

## CITY OF NEWPORT BEACH

### **Parks, Beaches & Recreation Commission Regular Meeting April 7, 2015 – 6:00 PM**

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#### **1) CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER – 6:00 PM**

#### **2) ROLL CALL**

Present: Ron Cole, Chair  
Roy Englebrecht, Vice Chair  
Tom Anderson  
Kathy Hamilton  
Walt Howald – arrived 6:10pm  
Marie Marston

Absent: Laird Hayes

Staff: Laura Detweiler, Recreation & Senior Services Director  
Sean Levin, Recreation & Senior Services Deputy Director  
Mike Pisani, Acting Municipal Operations Co-Director  
John Conway, Urban Forester  
Teri Craig, Administrative Support Specialist  
Rob Williams, Assistant Chief, Lifeguard Operations  
Mike Halphide, Lifeguard Battalion Chief

Chair Cole announced that agenda Item 5B will be continued until the next meeting and will not be heard tonight.

#### **3) NOTICE TO THE PUBLIC**

#### **4) CONSENT CALENDAR**

##### **A. Minutes of the March 3, 2015 meeting.**

*Recommendation: Waive reading of subject minutes, approve and order filed.*

##### **B. Parks & Operations Division Activity Report.**

*Recommendation: Receive/file Activity Report.*

##### **C. Recreation & Seniors Services Activity Report.**

*Recommendation: Receive/file Activity Report of past and upcoming projects and events.*

**Chair Cole opened the public discussion; seeing none the public discussion was closed.**

**Motion by Vice Chair Englebrecht, seconded by Commissioner Marston, to approve the Consent Calendar.**

The Motion carried by the following roll call vote:

Ayes: Anderson, Cole, Englebrecht, Hamilton, Marston

Absent: Hayes, Howald

## **5) CURRENT / NEW BUSINESS - Staff Report**

Commissioner Howald arrived at 6:10pm.

### **A. Special Tree Removal - 1924 Tradewinds Lane (Leeward Lane side)**

*Recommendation: Staff recommends that the PB&R Commission consider the removal of one Special Tomlinson Ash City Tree - Neighborhood Tree at 1924 Tradewinds Lane (Leeward Lane side) due to root decay and street work that will add to the root loss; if approved tree will be replaced a Tomlinson Ash at the same location.*

Urban Forester John Conway presented the report reminding the Commission that this item had been continued from last month after discussion regarding the specific address and the request to staff to provide an outside arborist opinion. He referenced a report from Consulting Arborist Lisa Smith and presented her recommendations. He addressed prior Commission comments and direction and results of the report. He urged the Commission to consider removal of the tree based on these findings.

Discussion followed regarding the background of the Consulting Arborist, the existing rating system, costs of the evaluation and the value of the subject tree.

### **Chair Cole opened the public discussion.**

David Harper referenced emails submitted by his neighbors stating that it is their hope to save this tree. He stated that they had obtained an evaluation, at their cost, from an independent arborist whose recommendations are contrary to the findings of the City's Consulting Arborist and Urban Forester. He added that their independent arborist concluded that the tree should not be removed at this time but rather continue to monitor the tree annually, for structural defects, trim out the limbs on an annual cycle, and continue the maintenance schedule. Mr. Harper addressed the height and the diameter of the proposed replacement tree versus the tree in place and urged the Commission to consider that should this tree be removed or fail in the future that any replacement tree would be more mature and larger than what is currently planted by the City. He distributed copies of the independent arborist report for review by the Commission.

Christy Jackson provided additional information about the independent arborist and also referenced her report. She urged the Commission to save the tree.

Jim Mosher commented on the Commission's prior consideration noting that at that time there didn't seem to be an urgency to remove the subject tree. He addressed recent street repairs in the area and the reason for the resulting tree rating and added that it is unclear how this tree came to the City's attention for removal.

**Chair Cole closed the public discussion.**

Urban Forester Conway commented on the residents' independent arborist's recommendations and noted that the report does not mention the decay in terms of the conks that are evident at the trunk of the subject tree. He reported that the tree came to the City's attention as a result of work being done in the area adjacent to the tree. He added that whenever there are conks on a fruiting tree body that will be evidence of decay either with the rooting system or the structure of the tree. He reported that street maintenance in the area has been completed and that tree roots were removed. Urban Forester Conway reiterated that conks suggest that the tree is decaying and reported that staff will continue to assess other trees in the immediate area as well.

At the request of the Commission, Urban Forester Conway addressed the street improvement project and commented on the status of other trees in the area and the need to monitor those trees on that street.

Discussion followed regarding the property which the tree fronts and it was noted that the property is currently on the market. Discussion continued regarding the possibility of monitoring the tree, potential risks and the possibility of upsizing the proposed replacement tree from a 36" box.

**Motion by Commissioner Anderson, seconded by Vice Chair Englebrecht,** to have staff monitor the tree for the next six months; additionally, provide information to the neighbors regarding a 48" box Tomlinson Tree as a replacement tree, should the tree continue to decay.

The motion carried by the following roll call vote:

Ayes: Anderson, Cole, Englebrecht, Hamilton, Howald, Marston

Absent: Hayes

**B. Denial of Tree Removal - 204 Tustin Avenue**

*Recommendation: Staff recommends that the PB&R Commission deny the removal request of Robert Corbin to remove 16 healthy Queen Palm trees due to view obstruction of the harbor.*

The aforementioned item is continued to the next PB&R Commission meeting, as announced by Chair Cole earlier in the meeting.

### **C. Blackball Regulations Review & Recommendations**

Recommendation: *Staff recommends that the PB&R Commission consider:*

- (1) That year-round and Citywide, the supervising Marine Operation Watch Commander, or designee, has the authority to blackball (prohibit surfing) when an unsafe condition exists between, but not limited to, hardboard surfers, skim boarders, other flotation device users and other ocean water users (swimmers).*
- (2) Adjusting the distances of Surfing Area 3 in "Little Corona" to be defined by the area between the prolongations of Poppy Avenue & Cameo Shores Road,*
- (3) Prohibiting surfing in the area between the midline of the rock groins located on the prolongation of 40th Street & 44th Street from 10am - 5pm daily from the Saturday before Memorial Day through Labor Day.*

Chair Cole reviewed the hearing process to the audience.

Assistant Chief Lifeguard Operations Rob Williams introduced himself and Lifeguard Battalion Chief Mike Halphide and presented the staff report and PowerPoint. He addressed the purpose of the Working Group, as established by City Council direction, deliberations, members of the Working Group, background, community outreach, development of guidelines and criteria relative to collecting data, data analysis and development of recommendations. He presented the Blackball Working Group recommendations to the Commission.

Assistant Chief Williams then addressed the current resolution, the location of Surfing Areas 1, 2 and 3, and recommended changes to the resolution that would provide flexibility to the Marine Operations Watch Commander to blackball whenever there are unsafe surfing conditions; at any time during the year. He noted that this recommendation will memorialize current safety practices. Assistant Chief Williams also noted that recommendation 2 will provide increased clarity in terms of the definition of Surfing Area 3 and allow for the prohibition of surfing on an "as needed" basis.

Battalion Chief Halphide referenced a data collection sheet and reported that the data was collected three times per day at The Wedge and four times a day between 40th and 44th Streets to capture the population at the beach. He addressed the results of their observations during the various times of the day between May to October. He added that high usage seems to occur in the early morning hours during specific periods.

Assistant Chief Williams addressed tower staffing during specific months of the year. He noted that higher staffing occurs during times of specific surf conditions and large crowds.

Commissioner Anderson commented that that the information provided tonight is very clear and thanked Assistant Chief Williams, Battalion Chief Halphide and the Blackball Working Group for their work.

Commissioner Hamilton also thanked staff and the Working Group for their hard work and stated that she is impressed with the results.

In response to Vice Chair Englebrecht's inquiry, Assistant Chief Williams explained the criteria that a Watch Commander would use to declare blackball. He stated that the Fire Department already has an internal policy in place where consideration is given to the intended use of the ocean and based on the number of beach visitors. He added that the Fire Department is reviewing that policy as well.

Commissioner Howald commented positively on the proposed recommendations. He noted that it appears that they narrow areas and expand the periods of time to permit surfing from the existing resolution. In response to his inquiry, Assistant Chief Williams reported that there is sufficient staff for increased enforcement and added that the internal criteria used by the Watch Commander is included in Department policies and available for public review.

Chair Cole commented on the current policy noting that the staff has the discretion not to blackball if conditions do not warrant doing so, in areas other than 40th to 44th Streets, based on the data of the day.

**Chair Cole opened the public discussion.**

Mike Rosener spoke on the topic that is being used to divide ocean lovers. He reported that he represents 15 families and comments that they know if they want to body surf they go to The Wedge or to ride a long board they go to Blackies. He went on to say that he respects all disciplines and that body boarding has been taking place between 40th to 44th Streets for many years. He commented that it is confusing that the City would want to shorten the time at 40th to 44th Streets adding that it is packed with surfers at 6am and from sundown until dark. He stated that he believes that this data had not been taken into consideration in the report and that there is a need for a place that is safe for kids and beginning swimmers and surfers as well. He opined that the time for prohibiting surfing should be extended not shortened.

Bill Sharp representing the Newport Surf Council commented positively on dividing general surfing discussions from The Wedge but expressed disappointment that dedicated surfing areas have been removed. He commented positively on the data collected noting that they reflect the actual and true needs of the beach and the surfing community.

Tony Kramer stated that he was speaking specifically about recommendation 3 for his son Shane and eight of his friends. He stated that by having Lifeguards make a determination of blackball, puts them in a tight spot, and the practice will not work in favor of body boarders. He added that once blackball has been declared that there are enforcement issues and suggested dedicating specific areas as a "no surfing" area for

specific periods of time. Additionally that the area between 40<sup>th</sup> and 44<sup>th</sup> Street is the only area where kids can go without the fear of being hit by a board and that it is important to reserve that area for body boarding.

Don Pelanko agreed with the previous speaker and stressed that the most important issue is safety. He added that to step back from what is available now, would be an injustice to all body boarders. He went on to say that allowing hard boarders in the area between 40<sup>th</sup> and 44<sup>th</sup> Street is unsafe noting that he has been hit by a hard board in the head, and had to go to the emergency room. He urged the Commission to keep the current regulation in place and keeping the area for body boarders.

Doug Collier noted the need to keep in mind that the surf and waves are a limited resource with an unlimited demand placed on it. He acknowledged that everyone would like their own section and commented on challenges when areas are allocated to specific groups. He commended the City for focusing on safety and avoiding injuries and for their work in this regard.

Diane Edmonds, representing a Facebook group, *Wedge for All*, stated that people would like to see equality in terms of access. She commended staff for their proposal and thanked them for the work and efforts. She stated that people can body board anywhere in Newport and that the only place body boarding is excluded is at The Wedge during blackball hours. She commented that while she would like to see a dedicated surfing area in West Newport, that the proposed policy is a good compromise and that by taking it back to three months, creates a uniform, consistent policy, throughout Newport.

Kevin Murphy stated that he surfs and body surfs and reported that surfers dominate the water. He commented on problems between surfers and body surfers between 40<sup>th</sup> and 44<sup>th</sup> Streets and reported that Lifeguards are not enforcing the rules. He suggested making a law and sticking by it, but noted that cutting down the hours is not right. He urged the City to find a compromise and a win-win for everyone.

Assistant Chief Williams encouraged Mr. Murphy to contact him if he experiences any enforcement issues with staff in the future.

Patrick Towers stated there are certain areas of the ocean that are conducive for different types of wave riding and that there are different users of the ocean. He noted the need to allocate surfing-only breaks and swim-only breaks and opined that there should be no time limits on surfing or swimming. He added that declaring blackball should be left to the discretion of lifeguards.

Robert Cook agreed with the previous speaker but that there is a need for dedicated areas for specific uses. He reported that everyone loves The Wedge and that there needs to be a fair allocation of time for various users. He addressed the various groups of riders and reported that the small body surfing group is always allowed in the water at The Wedge and that they want to continue the 1993 Wedge blackball ban. It restricts the majority of users, seven hours a day, seven days a week for six months, every year. He

opined that probably seven hours a day is not fair, but that all other beaches in Newport Beach have a consistent, four-hour period lasting three months a year; which is perfect.

Chair Cole reminded the audience that there will be a separate discussion about The Wedge.

Jim Mosher commented on the creation of the Blackball Working Group and noted that it sounds as if the PB&R Commission will be changing the rules but reminded everyone that these recommendations are part of the City Council resolution and that they have the final decision. He urged clarification of the matter and added that the PB&R Commission will be forming a recommendation to present to Council who will act on the item sometime in the future.

Assistant Chief Williams acknowledged that staff will present a staff report to City Council based on the PB&R Commission recommendations tonight.

Aaron Peluso pointed out that the beach throughout Newport is open to swimmers and body boarders at all times and that staff is creating a separate area for body surfers and another for body boarders but there is no separate area for surfing or skim boarding. He added that it is shameful that a father cannot take his child out at 2pm on any day to surf in Newport Beach.

Amy Tilo, Endless Sun Surf School, stated that there needs to be a designated swimming zone and a designated surfing zone noting that the practice exists in many other cities in California, without problems. She expressed concerns that City recreation classes are sometimes interrupted by blackball. She questioned if the Commission would be discussing the area around the Newport Pier in the future.

Spencer Ruzicka commented on his and his father's background and noted on the use of different areas by different wave riders. He spoke in support of maintaining the current rules while promoting safety for everyone.

Mike Glenn referenced a past commentary by Congressman Dana Rohrabacher noting that Newport Beach is the only surf city that practices blackball and does not have a dedicated surfing area.

T.K. Brimer commented that everyone here wants it their way but noted that is not possible. He reported that compromise is necessary and addressed the importance of safety although he is not happy with the proposed compromise at least it is a compromise.

Ron Ebell stated that the area between 40th and 44th Streets needs to be kept for body boarding noting that it is the only place that many people can body board safely. He agreed with designating a specific area just for surfing.

Stephan Jeremias spoke that he respects and trusts the recommendations presented tonight. He encouraged the PB&R Commission to forward these recommendations to City Council for their action.

Brett Ranek stated that he is a retired City of Newport Beach Lifeguard and reported that there is already a surfing area at 68th Street north and that blackball does not go up there. He commented that the area between 40th and 44th Streets is a small area to ask for exclusive use. He added that enforcement varies; depending on the person working on a specific day and that it is difficult to have a teenager make decisions regarding safe conditions. He spoke in favor of maintaining the existing rules as they have worked for over 20 years.

Tim Tilo, Endless Sun Surf School stated that it is dangerous for surfers and swimmers to share the same environment and urged support of designating specific zones for surfing and swimming.

**Chair Cole closed the public discussion.**

Commissioner Anderson thanked staff and the Working Group for their work. He stated that it is unusual not to have a designated surfing area and recommended that this be considered at some point in the future. He reminded the audience that everyone will get "another bite of the apple" when this matter is presented to City Council. He reported that he is willing to give the recommendations a try, but agreed that enforcement is the biggest issue.

Commissioner Hamilton agreed with Commissioner Anderson's comments and acknowledged that enforcement is challenging but necessary and that it must be considered.

Vice Chair Englebrecht reported that enforcement is critical and commented on increased altercations in the water. He added that until there are procedures and recommendations on how to enforce blackball, nothing should be changed. He noted the need to develop a policy to eliminate and or remedy future problems. He urged the Commission to consider Mr. Reddick's statements and reiterated the need for a procedure for enforcement.

Commissioner Howald asked on the availability of staffing to enforce blackball.

Assistant Chief Williams reported that staffing is based on the conditions of the day and that enforcement is for all regulations, not just blackball.

Commissioner Howald commented on allowing the authority to blackball as needed.

Battalion Chief Halphide noted that compliance is higher when the towers are opened and staffed. He also noted that "teenagers" do not make decisions regarding blackball and enforcement, that it is the decision by the Lifeguard Captain and or Watch Commander. He went on to state that the lifeguards work well with the Police Department to gain compliance when a higher source of enforcement is needed.

Commissioner Howald added that it is important for enforcement, to have community support. He added that recommendation 2 seems purely jurisdictional and has nothing to do with restrictions. He added that reliance on the Fire Department, Lifeguards, Police and staff is necessary in order to ensure safety on the beaches.

Commissioner Marston reported that as part of the Working Group, there were many walks, observations and meetings and discussions held regarding how and when to gather data. She stated that recommendation 1 merely memorializes what is currently in place. She added that in the last 20 years, the dynamics of ocean users have changed significantly and that they had spent a lot of time discussing the possibility of a dedicated area and ultimately decided not to because in essence, there was one already, in the West Newport area (from 71st Street to the Jetty).

Vice Chair Englebrecht commented on a new product called "Cat Surf" a 54 inch soft board but can be injurious to people. He asked whether this or other types of boards will need to be considered within the resolution as well.

Assistant Chief Williams noted that this type of board is already defined in the resolution as a type of floating device and will not be changed.

Chair Cole commented on recommendations 1 and 2 noting he has no problem with them, but is open to discussion and or adjustment on recommendation 3. Additionally, he commented on dedicated surfing areas and reported that the Working Group discussed that matter quite a bit.

Discussion followed regarding the possibility of memorializing no blackball at 68th Street north and dedicating it to surfing only. It was noted that there are or could be an occasion when those areas should be blackballed and that the way it is now allows for the flexibility to blackball if and when needed. It was noted that the beaches in Newport Beach are different from others Cites because there are homes along the entire coastline in Newport Beach.

Discussion continued regarding the possibility of modifying time frames.

**Motion by Commissioner Howald; seconded by Commissioner Marston**, to approve recommendations 1-3, as written, and forward to City Council for their review.

**Substitute Motion by Chair Cole; seconded by Vice Chair Englebrecht**, to approve recommendations 1 and 2; to amend recommendation 3 to state that surfing is prohibited in the area between the midline of the rock groins located on the prolongation of 40th Street & 44th Street, 24 hours a day, from the Saturday before Memorial Day through Labor Day.

The Substitute Motion failed by the following roll call vote:

Ayes: Cole, Englebrecht, Hamilton  
Noes: Anderson, Howald, Marston  
Absent: Hayes

**Amended Motion by Commissioner Marston; seconded by Commissioner Howald**, to approve recommendations 1-3 with the caveat that recommendation 3 be monitored during the summer and that staff report back in six months.

Assistant Chief Williams stated that without Council direction the six month trial would not be possible this year because we have a current resolution that has to be enforced.

**Restated Amended Motion by Commission Marston; seconded by Commissioner Howald**, to approve recommendations 1-3 with the caveat that staff monitor recommendation 3 for a full summer with City Council approval.

The Restated Amended Motion carried by the following vote:

Ayes: Anderson, Cole, Hamilton, Howald, Marston  
Noes: Englebrecht  
Absent: Hayes

Chair Cole called for a recess at 8:02pm. The PB&R Commission reconvened at 8:12pm with all Members present, with Commissioner Hayes absent.

#### **D. Blackball Regulations Review & Recommendations - The Wedge**

**Recommendation:** *Staff recommends that the PB&R Commission consider:*

- (1) Adjusting the location defining the area known as "The Wedge" to 20 feet from the west jetty of the Newport Harbor entrance channel to 600 feet northwest along the mean high tideline.*
- (2) Modifying the area known as "The Wedge" to prohibit flotation devices from 10am to 5pm daily from the Saturday before Memorial Day through Labor Day.*

Assistant Chief Lifeguard Operations Williams provided a staff report and details of each recommendation. He presented a picture of the area and addressed existing limits and proposed changes and noted that the changes will give more discretion to blackball on an as-needed basis.

Lifeguard Battalion Chief Halphide provided details of the data collection process including observations at the various times of the day during May through October. He noted higher compliance when towers are staffed and addressed enforcement.

Assistant Chief Williams reported that prior to Memorial Day, the towers were staffed three days (13%) and they were staffed 20 days (66%) after Labor Day. They were staffed eight days in October (26%).

In response to Commissioner Anderson's inquiry, Battalion Chief Halphide reported that when the towers are not staffed, there are still lifeguards on duty providing patrol. The intent is to have them patrol areas where there are higher densities of ocean users.

He added that staffing is typically 10am to 5pm. He reported that there is a camera in the area which is used in collaboration with the Police Department but that there are no statistics available, as part of this data set, regarding injuries.

**Chair Cole opened the public discussion.**

Graham Donath reported that he body surfs at The Wedge regularly and spoke about fairness and access to the break by all parties, and the issue of safety. He stated that the staff report does not deal with any of those issues and commented on the times in which data was collected. He addressed potential conflict and that it should have been a bigger part of the discussion of the Working Group. He also noted that there is no enforcement or consequences when rules are violated.

Lee Hernandez distributed a chart to the Commission for their review and thanked the Working Group for their work. He explained that the graph displays the average daylight time from May to October in which various water riding activities occur. Averaging the data he presented, he reported that body surfers net 11 more minutes, per month, than the other activities. He reported that it results in a relatively equal time for all users. He commented on injuries that can occur when the various users share the same environment.

Joe Sims reported that the best time to surf is between dawn and 10am or noon. He stated that surfers already have the best quality waves and want more. He asked the PB&R Commission to help ensure fairness.

Speaker (no name provided) noted that when the towers are not staffed, people do not follow the rules. He spoke in support of the current rules but stated that there should be three months for body surfing. He commented on safety hazards related to news agencies filming at the beach.

Sean Starky commented on an injury he suffered while body surfing The Wedge and urged the Commission to consider safety.

Keith Head noted that as a prior Lifeguard that the current system works for body surfers, board surfers and boogie boarders and balances well between the three groups. He spoke against reducing body surfing at The Wedge to three months and urged the PB&R Commission to maintain the current rules.

Charles McCaw explained why blackball at The Wedge should remain as it currently exists. He addressed the importance of safety and fair play and commented on the lack of language in the Code relative to body surfing. He stated that if it is not broken, then don't fix it. He went on to say that the existing regulations are fair to both groups riding The Wedge.

J.T. Nicholson addressed the importance of noting weather patterns rather than holidays.

Robert Cook stated that if body surfers have an exclusive safety time there should be an exclusive safety time for other users as well. He added that the rules must be consistent and noted that body surfers must compete with three other groups. He stated that five hours would be more-than-fair.

Tim Burnham, Junior Member of The Wedge Preservation Society, asked all body surfers in attendance to stand. He stated that body surfing is his passion and reported that he is currently working on a documentary regarding The Wedge and the blackball issue. He referenced a statement in the staff report regarding The Wedge being considered a body surfing mecca for many years but stressed that it still is. He added that body surfing is more popular than ever and commented on the decreasing popularity of board surfing and skim boarding. He believed that reducing the blackball months will do nothing more than complicate things and create a more dangerous and hostile environment for all parties. He added that lifeguards already have the discretion to blackball when needed.

Josh Yocam stated that he was representing the Association of Newport Beach Ocean Seasonal Lifeguards, and on his relationship with the Association. He recommended against any changes to the current staffing and scheduling time table for blackball at The Wedge. He addressed the moving tower (Tower P), and the use of objects and landmarks to differentiate areas.

Darin Stalva commented on south swells at The Wedge during the early fall months and safety concerns with other wave riders. He encouraged maintaining the current regulations at The Wedge.

Jim Mosher spoke regarding the current regulations in terms of the defined Wedge area. He added that the staff report refers to Resolution No. 93-33 and commented on its definition of The Wedge area.

Diane Edmonds stated that the Blackball Working Group are the experts on this topic and have spent a lot of time and effort to develop the proposed changes. She encouraged the Commission to acknowledge that many of the arguments presented tonight are emotional and personal, and that this group of body surfers here tonight refers to themselves as a fraternity and the City policy should not be preferential to fraternities. She questioned the absence of Commissioner Hayes and noted that he was absent during previous blackball discussions. She went on to say that it is a shame that there is a Commissioner who does not attend such important meetings. Ms. Edmonds noted that the only time The Wedge breaks is on a south swell and that the south swell season is approximately from May 1st to October 31st. She stated that the recommendation to reduce the blackball period to three months is fair.

Brandon Kennedy noted his appreciation for being able to express his opinion and reported that The Wedge also has waves in the winter months. He commented on the potential risk for the City and encouraged the PB&R Commission to leave things the way they are, as they have proven successful for many years. He added that it is safer for the City and all concerned parties.

Scott Matthews suggested collecting data before 10am noting that staff would find there are no body surfers during that time. He added that typically, board surfers respect the body surfers time.

Chuck Olson wondered about the motivation in terms of potential liabilities and addressed the perception of unfairness of time adding that there is no discrepancy in the amount of time allocated to each group. He spoke in support of a permanent and dedicated hard board surfing area. He reported that the nature of body surfers is a "sharing" nature and suggested a blackball of 10am to 5pm across the board. He commended the Working Group and its efforts and work and commented on creating harmony between groups. He encouraged the Commission to consider safety and the allocated hours.

Milo Rodriguez stated that he is a Garden Grove body boarder and that the issue really comes down to three months. He added that The Wedge is "rough and tumble" play and that the City is immune from liability.

Aaron Peluso referenced his petition for the banning or elimination of blackball at The Wedge entirely. He reported that The Wedge is a world-class wave location for all groups and that fairness is a difficult task. He expressed concerns that data was collected only during blackball hours and reported that if it were collected at other times it would show a much higher usage among board riders as compared to swimmers. He addressed Go Pros and athletic photography and assumed that they had been counted as swimmers in the final count. He believed that the proposal is taking a step back and if adopted, approximately 750 hours are being given to body surfers for exclusive use while surfers and other wave riders are given zero hours of exclusive use. He added that The Wedge is always open to body surfers and that there is no equality in time.

Father Matt Munoz thanked the Commission and lifeguards for their work. He spoke against the proposed changes and agreed that the regulations should be kept as they currently exist.

Ron Pringle stated that he is from Laguna Beach and supports maintaining blackball as it currently exists. He urged the Commission to keep it this way to ensure safety.

Finn Burke commented on The Wedge being a body surfing beach and spoke in support of keeping the present blackball regulations in place.

Kevin Murphy stated that the fact lifeguards not being around during specific times of the year should not result as a detriment to wave riders. He urged the Commission to maintain the current regulations and commented on a major altercation that he witnessed, between Mr. Halphide and a surfer.

Stephen Jensen opined that three months is better than six and spoke in support of the proposed changes.

Dave Ellis stated he has been body surfing The Wedge since 1973 and has seen many changes over the years. He spoke in support of the current blackball regulations and reported that body surfing started at The Wedge.

Scott McFetters reported that he enjoys body surfing most and commented on the importance of safety. He expressed concerns that board surfers get prime time at The Wedge.

John Karram spoke in support of maintaining the status quo at The Wedge.

**Chair Cole closed the public discussion.**

Chair Cole asked Josh Yocam to come forward to continue his comments.

Josh Joaquim again stated that he was speaking on behalf of the Association of Newport Beach Ocean Lifeguards. He went on to say that typically lifeguards use landmarks (such as Tower P) in their assessment of varying situations and doing so makes their jobs, easier. He commented on challenges with enforcement and stated that the Association stands against recommendation 1 and 2. He added that if there is a safety concern, there should be a lifeguard assigned in the area. He addressed injuries to lifeguards on duty in 2014 and stated that extending the window of people to enter this area of the beach, puts lifeguards at great risk.

Commissioner Anderson thanked the public for sharing their thoughts and commented on the uniqueness of The Wedge. He stated that he is unmoved to change anything at The Wedge and will not support any change.

Assistant Chief Williams addressed advanced life-saving efforts occurring at The Wedge and Tower P in 2014.

Commissioner Hamilton thanked staff and expressed appreciation for the knowledge.

Vice Chair Englebrecht noted that Newport Beach is one of the top three of the best surfing destinations on the entire planet and stated that there is no reason to change anything. He stated that he also will not support the recommendations.

Commissioner Howald commented on the timing in terms of the south swell, on challenges with enforcement and on cutting back the time from six months to three. He stated that he will not support the recommendations.

Chair Cole stated it has been a pleasure working with the Blackball Working Group and noted that this was a tough issue to consider. He addressed safety and taking users comments into consideration and stated that he will support the recommendations.

**Motion by Commissioner Englebrecht; seconded by Commissioner Anderson**, to not approve recommendations 1-2, as written.

The Motion failed by the following roll call vote:

Ayes: Anderson, Englebrecht, Howald  
Noes: Cole, Hamilton, Marston  
Absent: Hayes

Discussion ensued regarding separating recommendations 1 and 2.

**Motion by Commissioner Marston; seconded by Chair Cole**, to approve recommendation 1, as written.

The Motion carried by the following roll call vote:

Ayes: Anderson, Cole, Englebrecht, Hamilton, Howald, Marston  
Absent: Hayes

**Motion by Commissioner Englebrecht; seconded by Chair Cole**, to not approve recommendation 2, as written.

The Motion failed by the following roll call vote:

Ayes: Anderson, Englebrecht, Howald  
Noes: Cole, Hamilton, Marston  
Absent: Hayes

**Motion by Chair Cole; seconded by Commissioner Marston**, to approve recommendation 2, as written.

The Motion failed by the following roll call vote:

Ayes: Cole, Hamilton, Marston  
Noes: Anderson, Englebrecht, Howald  
Absent: Hayes

**6) PARKS, BEACHES & RECREATION COMMISSION / STAFF ANNOUNCEMENTS, AD HOC UPDATES OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)** - None

**7) PUBLIC COMMENTS ON NON-AGENDA ITEMS** - None

**8) ADJOURNMENT** – 9:45 PM

Submitted by: \_\_\_\_\_  
Teri Craig, Admin Assistant

Approved by: \_\_\_\_\_  
Ron Cole, Chair