September 22, 2008

To: Phillip L. Nelson, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration
Carol K. Anderson, Parks and Recreation Director

Subject: Raintree Park Pathway

This memo serves to update you and City Council members regarding the landscape screening for residents on North Lake whose property abuts Raintree Park.

Property owners at 1891, 1927 and 1939 North Lake have contacted staff requesting additional screening.

Staff has met with or corresponded with these residents, provided drawings of proposed landscaping, made revisions as requested, etc. Mr. Walter, 1927 North Lake and Mr. Liu, 1939 North Lake have approved plans for the landscape screening. Mr. Liu approved the plan on September 11, 2008 and Mr. Walter on September 22, 2008.

Staff last met with Mr. Ross, 1891 North Lake on September 5, 2008 and presented a revised drawing of the proposed landscaping. This drawing depicts a full screening at planting as requested with the trees in a straight line (#2 attached). Mr. Ross indicated that he liked this version much more than the original drawing (#1 attached) and would get back to us with any other thoughts. Staff indicated that no work would begin until after Troy Daze so he would have some time to review.

On September 15, 2008 Mr. Ross contacted Jeff Biegler and asked if the trees could be staggered. Mr. Biegler indicated this could be done. Mr. Ross indicated no additional drawing needed to be provided to him.

When the drawing was completed, the trees were designed in a straight line to give the maximum screening with the fewest trees (11). With a staggered planting, two more trees will be planted (#3 attached).

On September 18, 2008, Mr. Ross again called Jeff Biegler (attached). Since that time, I understand that he has contacted Councilman Fleming requesting that the trees be staggered when planted.

Staff is currently searching plant material availability and will begin the berm construction later this week or next week weather permitting. This project is estimated to be complete by late October.

Attachments: Schematic drawings (3 versions)
1891 North Lake
1939 North Lake
1927 North Lake

Carol K Anderson

From: Jeffrey J. Biegler
Sent: Thursday, September 18, 2008 3:16 PM
To: Carol K Anderson
Cc: John M Lamerato; Lori G Bluhm; Charles T Craft; Gary G Mayer
Subject: Incident with Mr. David Ross

Carol –

I want to relay an incident which occurred today at 1:00 pm regarding a call from David Ross, the resident at 1879 North Lake, whose property backs up to Raintree Park.

Let me first say that Mr. Ross called me on Monday (9-15-08) morning to discuss the revised landscape screen design we presented him on 9-5-08. He started the conversation by asking if we checked Ron Hynd's background before we hired him as an architect because every nursery he showed the design to told him the row of trees should not be placed in a straight line, but should be staggered. He went on to say that if the trees are planted in a straight line and one side of the tree dies out, he will then have a clear view through to the park.

He mentioned that he is still getting mothers with strollers cutting through his yard to get from the sidewalk in front of his house to the pathway we put in the park. I expressed my hopes that once the screen planting was installed, it would present a visual barrier that might discourage people from cutting through his property.

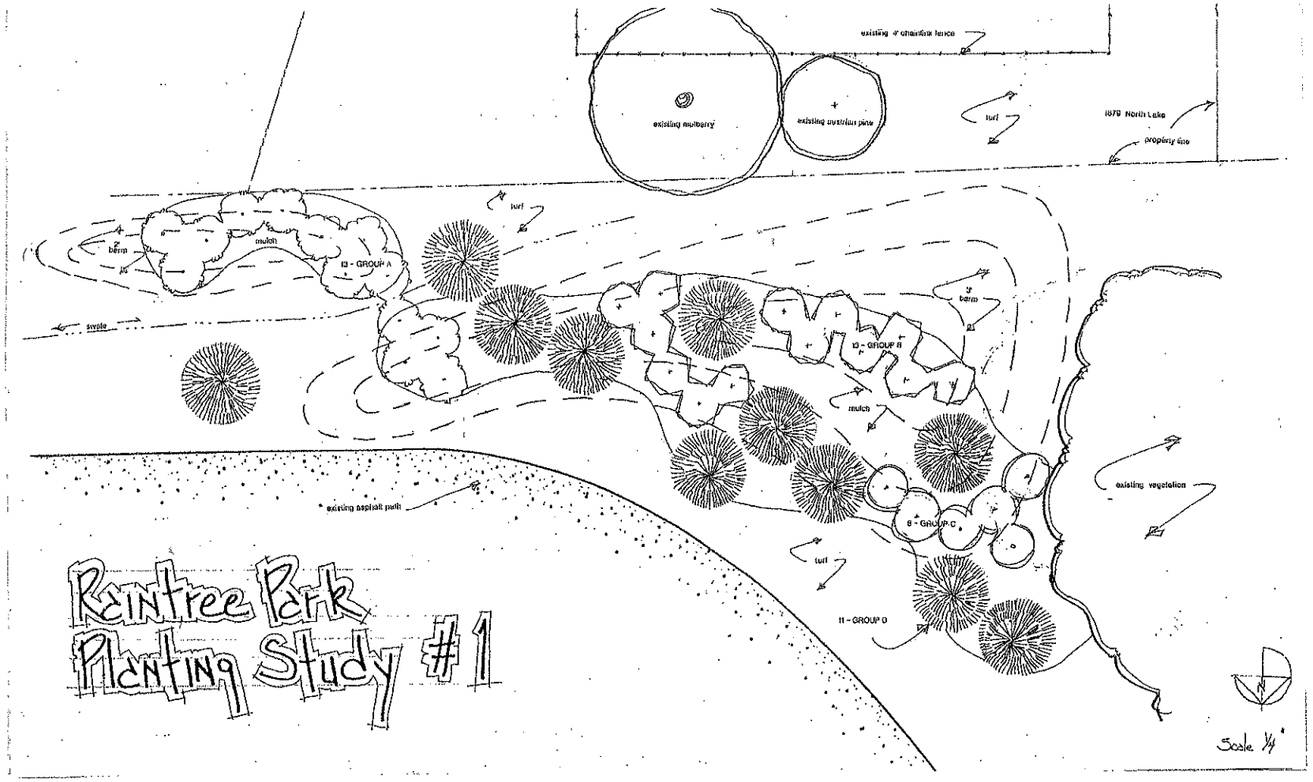
He then told me that there was no reason for the City to have both a Director of Parks and a Superintendent of Parks both drawing large paychecks and we should just have a Director and a lesser paid assistant. His voice tone was picking up in level and pitch, but no more than what we have witnessed before at City Council meetings. In order to attempt to bring the issue under control, I agreed that we could stagger the row of trees without much trouble and only a few extra trees and that is what we would do. His voice calmed, and he asked that we contact him when we were to start construction. I agreed that I would and the conversation ended.

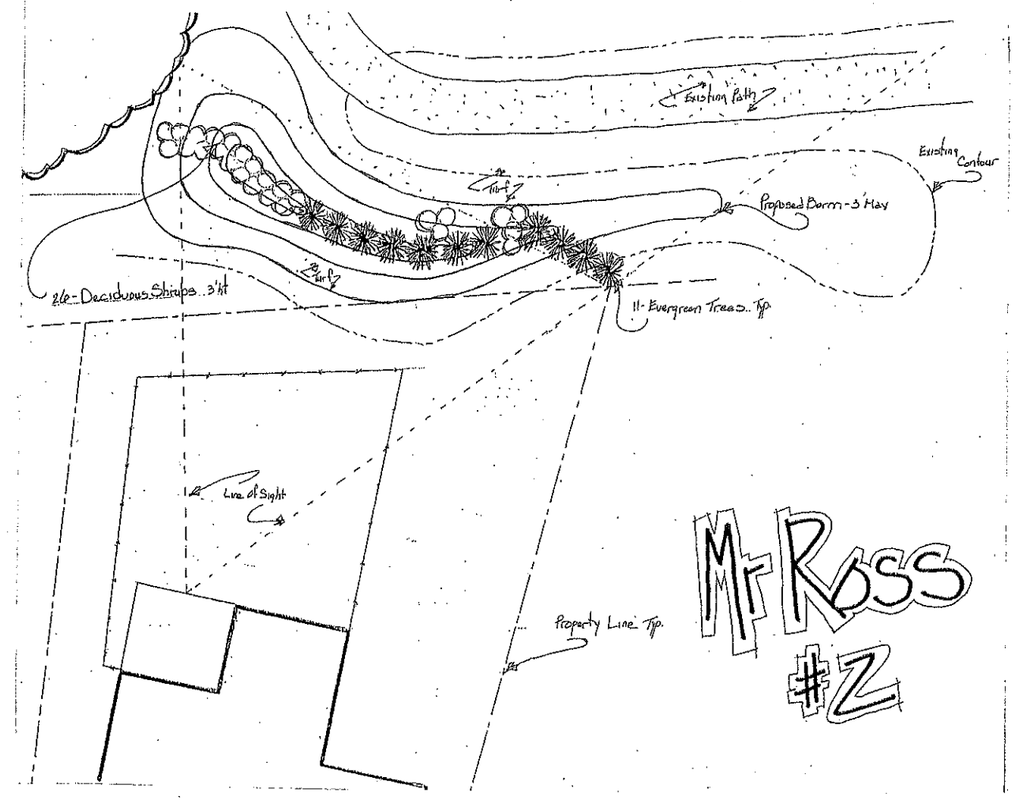
At approximately 1:00 pm today (9-18-08), Mr. Ross called screaming that he wanted the property line between his place and the park blocked off immediately with dump trucks because he can not wait any longer for me to screen his property. Apparently, one of his dogs died and he is blaming me for putting the pathway in and not addressing the issue of screening off his property from the park. He said, "This has been going on for 4 months and I'm tired of it."

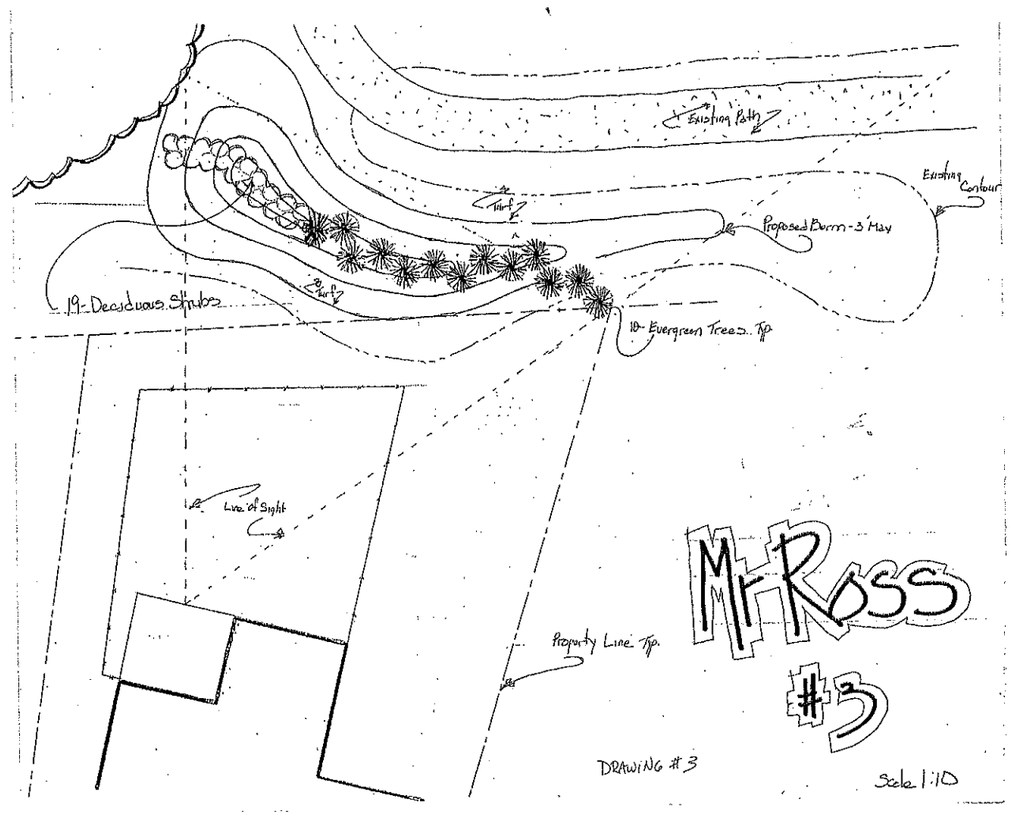
He screamed, "You are a liar and you are dragging your feet because you have a personal vendetta against me. One of my dogs just died and it is your fault" Thinking that he was referring to someone again trespassing into his yard, I informed him that he should call the Police Department. He screamed that the dog had died three days ago because of the pathway that I installed in the park and he was not going to call the police. He yelled instead that he had called an attorney and was going to sue me and the City. I have never heard anyone screaming that loudly over the phone. As he continued to scream at me, I told him that if he could not contain himself and lower his tone of voice, I would not continue with the conversation. He proceeded to scream that I needed to get dump trucks out immediately to block off the park. I again told him that if he continued screaming, I would end the conversation. He continued screaming and I hung up the phone.

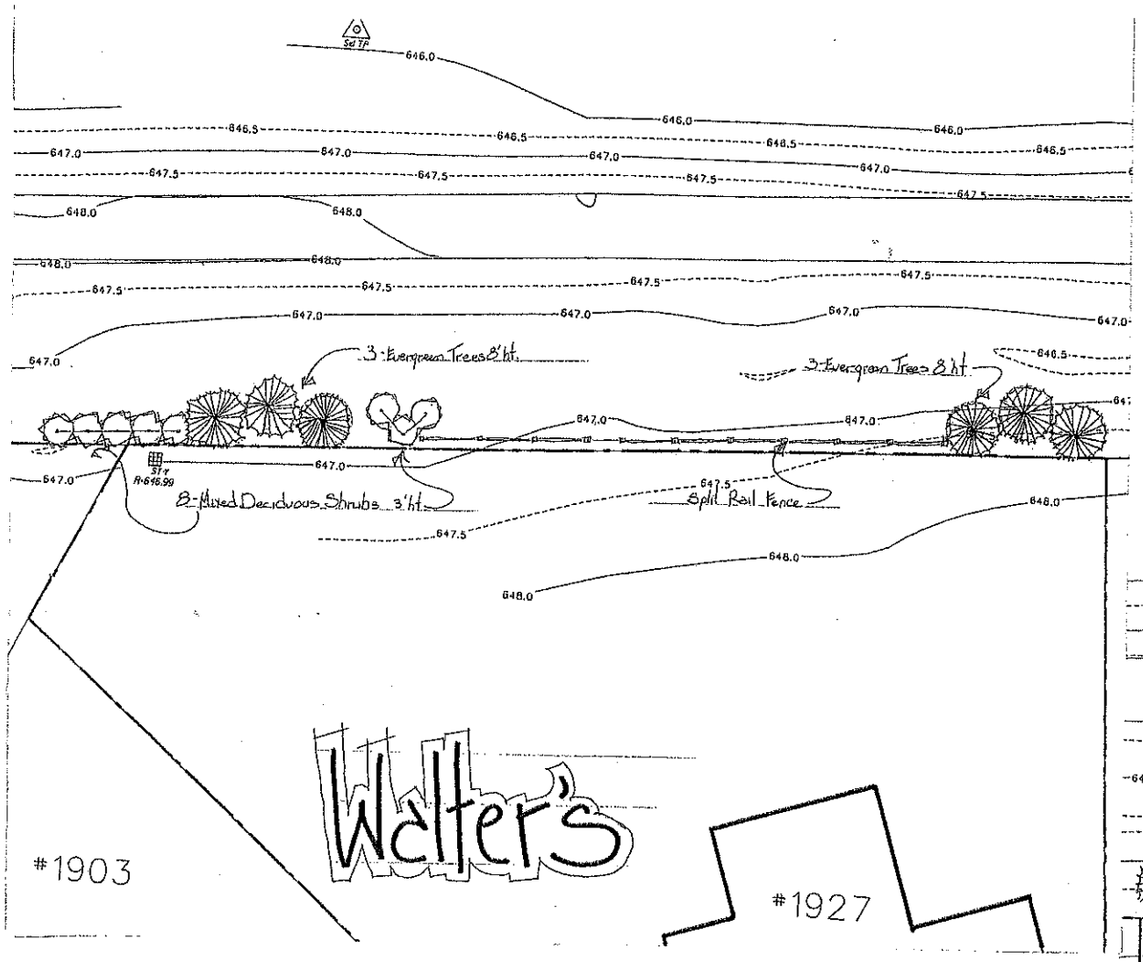
I contacted Deputy Chief Gary Mayer, to inform him of the situation. We discussed the issue and agreed that I should write out the details of the conversation and direct them to you, so there would be a written record of my conversation with Mr. Ross.

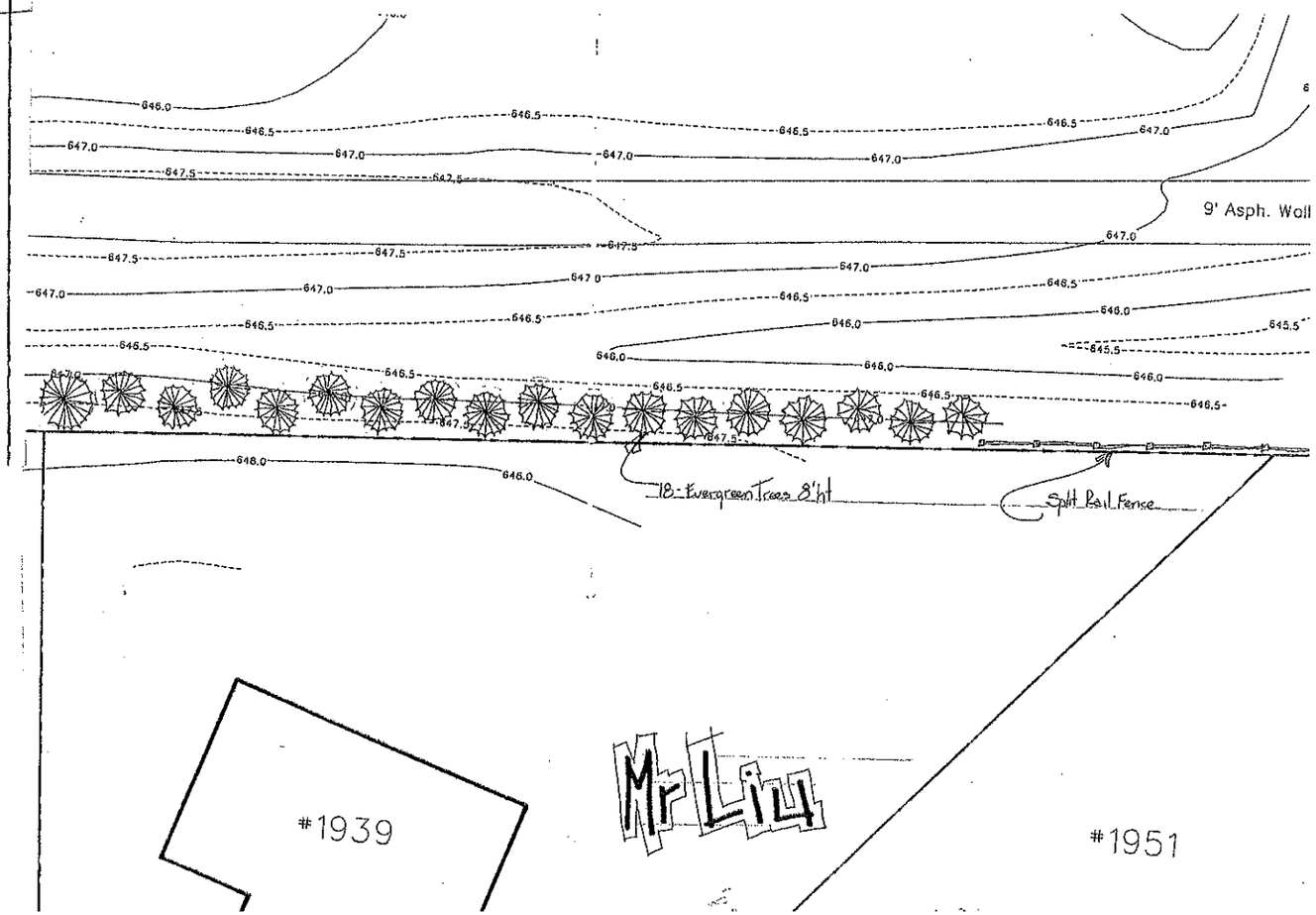
Jeff


Raintree Park
Planting Study #1
existing mulberry
existing austrian pine
turf
1879 North Lake
property line
berm
mulch
13 - GROUP A
13 - GROUP B
8 - GROUP C
11 - GROUP D
swale
existing asphalt path
existing vegetation
Scale 1/4"


Existing Path
Existing Contour
Proposed Berm - 3' Max
26 - Deciduous Shrubs 3' ht
11 - Evergreen Trees Typ
Line of Sight
Property Line Typ.
Mr Ross
#2


Existing Path
Existing Contour
Proposed Berm - 3' Max
19 - Deciduous Shrubs
10 - Evergreen Trees Typ
Line of Sight
Property Line Typ.
Mr Ross
#3
DRAWING #3
Scale 1:10


3-Evergreen Trees 8' ht.
3-Evergreen Trees 8' ht
8-Mixed Deciduous Shrubs 3' ht
Split Rail Fence
Walter's
#1903
#1927


9' Asph. Wall
18-Evergreen Trees 8' ht
Split Rail Fence
#1939
Mr Li4
#1951