SAFE REMOVAL OF THE ITEMS.

Mr. Linares, 4609 Palos Verde Drive North, addressed the COMMISSION. He stated he was disappointed that the appeal was heard without his presence at the August 17, 2004 meeting. He added that he did not welcome the letter that stated the COMMISSION heard his case without him in attendance. Mr. Linares reviewed, in detail, his account of the past 5 years, and the reasons he did not submit a landscape plan to the COMMISSION nor what species of trees he was going to plant. He distributed various papers to the COMMISSION, noting that he believed the Planning Department staff made an error by indicating Brazilian Pepper Trees rather than California Pepper Trees on his property tree inventory.

Discussion ensued regarding low-growing trees and large canopied trees. Mr. Linares stated that it was his intention to keep these trees low growing, therefore, the canopy of the trees would not be an issue. COMMISSIONER DAVIS stated that Mr. Linares did not abide by the regulations of the City and the trees and irrigation system were not authorized by the City.

The COMMISSION pointed out that Section 12.20.060, provides that no low-growing trees, flowers, etc. shall be allowed. Mr. Linares then stated that the trees he planted are deemed as having a large canopy and therefore Section 12.20.060 does not pertain to the trees.

The Planning Director stated there are overlapping items between the PLANNING COMMISSION and PARK AND ACTIVITIES COMMISSION. He added that residents sometime assume their property extends to the edge of the street, only to find out that there is in fact a right-of-way strip that runs in front of their home which varies from street to street. He added

that the typical response is that trees are allowed in the right-of-way, but to check with the Community Services Director, and that no irrigation is allowed in the public right-of-way unless you obtain approval to do so. The Planning Director stated the Planning Department does not get involved in this area. Normally, the Community Services Director, the Maintenance Superintendent review these matters first, and then, if required, the PARK AND ACTIVITIES COMMISSION will review the request. In Mr. Linares' case, the Planning Department did not allow the planting in the right-of-way. He added that the COUNCIL took issue with the landscape bond relating to the inventory of trees, but the bond deals only with the trees on the property's site line to the rear of the house.

Mr. Linares indicated that he was not stating that the Planning Director gave him approval to plant the trees. He was stating that it was his understanding that the City loved trees and therefore planted the subject trees. He stated the City should have clear regulations pertaining to planting trees in the right-of-way, which species are allowed in the right-of-way, and when and what type of irrigation is allowed in the right-of-way. He questioned the need for requiring the planting of this species 30-40 feet apart.

Discussion ensued regarding the regulation provided by Mr. Linares, and the COMMISSION felt the regulation was very clear as to what is not allowed. Mr. Linares stated that Brazilian Pepper trees are not located on his property, but are shown on the inventory of trees on his property.

COMMISSIONER ALLEN stated that this item did not come before the COMMISSION before the trees were planted. He addressed the fact that the discussion is veering off track and that the COMMISSION is hearing the matter regarding eleven California Pepper trees and an irrigation system already planted in the City's right-of-way.

COMMISSIONER PIERSON stated there is obviously a misunderstanding, but it did not change the fact that a violation has occurred, and approval was not given to Mr. Linares to plant the trees and install irrigation in the City's right-of-way.

The Community Services Director stated the City does not promote residents planting trees in the rights-of-way and thus would not provide residents this information. He also explained that he and the Maintenance Superintendent were part of the group that inventoried the Brazilian Peppers in question and fruit trees in the back of the property. He believed that there was no mistake made as to what trees were present.

Mr. Linares stated the City should not allow people to plant anything and the guidelines should state that.

COMMISSIONER PERSICHINA asked Mr. Linares to provide any other new information for the COMMISSION to consider before they discuss and vote on this matter. Mr. Linares reiterated the question "what is permitted and what is not permitted in the City's rights-of-way?"

CHAIRMAN PEKICH stated the municipal code states what is not permitted in the rights-of-way. COMMISSIONER CLEWIS stated she felt there was miscommunication in this case. Mr. Linares stated he was misled.

There being no further discussion, the motion was again read.

COMMISSIONER ALLEN moved, seconded by COMMISSIONER PERSICHINA

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AYES: Allen, Davis, Pagliano, Pekich, Persichina, Pierson

ABSTAIN: Clewis

### **ACADEMY HILL HOA LANDSCAPE PLAN UPDATE**

The Community Services Director stated this was to be a verbal report, but he received written communication today from the Academy Hill HOA and distributed this information to the COMMISSION. He added that the City found that the County had cut the irrigation lines when work was being done on the curbs. The irrigation lines were not in workable condition, and could not be reconnected to the water source. He informed the Academy Hill HOA of this finding. He stated the HOA was amenable to install "dry landscape" plants and will come back to the COMMISSION with a new computer generated mock up plan.

Ms. Marilyn Coates and Pearl Kaperl, Academy Hill HOA representatives, addressed the COMMISSION. It was stated that they were informed about the water situation but would like to go ahead with the plants as shown in the computer generated landscape plan. Ms. Coates stated the HOA will hire a landscape company to help establish the plants by plugging into the water with the landscape company's equipment and the HOA will continue to monitor and care for the plants until they are well established.

They reiterated that they do not intend to return to a COMMISSION meeting with new landscape plans and that they intend to install the landscaping as shown on the plan that was distributed to the COMMISSION.

COMMISSIONER PAGLIANO moved, seconded by COMMISSIONER PERSICHINA

TO AUTHORIZE THE ACADEMY HILL HOA TO PROCEED WITH INSTALLATION OF THE LANDSCAPING AS SHOWN ON THE COMPUTER GENERATED PLAN SUBMITTED, USING DROUGHT RESISTANT PLANTS; AND THAT THE HOA BE REIMBURSED UP TO \$1,803 AFTER BONAFIDE RECEIPTS TOTALING AT LEAST \$3,606 FOR ALLOWED ITEMS ARE TURNED IN TO THE CITY.

AYES: Clewis, Davis, Pagliano, Pekich, Persichina, Pierson

NOES: Allen\*

\*COMMISSIONER ALLEN voted no, due to the fact that he did not consider the whole length of the strip along Palos Verdes Drive North as part of the Academy Hill entryway.

### **PENINSULA HOLIDAY PARADE SERVICES AGREEMENT**

The Community Services Director reviewed the staff report per written agenda material. He added that this same agreement has come before the COMMISSION each year, with no increase in cost.

COMMISSIONER PIERSON moved, seconded by COMMISSIONER PERSICHINA

TO RECOMMEND CITY COUNCIL ENTER INTO AN AGREEMENT WITH PAGEENTRY PRODUCTIONS TO PROVIDE PARADE MANAGEMENT SERVICES FOR THE 2004 PENINSULA HOLIDAY PARADE.

AYES: Allen, Clewis, Davis, Pagliano, Pekich, Persichina, Pierson

### **ADJOURN TO THE PEPPER TREE FOUNDATION ADVISORY BOARD MEETING**

THERE BEING NO OBJECTION, CHAIRMAN PEKICH ORDERED

THE PARK AND ACTIVITIES COMMISSION MEETING BE ADJOURNED TO THE PEPPER TREE FOUNDATION ADVISORY BOARD MEETING, THE TIME BEING 8:34 P.M.

### **PEPPER TREE FOUNDATION GOLF TOURNAMENT**

The Community Services Director stated the Pepper Tree golf event is scheduled for Tuesday, September 13, 2005, at the Los Verdes Golf Course. He added that the Los Verdes Country Club is requesting the submitted Confirmation Agreement be reviewed by the ADVISORY BOARD, and to recommend approval to the BOARD OF DIRECTORS. The Community Services Director stated that \$100 deposit is required, and the tournament could be cancelled up to two weeks prior to the event date with no penalty, and full refund of the \$100 deposit.

There being no further discussion, ADVISORY BOARD MEMBER ALLEN moved, seconded by ADVISORY BOARD MEMBER PAGLIANO

TO RECOMMEND THE PEPPER TREE BOARD OF DIRECTORS APPROVE THE CONFIRMATION AGREEMENT AND DEPOSIT OF \$100 TO HOLD THE PEPPER TREE FOUNDATION GOLF EVENT AT LOS VERDES GOLF COURSE, ON TUESDAY, SEPTEMBER 13, 2005.

AYES: Allen, Clewis, Davis, Pagliano, Pekich, Persichina, Pierson

#### **RECONVENE TO THE PARK AND ACTIVITIES COMMISSION MEETING**

ADVISORY BOARD MEMBER PERSICHINA moved, seconded by ADVISORY BOARD MEMBER LEWIS

TO ADJOURN THE PEPPER TREE FOUNDATION ADVISORY BOARD MEETING AND RECONVENE THE PARK AND ACTIVITIES COMMISSION MEETING, THE TIME BEING 8:39 P.M.

THERE BEING NO OBJECTION, CHAIRMAN PEKICH SO ORDERED.

#### **CITY COUNCIL ACTIONS, SEPTEMBER 28, 2004**

THERE BEING NO OBJECTION, CHAIRMAN PEKICH ORDERED

THE CITY COUNCIL ACTIONS OF SEPTEMBER 28, 2004, RECEIVED AND FILED.

#### **PLANNING COMMISSION MINUTES, SEPTEMBER 20 AND OCTOBER 4, 2004**

THERE BEING NO OBJECTION, CHAIRMAN PEKICH ORDERED

THE PLANNING COMMISSION MINUTES OF SEPTEMBER 20 AND OCTOBER 4, 2004, BE RECEIVED AND FILED.

#### **QUARTERLY CODE ENFORCEMENT REPORT**

THERE BEING NO OBJECTION, CHAIRMAN PEKICH ORDERED

THE QUARTERLY CODE ENFORCEMENT REPORT RECEIVED AND FILED.

#### **HOWLETT PARK QUARTERLY CALENDAR**

THERE BEING NO OBJECTION, CHAIRMAN PEKICH ORDERED

THE HOWLETT PARK QUARTERLY CALENDAR RECEIVED AND FILED.

#### **DIRECTOR'S ITEMS**

City Celebration Debriefing Dinner - November 2, at 6:00 PM - The Community Services Director requested all dinner selections be turned in.

Golf Tournament Subcommittee Meeting - November 16 at 6:00 PM - The Community Services Director reminded the Golf Tournament Subcommittee that the meeting will be held in the COUNCIL CHAMBERS before the PARK AND ACTIVITIES COMMISSION meeting on November 16.

### **COMMISSION ITEMS**

Peninsula Holiday Parade Subcommittee Meeting - CHAIRMAN PEKICH stated plans are progressing smoothly. This year, the pre-parade reception is being held at Marmalade Café, and the start time has been changed to 12 noon.

Adopt-A-Park Reports - COMMISSIONER ALLEN stated the east end of the dressage arena at Dapplegray Park is soggy and has standing water. Also, COMMISSIONER ALLEN noted that the poles that were installed are not being used.

### **FUTURE AGENDA ITEMS**

The Community Services Director stated a resident will be attending the November 16 COMMISSION meeting to ask permission to hold a candle light vigil at Ernie Howlett Park in the evening. He added that the City Manager stated the COMMISSION should at least consider this request.

The Community Services Director stated that the resident represents Compassionate Friends Association and that a resolution is before Congress to establish a national Remembrance Day the second Sunday of December each year.

One comment made was that there are no lights at the park and it may be hazardous to have a crowd of people walking with candles in the dark. The Community Services Director stated there are only security lights at the park.

### **ADJOURNMENT**

COMMISSIONER PIERSON moved, seconded by COMMISSIONER PERSICHINA

THAT THE MEETING BE ADJOURNED, THE TIME BEING 8:50 P.M.

THERE BEING NO OBJECTION, CHAIRMAN PEKICH SO ORDERED.

Respectfully submitted, Approved,

Ellen Shinkai Douglas R. Prichard

Minutes Secretary City Clerk