

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission
Regular Meeting
November 1, 2011 – 6pm

Convened 6:01pm

ROLL CALL

Present: Phil Lugar, Chair
 Tom Anderson
 Ron Cole
 Roy Englebrecht
 Kathy Hamilton
 Marie Marston
 Jack Tingley

Staff: Laura Detweiler, Recreation & Senior Services Director
 Mark Harmon, Municipal Operations Director
 Sean Levin, Recreation Superintendent
 Teri Craig, Admin Assistant

DIRECTORS COMMENTS

- Director Detweiler stated that the automation of the lights at the sports fields had been completed and will allow staff to program schedules via the computer no longer requiring field visits for programming. She went on to update the Commission on the enrichment classes being provided at Newport Elementary and Mariners Schools and are being run by Recreation Contract Instructors. She also reported that staff had held a Shelter Exercise at West Newport Community Center with volunteers. She stated that staff is charged with providing shelter in the case of a disaster. She went on to say that different scenarios were played out and provided excellent training exercises for staff.
- City Council Actions - Director Harmon stated the City Council approved the change in Council Policy G-1 regarding reforestation tree size replacement from the 24 inch box to the 36 inch box tree.

PUBLIC COMMENTS

Jim Moser commented on public comment at the previous meeting and encouraged the Commission to provide adequate opportunities for this in the future. He also commented on the City Attorney's blocking of the release of recent reports of the health and safety of the City's trees.

CONSENT CALENDAR

1. Pulled by Director Detweiler

2. Parks & Operation Division Activity Report.

Recommendation: Receive/file monthly Activity Report for activities and upcoming projects.

3. Recreation & Senior Services Activity Report.

Recommendation: Receive/file monthly Activity Report for activities and upcoming projects.

1. **Minutes of October 4, 2011 regular meeting.** Director Detweiler stated that the minutes needed to be amended on page 3 as follows as Commissioner Marston was absent from that meeting:

From: **Motion by Commissioner Marston** to approve items 2, 4 & 5 of the Consent Calendar...

To: **Motion by Commissioner Englebrecht** to approve items 2, 4 & 5 of the Consent Calendar...

Motion by Commissioner Marston to accept items 2 and 3 and amend item 1 as discussed above of the Consent Calendar. Motion carried by acclamation.

NEW / CONTINUED BUSINESS

4. **Special Tree Removal Request.** Director Harmon provided a PowerPoint presentation on the Blue Gum trees on Holiday Road stating that staff recommends that the Commission approve the removal of eighteen (18) Blue Gum Eucalyptus (BGE) Trees located on the 2200 block of Holiday Road. He went on to discuss the tree report and reviewed the ANSI (American National Standards Institute, Inc.) A300 Tree Risk Assessment.

He stated that the 18 BGE trees located on the 2200 block of Holiday Road were evaluated in October, and 14 of these trees received a risk assessment rating of **HIGH RISK**. The remaining four trees scored in the **MODERATE RISK** category. He stated that staff is recommending removal of all 18 trees due to the fact that given the “windrow” method of planting these trees (planting as close to each other as possible to deflect wind) removing one tree may impact the health/root structure of surrounding trees. Director Harmon stated that with the Commission’s approval, staff will schedule the immediate removal of these trees. Notices will be mailed to impacted residents and posted on the trees. He stated that this recommendation is consistent with the work on 4th Avenue and is consistent with the findings of the trees on Irvine Avenue and will be consistent as staff continues this process.

Chair Lugar asked where the four trees were that were listed at Moderate Risk.

Director Harmon stated that the trees were not just in front of one home. He went on to say that the tree that failed on 4th Avenue was rated a 9 the day before it failed and so when reviewing the health of the trees staff believes that that any tree that scores moderate and above then staff will recommend removal. He stated that the reason these trees were listed at a moderate risk is because they tended to be back away from hardscape, sidewalk or curb and gutter street.

Chair Lugar asked if these trees were part of a windrow.

Director Harmon stated that these trees were certainly planted for that purpose but because of the other factors that have been looked at the arborists cannot ensure safety of those trees.

Commissioner Englebrecht stated that he went out to Holiday Road and asked Director Harmon if there are other options that can be done besides removing them and trying to keep them and lower the risk factor.

Director Harmon stated that he and his staff try to save trees and one of the things that we asked not only the contract arborist but our staff arborists to look at was what could be done to mitigate the risk;. such as reduce the size of the canopy and would that take the wind element out of it; possibly removing some of the branches; but the opinion of the three arborists was that reducing the canopy will not reduce the risk factor of these trees and reminded the Commission that these are old trees and infrastructure has been built around them.

Commissioner Tingley asked if these trees are on City property. Director Harmon stated yes and that staff does not work on private property trees; however staff has received many calls to come out and assess private trees which staff does not do.

Discussion ensued regarding property damage and safety while trees are removed. Director Harmon stated that they have a professional crew and are very careful. Homeowners are noticed; but again the City will not replace improvements made by homeowners on the City right of way. Director Harmon noted that they will make it presentable until a new tree has been planted in its place. Homeowners can process a claim for loss with the City with the City Clerk.

Commissioner Anderson stated that Director Harmon did not mention the fact that when these trees were planted in a hedgerow that if the trees are moved then the risk for the other trees to fall rise and stated that this observation helped him understand the reasoning for the trees being removed on Irvine Avenue.

Director Harmon stated that these trees were planted very close together and that their root system were intertwined and thus becomes a domino effect and that the integrity from the neighboring trees are greatly impacted.

Chair Lugar thanked staff for their excellent work and due diligence.

Chair Lugar opened the public comments

Dave Hayes stated that he is a 61 year resident and commented that he appreciates the work that is being done here. He noted that he has made calls to Laguna and Lake Forest who also have hundreds of the Blue Gum trees and that nothing is being done. He stated that the City has now removed over 104 trees on Irvine and noted that he has been driving up and down that street for over 61 years and has never felt at peril. He asked for a copy of the arborist report.

Chair Lugar thanked him for his comments and noted that it is a very emotional issue and that the City is very concerned about life, limb and property.

Mark Birney stated that he lives on Holiday Road and that his house is surrounded by four to five Blue Gum trees and believes that this decision process is terribly reactive to what has happened. He commented that further consideration is needed as to whether or not these trees should be removed.

Carol Rogers lives on Holiday Road and believes that the City is rushing to judgment to take down these trees. She commented that this is an emotional issue and that the removal of these trees will also impacts property values. She asked the City to really look at other options and wondered why this has to be decided tonight because they do not feel that there is an imminent danger.

Dennis Holland stated he has lived in the Holiday Road neighborhood for over 50 years and that he saw the base of the tree on Irvine Avenue and that the roots were rotten and not sealed. He wondered if the trees on 4th Avenue were sealed. He asked if the structure test x-ray could be done.

Greg Crandall stated that he lives on Holiday Road with two trees in front of his house and that he wants to make sure that everything is done to confirm that removing these trees is the right decision.

Jenna Birney lives on Holiday Road stated that they are new to the street and that she had five of these trees in front of her house. She urged the Commission not make the decision tonight and to make sure that they have looked at all options. She commented that even with a replacement tree it will take years for those trees to even compare, if ever, and that her yard will never be the same.

Chair Lugar closed the public comments

Director Harmon made the following comments after hearing the public comments:

- Removing these trees is a hard decision but is a harder decision not to do anything and run that risk – he stated that this is not a risk that he can recommend.
- It may seem like a fast process but that the Holiday Road removal has been a much slower process. If the decision is made to remove the trees then the removal will not begin until the week of November 14th.
- He cannot speak to what other cities are doing but has been contacted by several cities that are looking at their tree inventory specifically windrow trees. .
- He would be interested in speaking with Mr. Holland regarding the x-ray of tree roots

- There are no know solutions to prolong the trees to make them healthier or try to develop a better root structure or to mitigate the risk factor.
- The City does commit to replace these trees quickly.

Chair Lugar thanked the audience for their comments and questions.
Commissioner Cole asked what the process was for the tree selection.

Director Harmon stated that there is a Council Tree Policy where there are designated trees for specific neighborhoods. He stated that in the past staff has not deviated from that. However in the past year staff has worked with the Commission to provide some diversity in the neighborhoods so that there is not just one tree to select from. He noted that the arborists' will come up with two-to three types of trees to choose from based on growth patterns, space, infrastructure and speed of growth. Once these trees have been selected then they will contact the resident and provide a choice.

Commissioner Marston noted that considering all the public comment was in favor of keeping the trees was there was some kind of contract that could be written up releasing the City of liability if the homeowner wanted to keep the tree.

Director Harmon stated this was a question for the City Attorney but that he could not in good faith personally make that recommendation based on the evaluations that were done.

Commissioner Anderson commented that he was very critical of the removal of the trees on Irvine Blvd. but has since been educated regarding the rationale and that it was not one but three arborists that recommended the removal. He asked everyone to remember that these trees were planted specifically as a windrow on a farm and stated that these trees are not worth another human life.

Motion by Commissioner Anderson to approve the removal of the Blue Gum Eucalyptus trees on Holiday Road.

Commissioner Tingley suggested that a pre and post meeting with the homeowners be set to provide more information.

Commissioner Englebrecht stated that this decision should not be rushed that the residents are not saying do not cut down these trees but rather asking for more time to assess them. He stated it would help them feel that everything has been done to save the trees.

Director Harmon stated that he stands behind the arborist's decision to remove the trees.

Motion fails by the following vote:

Ayes: Anderson, Hamilton, Lugar
Noes: Cole, Englebrecht, Marston, Tingley

Director Harmon requested that Item 6 be discussed out of order as it has to do with the re-landscaping, reforestation of Irvine Avenue and that there might be some residents that would be interested in that discussion.

6. Schedule a Joint Meeting with the City of Costa Mesa Parks & Recreation Commission.

Director Harmon stated that this Joint meeting will be to discuss the re-landscaping and reforestation of Irvine Avenue. He stated that the trees were removed several weeks ago and staff from both cities have been working together to discuss this issue and to that end a landscape architect contractor has been hired to work with both cities to come up with a design plan on what we would like to see the medians look like. He will have these plans complete so that they can be presented at this joint meeting. So it would be helpful to have both Commissions to review these ideas and receive public input. Director Harmon asked that the Commission approve the scheduling of a joint meeting to be held on December 7 at 7pm at the Costa Mesa City Hall Conference Room.

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

Motion by Chair Lugar to approve the scheduling of the Joint Meeting with the City of Costa Mesa Parks & Recreation Commission and the City of Newport Beach Parks, Beaches & Recreation Commission on December 7, 2011, 7pm at the City of Costa Mesa City Hall. Motion carried by acclamation.

5. Bench Donation Process Report. Director Harmon provided a report on the types of benches used around the City and the donation process to the Commission.

Commissioner Englebrecht asked how long does a name remain on the bench.

Director Harmon stated that there was not an official time limit for the donation. He suggested that a committee be appointed to review the types of benches.

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

Chair Lugar appointed an Ad Hoc Bench Committee comprised of Commissioners Englebrecht, Cole and Hamilton. The Committee was charged with reviewing the types of benches used; rules and policy for donation and locations and return with some recommendation to the Commission.

7. Reforestation Request. Director Harmon reminded the Commission they had tabled the reforestation request of one City street tree from Tiffany Klarin at 1500 Sylvia Lane to provide staff with more time to discuss other options. He stated after meeting with the Klarins onsite that staff recommends that the reforestation request be denied as there are options that the homeowner can take to complete their project, such as moving the fence. He stated that the Klarins do not agree with staff's recommendation. Director Harmon stated that he and three arborists explained to the homeowners about other options that could be taken and their reasoning for keeping the tree.

Commissioner Englebrecht stated that he believed that the homeowner was frustrated because they had been led to believe that this request would not be a problem as long as the proper paperwork was completed and that the tree would be removed so that their remodel of the driveway could be completed.

Discussion ensued regarding procedures for removal and reforestation requests within the G-1 Policy.

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

Motion by Commissioner Englebrecht to deny the reforestation request of Tiffany Klarin at 1500 Sylvia Lane. Motion carried by acclamation.

COMMITTEE REPORTS –

Parks – Nothing to report. Director Detweiler stated that staff would be attending the Coastal Commission hearing regarding Sunset Ride Park and invited the Commission to join them and provide their support.

RSS – Nothing to report. Chair Lugar appointed Commissioner Tingley to replace Commissioner Anderson.

Budget – Nothing to report.

Community Service Award – Nothing to report.

Youth Sports – Nothing to report.

Ad Hoc Fire Rings - *A tentative date of December 20 at 5pm has been set.*

FUTURE AGENDA ITEMS

None

ADJOURNED @ 7:55pm

Submitted by: _____
Teri Craig, Admin Assistant

DRAFT