



**ADDITIONAL INFORMATION**

**CITY OF CHICO**

**BIDWELL PARK AND PLAYGROUND COMMISSION (BPPC)**

MEETING OF October 27, 2014, 6:30 p.m.

Municipal Center – 421 Main Street, Council Chamber

- 2.1 **Approval of Meeting Minutes** – Corrected meeting minutes of September 29, 2014 are attached.

**CITY OF CHICO**  
**BIDWELL PARK AND PLAYGROUND COMMISSION (BPPC)**  
Revised Minutes of  
September 29, 2014 Regular Meeting

**1. REGULAR COMMISSION MEETING**

**1.1. Call to Order**

Chair Emmerich called the meeting to order at 6:30 pm.

**1.2. Roll Call**

**Commissioners present:**

Lisa Emmerich  
Mark Herrera  
Jim Moravec  
Richard Ober  
Janine Rood

**Commissioners absent:**

Mary Brentwood  
Drew Traulsen

**Staff present:** Dan Efseaff (Park and Natural Resource Manager) Shane Romain (Senior Park Ranger) and Nancy Kelly (Administrative Assistant).

**2. CONSENT AGENDA**

**2.1. Approval of Meeting Minutes**

**Action:** Approve minutes of BPPC meeting held on 8/25/14.

**2.2. Permit for Vacation Bible Experience (6/22 - 6/26/14)**

Bidwell Presbyterian Church desires to reserve Children's Playground for a five day youth day camp. The applicant has reserved this area for the event for several years without incident. This event requires BPPC consideration as the request is reserving an area for multiple days.

**Recommendation:** *Approve permit with conditions.*

**2.3. Permit Application for Gobble Wobble 5K – 10K Fun Run (11/8/14)**

The CSU Chico Department of Kinesiology requests a permit to host a race that starts behind the Rod and Gun Club in Middle Park and extends into Upper Park. This permit requires BPPC consideration as it is not an intensive use area. This is the 14<sup>th</sup> year of the event.

**Recommendation:** *Conditional approval of permit.*

**MOTION:** Approve items 2.1, 2.2 and 2.3 of the consent agenda as submitted. **MADE BY:** Richard Ober  
**SECOND:** Janine Rood **AYES:** 5 (Emmerich, Herrera, Moravec, Ober, and Rood). **NOES:** 0 **ABSENT:** 2 (Brentwood and Traulsen).

**3. NOTICED PUBLIC HEARINGS – None.**

#### 4. REGULAR AGENDA

##### 4.1. Consideration of Revision to Chico Municipal Code 12R

While working with the Butte County District Attorney's office, staff discovered a section of Chico Municipal Code Title 12R that would benefit from some clarification. Staff recommends that 12R.02.040 CMC be amended to specifically state that rangers have a duty to preserve the peace within the parks, rather than the current language that only implies this authority. A copy of the draft resolution is attached. **Recommendation:** *Direct staff to forward a resolution amending CMC 12R.02.040 to Council for final consideration.*

Efseaff advised that the City Attorney has reviewed and approved the proposed language change. This change to the code would strengthen and clarify a Ranger's authority to keep the peace.

Ober questioned the use of the word "however". Efseaff offered to have the City Attorney review it.

Chair Emmerich asked Romain to explain how this change in the code would benefit the rangers.

Romain clarified that this change in the code would clarify their authority. Currently, the authority is implied. From time to time, the rangers do come up against individuals challenging their authority. This change would allow the City code to be consistent with State code.

Public comments on this item - None.

**MOTION:** To direct staff to complete a draft resolution to adopt the revisions to CMC 12R.02.040 and forward to Council for final approval. Any substantive changes should be brought back to the BPPC for consideration. Motion **MADE BY:** Jim Moravac **SECOND:** Richard Ober **AYES:** 5 (Emmerich, Herrera, Moravec, Ober, and Rood). **NOES:** 0 **ABSENT:** 2 (Brentwood and Traulsen).

##### 4.2 Permit to Remove and Replant Trees (Mission Santa Fe Circle)

Property owners within the Chico Maintenance District (CMD) submitted a request to remove 25 Yarwood Sycamore trees within the City right-of-way and replant with an appropriate species. The homeowner's association noted longstanding concerns associated with 1) sidewalk and irrigation system damage; and 2) regular falling branches. Although the reasons for the request align with the recently adopted "Programmatic Tree Removal Permit", the scope of the request (25 trees) is beyond the intent of the program and requires BPPC consideration. Major costs will be paid from CMD funds (not the City's General Fund). **Recommendation:** *Approval of the permit.*

Efseaff provided the background on this item. The request is from the property owners from the Mission Santa Fe Maintenance District. There have been some long-standing concerns with the Yarwood Sycamore trees that were planted in 2000. They are asking for 25 trees to be removed.

While the programmatic tree removal was recently adopted, this issue is being brought before the Commission because the quantity (25) of trees requesting to be removed is far beyond the scope of which the programmatic program is intended for.

Within seven years of the trees being planted, service requests were beginning to come in for structural pruning because they were growing too fast. Roughly 1/3 of the trees are impacting sidewalks. This is an ongoing cost to the City with serious concerns to the landowners.

Staff did look at the potential of phasing this in. This would allow new trees to reach a sufficient size before cutting down others. The CMD does have adequate funds available to cover the costs of removing all 25 trees, repairing the sprinkler system and replanting with other more appropriate species of trees. From this standpoint, staff felt that the removal at all trees at one time, with repairs to sidewalks and irrigation would be best.

### Comments from the Commission

Emmerich asked if trees were to be taken out all at once, what does staff anticipate what will transpire, what are the estimated costs and who would cover it.

Efseaff stated that there would be a per-tree cost associated and each tree would be replanted. The replacement trees have not been determined. There are some mild disease issues which would be rectified with the removal. Staff would like to get the trees in the ground by this fall. Most of the costs would be borne by the CMD. The sidewalk repair work would be split with the City.

Emmerich asked about a timeframe as to when the trees will be back in.

Efseaff stated that the CMD is a City fund, administered by the City. There should be no delay in the timeline.

Ober emphasized that there needs to be funds available for replanting purposes.

Efseaff stated that while the maintenance costs are covered by the maintenance district funds, any callout for service requests are charged to the City's general fund. Staff feels there are better options available than sticking with the current trees. The homeowners feel there are health issues associated with these trees.

Debra Horton from the HOA spoke. She says there are already three people known to have fallen due to the tree issues. She feels that pruning and trimming the trees is not taking care of the issues. She feels that if the project is done in phases, then every time a phase is tackled, that means repairs again to the watering system as well as the groundcover. Feels it doesn't make sense to keep maintaining the trees when we all know they will be cut down. The sooner they are in, the sooner they will grow.

Ober asked who would be leading the selection process. Efseaff replied that City staff would consult with the landowners on the replacement trees. Horton emphasized that the homeowners would definitely like to be included in the selection process.

### Public Comments on this item

Mark Stemen (BEC) – asked about the status of the Urban Forest Management Plan.

Chair Emmerich closed the public comment period.

Herrera spoke about the Urban Forest and how the Commissioners' responsibility is to preserve and enhance the park as well as the urban forest. There are tools necessary to do this, one of which is the Urban Forester. Without that tool, the level of service to the community and our urban forest is extremely constrained. The urban forest is being neglected. It is his highest recommendation that the Commission suspend any discussion regarding the urban forest until the role of Urban Forester is filled.

Commissioner Herrera made a motion to table any urban forest discussion, eminent danger aside, until an Urban Forester is on the City staff. Ober seconded the motion for the sole purpose of discussion.

Efseaff offered that this motion goes counter to what Council had previously directed which was to contract out the role of the Urban Forester. The Commission needs to vote on the item before us tonight.

Moravec agreed but felt Commissioner Herrera's comments needed to be discussed.

Emmerich asked Herrera to speak to the public safety issue before us.

Herrera feels the safety issues are absolutely paramount to discuss but, also feels the Urban Forester discussion needs to take place before we move forward.

Ober asked if it was the intent of the motion to not have discussions like this tonight.

Herrera responded affirmative, with eminent danger aside.

Efseaff stated that tonight there needs to be either an approval or a denial.

Moravec feels Herrera's motion is inappropriate, however, he feels there definitely is a situation that needs to be remedied. These tree decisions were made by past City of Chico staff. The space these trees were planted in is inadequate.

Herrera wanted to be clear he is not placing blame but simply providing an opportunity to make a change. He, could not, in good conscience, vote on this.

Rood asked Herrera if his motion was saying nothing should be done until we have the position filled. Herrera confirmed this.

Rood asked Efseaff if he knew how many trees with these issues there were City wide. Efseaff stated he could get this information.

Chair Emmerich suggested that the Commission agendaize the discussion of the Urban Forest Plan for the next meeting. With it being properly noticed, it would allow for this discussion to take place in a more focused way.

Commissioner Herrera's motion was entertained again.

**MOTION:** To table any urban forest discussion, eminent danger aside, until an Urban Forester is on the City staff. **MADE BY:** Mark Herrera **SECOND:** Ober **AYES:** 1 (Herrera). **NOES:** 4 (Emmerich, Moravec, Ober and Rood) **ABSENT:** 2 (Brentwood and Traulsen).

The motion by Herrera failed (1-4-2)

Commissioner Herrera stated he could not in good conscience continue this discussion without an Urban Forester on board. He left the meeting.

**MOTION:** To approve the permit as outlined in the staff report that would allow for the removal of the sycamore trees and staff to supervise the replanting of those trees with funds from the CMD. **Motion MADE BY:** Jim Moravac **SECOND:** Janine Rood **AYES:** 4 (Emmerich, Moravec, Ober, and Rood). **NOES:** 0 **ABSENT:** 3 (Brentwood, Herrera and Traulsen).

A discussion was had about how a Commissioner goes about getting an item on the agenda.

## 5. BUSINESS FROM THE FLOOR

Mark Stemen addressed the Commission about the Urban Forest Management Plan and its delay. That is the plan that guides many other actions. Landscape architects look at the plan before planting. He emphasized the need for the Plan.

## 6. REPORTS

**6.1. Sycamore Pool Repair** – Efseaff reported that the pool is deteriorating. Some items needing attention are: repair of the eroded sump area, a vault, replacement of ladders, repair of lifeguard chairs, repair of sidewalk, repair of a section of a concrete wall, and pot holes at the bottom of the pool. With the current low water levels, it is a good time to do the work. It would take about two weeks to complete. Staff is seeking a supplement appropriation of \$35,000 for the repairs.

**6.2. Parks and Street Trees Division Report** – Efseaff reported the following:

- a. The 109<sup>th</sup> Bidwell Bash event was a success.
- b. Staff met with Cal Trans, BCAG regarding the Hwy 99 viaduct park related concerns. Remedies should be in place in the next few weeks.
- c. The Five-Mile well that went dry is now back and functioning.
- d. There was an extensive encampment found in Upper Park and taken down.
- e. There is a new sign for greenways outlining park rules.
- f. A total of 40,000 lbs. of materials have been cleared at the creek cleanups held this year with BEC.
- g. The Park Services Coordinator position is currently open.
- h. A sampling program has been set up for staff to study the impact of the drought on trees.
- i. BEC and the Native Plants Society are teaming up to hold joint creek cleanup projects on Oct. 29th, Nov. 8th and Nov. 22nd. Information will be available on the City website.

## 7. ADJOURNMENT

Adjourn to the next regular meeting on October 27, 2014 at 8:18 p.m. in the Council Chamber of the Chico Municipal Center building (421 Main Street, Chico, California).

Date Approved:   /  /  .

Prepared By:

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Nancy Kelly, Administrative Assistant

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Date

Distribution: BPPC

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10/23/2014