

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission

Regular Meeting

December 2, 2008 - 7pm

Convened 7:10pm

ROLL CALL

Present: Marie Marston, Chair
Tim Brown
Bill Garrett
Kathy Hamilton
Phillip Lugar
Cristine Trapp, Vice Chair

Absent: Greg Ruzicka

Staff: Laura Detweiler, Recreation & Senior Services Director
Mark Harmon, General Services Director
Sean Levin, Recreation Superintendent
Dan Sereno, Parks & Trees Superintendent
Teri Craig, Admin Asst

COMMUNITY SERVICE AWARD PRESENTATION TO ROGER MCKINNON

Superintendent Levin stated that Roger McKinnon had called the office over a year ago stating that he wanted to volunteer. After some discussion with Superintendent Sereno, Mr. McKinnon noted that he wanted to pick up trash on Ocean Boulevard everyday. A letter and nomination was received by one of Mr. McKinnon's employees, Randy Kershaw. Chair Marston presented the Community Service Award to Mr. McKinnon.

DIRECTOR COMMENTS

Director Detweiler stated that staff had a couple of ceremonies since last month that culminated a couple of projects that the department had worked on along with General Services and Public Works. They included the Newport Theatre Arts Center ribbon cutting and Mainers Renewal and noted that several commissioners had attended along with several Council Members. She noted that at the theatre some renovation had been done and thanked Superintendent Levin and his staff for their work on that project. The ceremony at Mariners Park celebrated the completion of the restrooms and unveiling of a dedication plaque to commemorate the entire project. Director Detweiler went on to say that the Grant Howald Tennis Courts renovation had been completed. She noted that City Council recently awarded contracts with EPT Architects and Bonterra for design and EIR study respectively for the Sunset Ridge project

Director Harmon commended his staff for their work on the planters surrounding the trees at Mariners. He went on to say that they are just gearing up for the winter.

PUBLIC COMMENTS

None

CONSENT CALENDAR

1. **Minutes of the October 7, 2008 regular meeting.** Waive reading of subject minutes, approve and order filed.
2. **Item removed by Commissioner Lugar**
3. **Recreation & Senior Services Activity Report.** Receive/file monthly Activity Report for activities and upcoming projects.

Motion by Commissioner Garrett to accept 1 and 3 of the consent calendar. Motion carried by acclamation.

2. **Parks & Operations Division Activity Report.** Commissioner Lugar questioned what the cost recovery is for the various vessels that staff have taken care of and wondered if there was a way to charge back the owners.

Director Harmon stated that an expense report is filled out, the insurance is contracted and a claim is made. He noted that sometimes it does not work out for various reasons such as no insurance.

Commissioner Lugar stated he wanted to commend Park Patrol Office Craig Brown for his above and beyond service when he helped an injured teen.

Chair Marston opened Public Discussion; hearing none the Public Discussion was closed.

Motion by Commissioner Brown to accept item #2. Motion carried by acclamation.

ACTION

4. **Consideration of an Ordinance change amending section 7.04.050, of title 7 of the Newport Beach Municipal Code, pertaining to dogs and modifications to a planter area at 38th Street Park.** Director Detweiler stated that this item is for the Commission to consider recommending to City Council a change to ordinance 7.04.050 which essentially prohibits dogs from the fenced in areas at 38th Street Park. Also to consider some landscape modifications to the park that would essentially remove some rose bushes and replace it with turf.

Director Detweiler provided aerial maps on the screen to review the park with the Commission. She noted that the park is heavily used and surrounding housing is densely populated and many of the homes do not have yards. Therefore, there is a lot of activity that takes place in a one acre park due to the needs from the surrounding community. However it has been brought to the attention of staff that there are some concerns of dogs running loose and in some instances not being picked up after which causes concern for parents and their children regarding health and safety. She went on to say that staff has tried to come up with a happy medium that would allow the park patrons to continue to use the park and avoid the nuisances that they have been experiencing. Staff looked at two options to include Option 1 -would remove rose bushes in a small planter area (600 sq. ft.) along Balboa Blvd. and replace with turf which would allow for dogs on leash to use that area to relieve themselves. Option 1 is recommended by staff. Option 2 would be to subdivide the playground and grass area at the south end of the park. This would essentially place a fence across the area with a separate entrance so patrons with dogs could enter without going through playground. Director Detweiler stated that the area is about 3000 sf. She stated that staff has received many calls regarding the matter and residents have spoken on both sides of the issue.

Commissioner Lugar asked what the leash law was.

Director Detweiler stated that dogs must always be on leash and are prohibited on piers, on the beach between the hours of 9am and 5pm, school grounds and Balboa Island Park.

Commissioner Lugar stated that if there are patrols that allow their dogs off leash at 38th Street then they are breaking the law.

Director Detweiler stated that 45 written/verbal warnings and two citations had been given for dogs off leash and Animal Control has been called on numerous occasions.

Commissioner Lugar asked if Option 2 would promote more dogs being off leash because of the large area.

Director Detweiler stated yes and because the area in Option 2 is fenced in it makes it very attractive for dog owners to let their dog off leash. Director Detweiler stated that signage would be posted where dogs are not permitted.

Discussion ensued regarding signage, fines and monitoring.

Commissioner Garrett asked Director Harmon if Option 2 were selected would it essentially become a "Bark Park".

Director Harmon stated that yes, that was his concern that if you fence in an area and you put up a sign that says it is for dogs and possibly a bag dispenser and what you are building is basically a Dog Park.

Chair Marston opened the public discussion.

Steve Bates stated that he has walked his dog in that park for over 20 years and would be in favor of Option 1. He noted that since the signs had gone up that more children have begun to use the park.

Frank Mancini stated that there are many other locations for dogs to go and would recommend that no dogs be allowed in the park.

Kelly Rossen stated that he has been a dog owner for over 25 years and has on occasion allowed his dog off leash and would support Option 2 but would rather that the dogs have use of the entire park.

Mario Carcamo believes that dogs should be allowed in all locations and suggested that no change be made to the Ordinance.

Joel Stone stated that he has lived there for many years but now has children. Because of the safety and health concerns he would support Option 1 to be fair to dog owners and parents.

Theresa Gordon suggested that if both gates were removed then dog owners would not use it as a dog run. She went on to say that there are fleas on the beach and are everywhere and therefore would suggest Option 2.

Mike Burton stated that he has lived there for 28 years and noted that the park seems to have a lot more activity then it has in the past with more kids and dogs. He stated that he believes Option 2 would provide owners enough room to walk their dogs and for children to play.

Chair Marston closed the public discussion.

Motion by Commissioner Brown to forward approval of the ordinance amending Section 7.04.050, of Title 7 of the Newport Beach Municipal Code as follows and modify the park as stated in Option 1.

Commissioner Trapp stated that she would agree to the motion above but requested that more enforcement be done for those allowing their dogs to be off leash at the 38th Street Park.

Commissioner Brown stated that ticketing is a subjective judgment.

Discussion ensued regarding enforcement versus warning.

Director Detweiler stated that staff can certainly look into the enforcement issue but did not believe that additional language was needed to the ordinance.

Commissioner Trapp stated that the increased enforcement did not need to be added to the ordinance but rather to the recommendation to City Council reiterating that more tickets will be given to those that allow their dogs off leash.

Commissioner Brown stated that he still does not believe that the enforcement language should be added to the motion or the recommendation and believes it should be more specific.

Mike Teague, Animal Control Officer stated that they do not have a tolerance for leash violations but as far as this park he can make sure that all Animal Control Officers know that they should ticket for all leash violations. He noted that it does help to have Park Patrol but reminded the Commission that they usually only have one office on patrol at a time.

Discussion ensued regarding specific citations and dog and cat statistics.

Substitute Motion by Commissioner Lugar to forward approval of the ordinance amending Section 7.04.050, of Title 7 of the Newport Beach Municipal Code as follows and modify the park as stated in Option 1 and to add that no warning be given to those that allow their dogs of leash at 38th Street Park. Motion ties and fails:

Ayes: Lugar, Trapp, Marston
Noes: Brown, Garrett, Hamilton

Chair Marston asked Commissioner Brown to restate his original motion.

Motion by Commissioner Brown to forward approval of the ordinance amending Section 7.04.050, of Title 7 of the Newport Beach Municipal Code as follows and modify the park as stated in Option 1. Motion carried by the following vote:

Ayes: Brown, Garrett, Hamilton, Marston
Noes: Lugar
Abstain: Trapp

5. **Tree Reforestation**. Superintendent Sereno stated that this request encompasses the reforestation of 17 trees within the Broadmoor Hills Community Association. He went on to say that they will cover the removal/replacement costs of the Fichus trees.

Superintendent Sereno paraphrased the email from David Cassidy, Broadmoor Hills Community Association President into the record as follows:

The Association fully supports this request and asked that their absence from the meeting tonight should not be taken as a lack of interest or commitment to the project and should any questions arise please contact him.

Chair Marston stated that the report reads that this requests meets the requirement of G-1 but noticed that the pictures do not show damage.

Superintendent Sereno agreed noting there was some annotation that there was hardscape damage but they were unable to provide that proof. However these trees are the incorrect

species (as specified in G-1) for their community and that is what they are basing their request on.

Discussion ensued regarding the pruning costs for the Fichus trees and view issues.

Commissioner Brown stated that the Community Association has held a meeting and has provided minutes and it has been approved.

Superintendent Sereno again stated that this request does meet the requirements for G-1.

Chair Marston opened the public discussion; hearing none the public discussion was closed.

Motion by Commissioner Garrett to approve the tree reforestation request by Broadmoor Hills Community Association. Motion carried by acclamation.

6. **Tree Donation.** Superintendent Sereno stated that they have received a request for a memorial tree donation for Galaxy Park by Sherry Hunter. He noted that he received one phone call requesting clarification of the location of the tree.

Chair Marston opened the public discussion; hearing none the public discussion was closed.

Motion by Commissioner Lugar to approve the tree donation by Sherry Hunter to be planted at Galaxy Park. Motion carried by acclamation.

COMMITTEE REPORTS -

Parks - Nothing to report.

RSS - Nothing to report

AD- Hoc

–*Youth Sports Liaison* - Nothing to report

–*Community Services Award* - Commissioner Garrett stated that applicatons nominating Lewis Jones would be coming in and would like the committee to review and consider Mr. Jones for the award.

Other

–*Marina Park* - Superintendent Levin stated that the EIR is scheduled to be complete in July 2009; no formal meetings have been held. Commission Garrett asked if any extensions had been granted to residents. Superintendent Levin stated that they are scheduled to be out by September 2009.

FUTURE AGENDA ITEMS

Commissioner Brown reminded the Commission that he would still like to discuss the possibility of a flagpole at the 1/1 Marine Memorial at Castaways Park. Director Harmon asked for clarification; specifically lights. Commissioner Brown asked staff to come back with an information report and then if the Commission agrees a recommendation will be brought back at a future meeting for discussion and the public would be noticed.

Commissioner Trapp asked about the "Great Ball" at McFadden Square. Director Harmon stated that there have been some issues with paint chipping on the lettering. He stated that it is going to be repainted with some sealant.

ADJOURNED- 8:36pm

Submitted by: _____

Teri Craig, Admin Assistant