

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission

Regular Meeting

May 6, 2008 - 7pm

Convened 7:02pm

ROLL CALL

Present: Tim Brown, Chair
Debra Allen
Bill Garrett
Phillip Lugar
Marie Marston
Cristine Trapp

Absent: Greg Ruzicka

Staff: Mark Harmon, General Services Director (excused at 7:20pm)
Wes Morgan, Recreation & Senior Services Director
Dan Sereno, Parks & Trees Superintendent
Sean Levin, Recreation Superintendent
Teri Craig, Admin Asst

DIRECTOR COMMENTS

Director Harmon thanked the Mayor and Chair Brown for their participation at the Arbor Day celebration at Harbor View Elementary. He noted that the City would be presented with the Tree & Growth Award at the City Council meeting on May 13.

Chair Brown stated that Item 5 would be discussed after item 8.

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Minutes of the April 1, 2008 regular meeting.** Waive reading of subject minutes, approve and order filed.
2. **Park & Operations Division Activity Report.** Receive/file monthly Activity Report for activities and upcoming projects.
3. **Recreation & Senior Services Activity Report.** Receive/file monthly Activity Report for activities and upcoming projects.

Motion by Commissioner Allen to accept items 2 - 3 of the Consent Calendar. Motion carried by acclamation.

DISCUSSION

4. **City of Newport Beach Policy regarding Cooking on Beaches** — Director Morgan stated that in an effort to enforce the policy of cooking on the beaches – specific information signs have been posted stating appropriate use.

Director Harmon stated that Asst. Director Pisani had met with the PD regarding BBQ on the bluffs and that additional signage will be added there as well.

Discussion ensued regarding signage, containers and enforcement.

ACTION

6. **Bench Donation** — Superintendent Sereno stated that staff had received a request from Ms. Schuler to donate a bench at Cliff Drive Park. The donated bench is included on the City's Official Bench List and will match four previously donated benches at this site. He stated that Attachment C of

the report shows the location of the proposed bench donation with an aerial of the proposed location at Attachment D. He went on to say that the value of the bench with a concrete pad is greater than \$1,000 and therefore eligible to receive a dedicatory plaque that will "Donated for Virginia Herberts" but is also asking that upon the passing of her ailing father, Curtis Herberts, that a replacement plaque be placed with the verbiage "Donated for Curtis and Virginia Herberts" be approved at this time as well.

Director Harmon stated two calls against the location of the bench - one from a resident directly across the street and that his understanding is that there is a concern from a few residents that the bench may impact view and a call from Kathy Schuler. He noted that several pictures had been left at each seat received from a resident regarding their concerns and a letter from Ms. Schuler.

Commissioner Allen stated that she certainly knew Virginia Herberts and believes that something in her honor is appropriate. She questioned whether staff had communicated with Ms. Schuler about different locations.

Director Harmon stated that he had discussed it with Ms. Schuler and that his understanding was that the selected location was appropriate for where they lived and that this bench was in close proximity to that home. He said that he had not had the opportunity to meet with residents onsite regarding the possibility of relocating the bench.

Commissioner Allen stated that she believes that this item should be tabled and continued for a month giving staff the opportunity to work with the residents regarding the location. Staff did make that offer to the family.

Chair Brown opened the public discussion

Kathy Schuler stated that regarding the issue of a delay is that their concern is that Mr. Herberts is on dialysis 4 days a week and the family would really like to see the bench in place while he still has an opportunity to enjoy the bench in tribute to his wife. She noted that she met with Randy Kearns and that the location that was designated was a bit below the curb level so she felt that it would not impact views on the opposite side of the street. She then read a letter that is attached to the report. She ended by stating that she hoped that the Commission would honor the request for a bench donation in the location specified in tribute to Virginia Herberts.

Commissioner Allen noted that she had not intended to move it to another place other than Cliff Drive Park.

Brennan Cassidy stated that he lives adjacent to where the photos were taken. He noted that he respectfully requests that this request be disapproved for several reasons. He stated that he respects Ms. Schuler's interest in dedicating something for her mother and apparently Ms. Herberts' already has a bench designated in her name at the pier and that this location is probably the furthest away from where the family lived and is the highest point in the street level as the photograph depicts. He stated that the bench would obstruct the public view. He believes that there really is no reason for another bench in the park because its size. He again asked that the request be denied.

Kathe Choate stated that she had recently purchased a house directly opposite of where the bench would be located if approved. She noted that the main reason was because of the beautiful view and is currently drawing up plans to remodel. She stated that there are already three benches in the park and feels that there is really not a need for another bench and

particularly not in that location. She stated that no one should be deprived of the beautiful view. She stated that after hearing the letter from Ms. Schuler that believes another location should be selected that does not impact the views.

Curt Herberts stated that he lives in Newport Beach as an adult and walks by this park almost every day and have good memories of the neighborhood and that it is important to consider that the park is for the public and that the views should also be for those that use the park. He noted that his mother was a very passionate person and believes that we can come to some kind of a compromise for a specific location.

Chair Brown closed the public discussion

Commissioner Allen asked if this donation were approved over the objection of the neighbors could they appeal to the City Council or a Council Member could call it up for action. She noted that with the father being on dialysis it is a sad thing but is not sure that making a decision that would make one side unhappy enough to have a Council Member call it up is the answer and then it would be delayed possibly even longer. She stated that she is inclined that another location should be found and has a problem with the City putting items in the citizen's view plane.

Motion by Commissioner Allen to have staff work diligently with the neighbors to see if another location can be agreed upon.

Commissioner Trapp asked if there were any criteria regarding the number of trees and or benches in a park.

Director Harmon stated that there is no set criterion it is more of an opinion. He stated that in speaking with Superintendent Sereno that it takes about a month to receive a bench and then a couple of weeks to get it set in place so even if it were approved tonight that it is about 6 weeks before the bench would be installed. In respect for Ms. Schuler and her time concerns and the residents opposing the action that possibly another location could be agreed upon. He asked if the Commission could approve the donation with the stipulation that staff work with the residents and the donor to find a location agreed upon by all and then the bench could then be ordered and that about three weeks could be saved. He reiterated that nothing would be ordered unless everyone agreed to the location.

Discussion ensued regarding the location and specific policies regarding donations.

Substitute motion by Commissioner Garrett to give staff conditional approval to order a bench if the residents and the donor agree on an alternate location. Motion carried by acclamation.

7. **Reforestation Request** – Superintendent Sereno stated that the Cameo Community Association has requested the reforestation of 31 City parkway trees within the Cameo Shores and Highlands community. The Association is requesting the tree removals under the City Council Policy G-1, Reforestation of City Trees guidelines, and has met all requirements. Cameo Community Association will assume the full costs of the removals and replacements of the trees.

Commissioner Allen complemented staff on the new check list.

Commissioner Marston asked if there will be view issues with the replacement trees.

Superintendent Sereno stated that they will grow as high as 25 feet and they will be pruned and will not impact blue water views.

Chair Brown opened the public discussion

Kevin Klem stated that even though his house is not part of this phase of the requested reforestation that he is afraid that it will in the future and is concerned that replacing the trees around his house will take away the sun protection of his mostly glass house. He stated that he had discussed this with the Board and felt that they had agreed but has not gotten a response from then. He stated that the Hong Kong Orchid will never provide the canopy that the trees do now.

Chair Brown stated that since Mr. Klem's house is not part of this reforestation that the Commission is unable to discuss it as it is not on the agenda.

Chair Brown closed the public discussion

Motion by Commissioner Allen to reforest 31 City parkway street trees within the Cameo Shores and Highlands Community. Motion by acclamation.

8. **Reforestation Request** – Commissioner Allen stated that since she owns a house in the Harbor View Hills Community that she will recuse herself from this discussion and action.

Commissioner Sereno stated that the Harbor View Hills Community Association (HVVCA) has requested the reforestation of two City parkway trees adjacent to 1038 White Sails Way and 1006 Sea Lane. He went on to say that the Association has met all requirements and will assume the full costs of the removals and replacements of the trees.

Chair Brown opened the public discussion; hearing none, the public discussion was closed

Motion by Commissioner Garrett to reforest 2 City parkway street trees adjacent to 1038 White Sails Way and 1006 Sea Lane by Harbor View Hills Community Association. Motion carried by the following vote:

Ayes: Brown, Garrett, Lugar, Marston, Trapp
Recuse: Allen
Absent: Ruzicka

5. **FY 2008/09 Recreation & Senior Services Department Operating Budget, Program Plan, Expenses & Revenue** – Director Morgan stated that the Budget Committee had reviewed the Budget in March, had been presented to the Commission by staff in April and will go to Council for their review and approval in June. He stated that staff is looking to the Commission for their support of the budget.

Motion by Commissioner Garrett to approve a motion to support the proposed FY 2008/09 Recreation & Senior Services Department Budget. Motion carried by acclamation.

COMMITTEE REPORTS -

Parks – Director Morgan stated that Sunset Ridge Park will be discussed at the Special PB&R Meeting on May 20 at 6:30pm. Commissioner Garrett asked for information regarding Coastal Peak Park. Director Morgan stated that there had been delays but that grading had begun and that PB&R had reviewed the concept of the park about a year ago. Completion date is scheduled for fall 2009. He also noted that work has begun at Back Bay View Park and asked that the Commissioner visit the park. He also noted that about 75% of the design development for the OASIS Senior Center has been complete with construction bidding to begin in early 2009.

RSS – Nothing to report.

Budget – Discussed above.

AD - Hoc

—Youth Sports Liaison - Nothing to report

—Community Services Award - Superintendent Levin stated that the presentation for Hoag is scheduled for June.

Other

—Santa Ana River Vision Plan- Commissioner Trapp stated that a meeting was held on March 26 but was unable to attend.

—1/1 Marine Memorial Committee- Commissioner Garrett stated that a cocktail party will be held on Sunday, May 25 from 6-8pm at the American Legion and the dedication of the memorial will be Monday, May 26 at 1pm at Castaways Park

—MarinaPark - Director Morgan stated that operations of the sailing center are becoming a big conversation and so staff is making some trips to some other sailing centers around Southern California. Superintendent Levin stated that the EIR is scheduled to be finished by June 2009.

FUTURE AGENDA ITEMS

The following are new or ongoing items to be discussed:

- City Council Policy B-17 - Future
- Dog Park
- Parking Signage at Back Bay View Park

ADJOURNED- 8:58pm

Submitted by: _____
Teri Craig, Admin Assistant