

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission Regular Meeting February 4, 2014 – 6pm

1) CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER – 6:02 p.m.

2) ROLL CALL

Present: Tom Anderson, Chair
Ron Cole, Vice Chair
Walt Howald
Roy Englebrecht
Marie Marston

Absent: Kathy Hamilton
Laird Hayes

Staff: Laura Detweiler, Recreation & Senior Services Director
Sean Levin, Recreation Superintendent
Mike Pisani, Deputy Municipal Operations Director
Kevin Kitch, Assistant Fire Chief
David McGill, Assistant Chief of Police
Rob Williams, Assistant Chief Marine Operations
Racquel Valdez, Recreation Supervisor
Janet Cates, Recreation Manager
Teri Craig, Administrative Assistant

3) NOTICE TO THE PUBLIC

4) PRESENTATION OF THE COMMUNITY SERVICE AWARD – NEWPORT THEATRE ARTS CENTER BOARD OF DIRECTORS

Superintendent Levin welcomed the Newport Theatre Arts Center Board of Directors noting that the Center is celebrating its 35th year of offering theatre to the community. He acknowledged Board Member Rae Cohen, the listed accomplishments made throughout the years and invited Rae Cohen and Members of the Board of Directors forward for a presentation.

Chair Anderson presented the board with the Community Service Award for their contributions to the City.

5) CONSENT CALENDAR

A. Minutes of the December 3, 2013 regular 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.

D. Picnic Table & Barbeque Grill Donation – Corona del Mar State Beach.

Recommendation: Approve donation of three (3) picnic tables and two (2) barbeque grills at the Corona del Mar State Beach park area in memory of Howard Hugh Love by Gordon Glade.

Chair Anderson opened the public discussion; seeing none the public discussion was closed.

Motion by Commissioner Howald: seconded by Commissioner Englebrecht, to accept items 5A – 5D of the Consent Calendar. Motion carried by acclamation.

6) CURRENT / NEW BUSINESS – Staff Report

Chair Anderson announced that Item No. 6D has been pulled by staff and would not be discussed this evening.

A. Blackball Regulations Review and Recommendations

Recommendation: Consider recommendation of the Blackball Working Group to rescind Resolution No. 95-116 and; review and forward draft Resolution No. 2014-___ to City Council for their approval.

Rob Williams, Assistant Chief, Marine Operations, provided a PowerPoint presentation addressing the purpose of the Blackball Working Group, Working Group members, history of the Blackball, surfing areas, regulations and zones, the process and goals, prior meetings, community outreach and recommendations. He explained the rationale used in developing recommendations and emails received. He addressed proposed changes, coordinated efforts by the Police and Fire Departments in terms of internal policies and the consistency of enforcement, staff training and data collection.

Commissioner Englebrecht commented on the City being in the process of making historic decisions and referenced prior recommendations by the Commission that all fire rings be removed from City beaches. He addressed consequences of that decision including increased costs and the effects of lowering the City's reputation and noted the importance of considering this item as it is also something that makes the City of Newport Beach unique. He hoped that after listening to public comment, the Commission would do the right thing.

Vice Chair Cole commended the Blackball Working Group and stated it had been a thoughtful process with substantial public interaction. While the report was brief, he reported that the Working Group discussed every option and believed it was a thorough process.

Commissioner Howald indicated that he has many questions and would like to hear from the Working Group and the audience. He requested additional clarification in terms of having a decision but not enough personnel for enforcement and addressed changes in The Wedge.

In response to Commissioner Marston's inquiry, regarding application of this discussion to the entire coastline; Assistant Chief Williams affirmed that it was the entire coastline.

Chair Anderson asked why there is Blackball from 40th to 44th Streets. Assistant Chief Williams reported that it was developed in the late 1970's and there was an area that the City wanted to identify for swimmers and body surfers.

Chair Anderson asked if the changes in hours are uniform across the recommendation and Assistant Chief Williams responded in the affirmative. He added that Memorial Day weekend is the unofficial start to summer and summer staffing is based on the Newport-Mesa School District calendar. Beginning with that weekend, all positions will be fully staffed until Labor Day. Depending on conditions they will be staffing up and/or down.

Chair Anderson commented on Tower W noting that he has never seen it staffed.

Assistant Chief Williams reported that Tower W is staffed during the summer and that the hours depend on the day of the week. He added that during summer weekends, it will be staffed from 9:00 a.m. to 7:00 p.m. dependent on the conditions.

Chair Anderson asked about 44th Street and Assistant Chief Williams reported that the same thing would apply. Regarding Tower P, Assistant Chief Williams addressed breaks at The Wedge. He added that when the area around The Wedge is blackballed, there are body boarders that go to the area known as cylinders.

Commissioner Howald questioned parking conditions and Assistant Chief Williams reported that The Wedge is completely residential and there are no parking lots or restroom facilities there. He addressed parking and restroom facilities along the beaches.

In response to Commissioner Howald's inquiry regarding changes to parking or restrooms, Police Deputy Chief McGill reported that there are a certain number of finite parking spots in the City and that will not change. The recommendations being made may have an initial impact but cannot be predicted, the City has the resources needed to deal with any parking problems.

Commissioner Marston asked about the location of area 2. Assistant Chief Williams reported that area 2 is the east jetty at Corona del Mar and is a protected swimming area within the City Municipal Code.

Chair Anderson opened the public discussion.

Stefan Jeremias spoke in support of the item, specifically in terms of having a designated board surfing area during the summer. He expressed concerns with the proposed Blackball hours and hoped that the Commission would consider keeping the hours from noon to 4:00 p.m. In general, he felt that this is a good compromise.

Regarding the proposed changes in the hours, Newport Beach Lifeguard Captain Mike Halphide reported that in practice, Blackball begins at 11:00 a.m. in high density areas. Staff would still have the option of not using Blackball under the conditions; codifying the current practice.

Skip Snead referenced the 48th to 56th Street zone noting the need for restroom facilities and suggested that rather than the proposed zone, it be revised to include 52nd through 64th and commented on the availability of parking using the latter.

Ted Bandaruk stated that he agrees with most of the recommendations and addressed the residential area at the point. He noted that it is a residential area with no parking or restrooms and added that Blackball has kept crowds in check. He commended the City's Lifeguard Department and hoped that Corona del Mar remains open to the City's Lifeguards. He added that the Blackball system separates the boarders from the body surfers and addressed possible liability for the City.

JT Nickelsen spoke in opposition to changing the hours at The Wedge noting that the changes would eliminate the inclusion of body surfers of surfing waves at the best hours and at the best surfing conditions.

Martin Henke spoke in opposition to changing the hours at The Wedge. He noted a safety issue relative to hard boards and body boards especially upon entry into the water. He added that presently, Blackball is not enforced until the Lifeguards are present and that prior to their arrival, there is "open season" which causes conflict. He recommended keeping the regulations as they are.

Tim Burnam, junior member of The Wedge Preservation Society, commented on body surfing and about his passion relative to The Wedge. He expressed concerns with the recommendations generated by the Working Group and felt that the surfing community was misled and that they could have had more people comment on this issue had the facts been communicated properly. He reported that the surfing community supports keeping the Blackball rules the way they are and suggested that the Working Group recommendations be stricken from the record until the issues can be carefully explored and discussed.

Scott Matthews noted that The Wedge is an historical place for body surfing and requested that the Commission maintain the current Blackball regulations and urged the City to enforce the rules more often and have Tower W staffed consistently.

Brandyn Kennedy noted that the issue is safety; that The Wedge is a dangerous beach; that rules must be in place and that the current Blackball regulations should be maintained.

Paul Cassidy stated he is an avid body surfer and expressed a desire to understand the changes that are proposed. He commented on The Wedge but stated that the rest of the beach area is important for body surfing. He referenced the recommendations and urged the Commission to maintain the existing Blackball regulations. He commented on the importance of safety and possible liability issues and agreed that the issue has been misrepresented to the surfing community.

Brent Renwick reported that current Blackball regulations are not being enforced and that hours are discretionary depending on the Lifeguards. He added that most days the Blackball regulations are not implemented until after 1:00 p.m. and others, not at all. He suggested setting the hours from sunrise until 1:00 p.m. or 2:00 p.m. and then from 4:00 p.m. until dusk stating that there is plenty of time allowed for surfing. He addressed the importance of safety, being fair and avoiding increased liability. Additionally, he reported that he lives by the beach but did not receive notice regarding the proposed changes to the Blackball rules.

Phil Castillo commended the City's Lifeguards for their work and commented on the lack of an Environmental Impact Report regarding The Wedge. He expressed concerns regarding potential increases in traffic by the proposed changes. He added that boards and body surfing do not cohabitate well and commented on possible liabilities to the City. Additionally, facilities will be needed in the area and commented on those not being represented in the report.

Kevin Murphy distributed information to the Commission including the results of a survey regarding the number of hours allocated to surfing, body boarding and swimming. He stated that every one of the recommendations being proposed is unsafe and unfair. He expressed concerns that surfers are being given the best waves. He addressed open area access, public safety, The Wedge and urged the Commission to base its decision on what is right for all watermen adding that the recommended actions give to surfers and take away from everyone else.

Lee Hernandez commented on his experience in the City and The Wedge and felt that the Commission's first responsibility is to the residents. He urged the Commission to take its time and review the issue through the summer and then make an informed decision.

Lance Jencks commented on the proposed change of Blackball times at The Wedge and presented testimony regarding his experience body surfing on City beaches. He stated he is sixty-six (66) years old and figured he may have another ten (10) years to surf. He urged the Commission to maintain the current Blackball regulations and consider not changing them until 2024.

Charles McAuliffe expressed concerns regarding the proposed changes to the Blackball policy at The Wedge. He listed reasons why the existing policy should be maintained relative to safety and fair play. He noted that the Municipal Code does not address body surfing even though they are the primary beneficiary of the ordinance. He noted that Council and the Commission need to consider whether the existing regulations have done its job in addressing swimmer safety and wondered why change if nothing is broken. He noted that separating surf boarding and body surfing in the water, eliminates danger and offers a safe environment for body surfers and recreational swimmers. He noted that the current policy is fair and hoped that Council and the Commission take into account the unique history of The Wedge and its contribution to body surfing. Mr. McAuliffe urged the Commission to maintain the current Blackball regulations.

Bob Cook thanked Rob Williams and the Blackball Working Group for their work. He addressed the four groups of surfers and noted that the biggest group is body boarders. He added that the proposed changes are minor and excellent and addressed parking challenges. He noted that body surfers at The Wedge have seven (7) hours of exclusive use and spoke in support of the recommended changes.

Corinne Conklin, Laguna Beach, commended the Working Group for their efforts and believed that the current Blackball resolution should be rescinded with the new resolution taking its place. Although it does not provide equal access to all, only removing Blackball altogether would do so. She added that the proposed recommendations are a step in the right direction to provide equal access to The Wedge and other Newport area beaches. Providing greater access to all beaches is good for business and commerce.

Diane Edmonds, Fountain Valley, spoke on behalf of supporters of The Wedge for All Activist group. She thanked the Working Group for the fair and well-thought out proposal and added that the proposal reduces some of the excessive access that was given to a small, special-interest group while still allowing use by body surfers during specific hours. She reported that at no time are body surfers excluded from the water and that the policy also establishes non-Blackball surfing zones. Additionally, she stated that it is good for business and improving the City's reputation. Regarding 40th to 44th Streets she suggested dropping the exclusivity by three (3) months and creating uniform rules that agree with Memorial Day to Labor Day. She commented on the area at Balboa Pier for skim boarders and that Lifeguards should be given more discretion, noted that beaches are public recreation areas and must be kept accessible for everyone to enjoy.

Adam Hayward stated support for the recommended actions with regards to The Wedge, commented on safety concerns adding that it is not necessarily caused by boards hitting people and urged the Commission to review the facts.

Aaron Peluso, skim boarder, commented on The Wedge noting there is no safety justification for the special rule at The Wedge which prohibits the use of body boards during Blackball. He added that body boarding should be allowed at The Wedge without special rules excluding one group for the benefit of another. He addressed the draft resolution regarding potential conflicts and stated there is no reason why conflicts should be resolved by banning all other groups and letting the body surfer group have unrestricted access. He stated that the policy gives the break to body surfers alone and is

against the law and the policies of the City. He suggested that the various groups be allowed access from 11:00 a.m. to 4:00 p.m. on alternating days and stated that it would be true fairness and would be consistent with the Coastal Act and the Newport Beach Coastal Land-use Plan. He noted the need for further modifications to the recommended actions in order to be fair and equitable to all riders. He reported that body surfers are never banned from the water at The Wedge at any time and referenced an online petition where almost 4,000 signatures were gathered for the complete elimination of Blackball at The Wedge. He felt that the draft resolution does not go far enough in the reduction of Blackball regulations at The Wedge; but recognized that it is a substantial step in the right direction.

Wilson (no last name provided) spoke in support of body surfing at The Wedge and felt that it is unfair that body surfers are allowed at The Wedge and that other groups of riders do not get a chance to do so.

Mike Rosenberg stated that additional research needs to be conducted regarding this item and addressed the history of subject. He commented on summer-rental visitors to the area and users that have no idea what they are doing and suggested that they be restricted to a safe area on 40th Street. Additionally, he commented on the lack of proper noticing regarding this item and urged the Commission to conduct further research.

Milo (no last name provided) stated that the proposed changes are reasonable and that not everyone will be satisfied because of the large amount of competing interests. He spoke in support of the resolution.

Austin Keene stated that the issue is not about who is and is not getting on the waves, but rather breaking up the time for increased sharing of the area. He suggested that the City review the types of calls received in terms of boarding-related injuries and spoke in support of the proposed changes.

Jimmy Lindell stated that The Wedge has a pecking order in the surf community and that it is considered the California pipeline for surfing and addressed the importance of The Wedge in supporting body boarders. He spoke in support of the proposed changes for body boarders and addressed the safety of body boarding.

Jim Mosher addressed the complete absence of restrooms anywhere within the vicinity of a popular attraction like The Wedge and stated that it should be a concern to the Commission. Additionally, he stated that the ordinance looks like the Newport Beach Municipal Code and stated it would seem appropriate to recommend that it be made part of the Municipal Code rather than relegating it to a resolution. He addressed the Blackball restrictions to surfing throughout the City and extending that restriction to flotation devices and an area within the resolution that is redundant to that effect. He commented on the area around the Balboa Pier being reserved exclusive for skim boards and stated it is not addressed within the resolution. In addition, he questioned whether this matter needs review by the California Coastal Commission.

Sebastian (no last name provided) spoke in opposition to changes in the Blackball policy. He commented on the need to be equitable to all user groups in terms of access to the water and noted that it is unreasonable to have various groups compete for waves at any one time. He addressed safety concerns, felt that the abdication of Blackball would lead to increased injuries and expressed concerns regarding the lack of enforcement. He urged the Commission to maintain the current Blackball regulations.

Margarita Rosenberg, Costa Mesa, commented on wave riders and their love of the ocean and stated that Blackball provides safety in the water, for all. She indicated that there are not a lot of injuries and that is because Blackball is in place.

Jack Holeman, eleven years old, urged the Commission to give him a chance to surf The Wedge and make no changes to Blackball.

Anthony (no last name provided) urged the Commission to maintain Blackball as it is and expressed concerns with decreased safety.

Mike Icki stated that the Blackball increase controversies and that riders are able to determine their own sequencing and share waves among themselves.

Larry Macgregor commented positively on the Blackball Working Group and their efforts. He expressed concerns with the 11:00 a.m. to 4:00 p.m. time period and felt that the Lifeguard Department's discretion has worked well. Additionally, he commented on the zones allocated, the rationale for determining them and on rentals noting that an online research showed that every vacation rental lists surfing as an amenity. He urged the Commission to pull back some of the Blackball rules.

Dave Everland stated that the conditions at The Wedge have been the same for almost 20 years; that there are no conflicts and that the Blackball regulations should be maintained as they currently exist.

Josh Jochim voiced opposition to the proposed revisions adding that it seems to be based on anecdotal evidence and not on fairness. He commented on the different types of beaches in the City and felt that they should be evaluated based on data and evidence to back any decisions going forward. He commented on the discretion policy noting that the areas addressed are typically Blackballed during the day and that the reason they are Blackballed is to eliminate potential conflicts. He asked that Lifeguards enforce a policy, with discretion, to a beach that will be open to general beach use and commented on the potential for increased liability. He commented on The Wedge and felt it is in the wrong place for a big wave and is dangerous.

Chris Craven, Costa Mesa, addressed the 40th to 44th Street zone and reported that he has never seen a beach that has been Blackballed from 8:00 a.m. until 6:00 p.m. He voiced support for the resolution and commented on possible discretion between 40th and 44th.

Greg Oreneck commented on the uniqueness of the City and on having a prohibition for a good time of the day where one could not surf. He stated he appreciates the discretion that the Lifeguards have shown and voiced support for the resolution. He suggested that the surfing zone not be from 48th to 56th but rather 52nd to 60th Streets since waves there are far superior and commented on the 11:00 a.m. Blackball starting time.

Chair Anderson noted that the Commission is an advisory board and that whatever is decided tonight will be reviewed by City Council so that there will be additional opportunities for public comment. He encouraged residents to write down their comments and send them to the City.

David Sternam addressed the importance of being aware of others noting that it is a system that falls into place among the different riders in the water. He stated that it is not fair to allow one group in the water and not include others. He expressed support for the recommended changes and felt that everyone should have access to the water.

Gentleman (no name provided) commented on The Wedge noting that it brings happiness to many people. He opined that the matter merits additional research and felt that there is a loss in camaraderie at this time. He suggested eliminating Blackball and seeing what happens.

Jonnie Bonner commented on the existing hours and regulations that were set in place 20 years ago. He suggested maintaining the current Blackball regulations but shortening the months to three

instead of six so that the majority of riders can have a more beneficial summer. He opined that the proposed changes should be put into place to determine whether they are beneficial or not and commented on the 40th to 44th Street zone and on the designated area by Balboa Pier. He encouraged the Commission to maintain those areas as they currently exist.

Dan Kaspers expressed concerns with the area of 40th and 44th Street and felt that the Commission should not implement any changes there. In terms of research, he stated that it costs a lot of money and that if it is not broken, don't fix it.

Felix Inga addressed safety issues related to The Wedge, felt that the proposed changes will create more conflict in the water, and commented positively on Lifeguard discretion. He felt that the skim-boarder agenda has raised this issue and referenced a petition that was raised by one of the speakers noting that 3,200 of the signatures were not Orange County residents and presented options for the Commission's consideration.

Erik Joyce stated that equal access is not equal for all and that surfers assume all of the risk when other types of riders are in the water. He commented on the uniqueness of the area and urged that the Commission not make this decision based on money, but rather on the uniqueness of the Newport area. He encouraged that the existing Blackball regulations remain and that the Commission not make a hasty decision and conduct additional research.

Chair Anderson closed the public discussion.

Commissioner Englebrecht reported that he has read all relevant emails and has listened to comments by the public. He questioned why this subject is even being considered and stated that he is not convinced that there is enough justification for any of the proposed changes or that life would be better if the Commission were to pass the resolution. He urged fellow Commissioners to deny the resolution or direct staff to continue to research the subject. He added that the matter should be left alone.

Vice Chair Cole commented on condensing the months and stated that the rules are currently not being enforced effectively and that they should be adjusted into something that can be enforced. He added that setting the dates from Memorial Day to Labor Day makes sense because that is when 80% to 90% of the activity in beaches, occurs and when safety concerns arise. He commented positively on changing the street zones. Relative to the EIR process, it was noted that a need has not been verified and commented on inequality and fairness issues and on the number of people in favor and opposed to the proposed changes. He added that he believes that the Commission is on the right path and that the Working Group did a good job.

Commissioner Howald stated that he also questions why a change is being made from the policy that has been in effect for over 20 years. He hoped that if this issue returns to the Commission, there would be a rule that could be enforced and commented positively on Lifeguards having the discretion to make a determination whether or not to declare Blackball. Additionally, the policy should be able to allow for changes in the weather and situations depending on the crowds and the break. In terms of the various street zones, he stated that he is not sophisticated enough to know which streets should be involved, if at all and that more information is needed if the Commission is going to approve a resolution but that at this point, he would have deny the proposed resolution. He thanked Vice Chair Cole and the Working Group for their efforts.

Commissioner Marston also questioned why the change should be made as it is not obvious to her at this time. She indicated that surfers should have at least one area for all day and commented on Blackball being discretionary except for 40th to 44th Street and The Wedge. She added that at this point, she would have to vote against the resolution until she has a better understanding regarding the need for change.

Vice Chair Cole stated that part of the resolution is to modify the policy to meet reality as the six-month period is unmanageable. The hour modification, from noon to 4:00 p.m. is also to keep it consistent with what is currently occurring and when the Lifeguards come on duty. He commented on the street zones adding that there should be an area that allows surfers the opportunity to surf throughout the day. He added that the Working Group can discuss the issue further and return to the Commission with additional information/recommendations.

Chair Anderson stated he agrees with Commissioner Englebrecht and that he did not know there were restrictions on 40th to 44th Streets. He indicated that The Wedge and Newport Beach are unique properties in the world and should be treated as such. Body surfers are the most vulnerable people in the water and the area needs to be reviewed carefully, adding that he cannot support any changes in the area. He stressed the need for uniformity in terms of hours and observed there are too many signs at the beach.

Commissioner Englebrecht stated that if the issue returns to the Commission, there should be input from residents that will be impacted by the resolution.

Vice Chair Cole stated that there are a number of questions that are yet to be resolved and that to approve or deny the proposal at this time is premature. He suggested continuing this item for additional time to research the need for an EIR as well as other issues and bring it back to the Commission at a later date or to deny the matter.

Motion by Commissioner Englebrecht: to veto the recommendation of the Blackball Working Group to rescind Resolution 95-116 and not forward the draft resolution to City Council for their approval. The motion died for lack of a second.

Motion by Chair Anderson; seconded by Vice Chair Cole, to deny the resolution as presented and direct staff to return to the Working Group with comments and questions from the Commission for a revised resolution to present to the Commission for consideration.

Commissioner Englebrecht stressed the importance of letting staff and City Council know that the Commission is denying the recommendation to send the proposed resolution to Council.

In response to Commissioner Howald's inquiry regarding the time necessary to research the matter further and return to the Commission, Assistant Chief Williams stated that it could be within the next month or longer, depending on the direction given tonight.

Commissioner Howald suggested it return after the summer season to gain further experience on the issues.

Discussion followed regarding not having the Working Group return with another proposal but giving the Commission the opportunity to submit questions so that the Working Group has guidance to know what the Commission wants to recommend to the City.

Director Detweiler indicated that questions from the Commission can be sent to Assistant Chief Williams.

Discussion followed regarding the possibility of placing the matter on an upcoming agenda and the importance of giving the Working Group a timeline.

Assistant Chief Williams indicated the need for clarification regarding inquiries from the Commission and noted the need to report to City Council since they initiated this matter. He added that the timeframe is tight to do anything prior to May 1, 2014.

Commissioner Englebrecht suggested that the Chair Anderson withdraw his motion noting that it is important to veto the recommendations of the Working Group and directing staff to return next month with a timeline.

Chair Anderson withdrew his motion.

Motion by Commissioner Englebrecht: to veto the recommendation of the Blackball Working Group to rescind Resolution 95-116 and not forward the draft resolution to City Council for their approval. The motion died for lack of a second.

Motion by Vice Chair Cole: seconded by Commissioner Howald, to deny the proposal but consider a recommendation after further study and feedback from the Working Group. Motion carried by acclamation.

Chair Anderson called for a recess at 8:43 p.m. The assembly reconvened at 8:45 p.m. with all Members, present except excused Commissioners Hamilton and Hayes.

B. Special Tree Removal — Groves Bike Trail

Recommendation: Consider request of MOD Staff to remove one (1) City Special Blue Gum – Landmark Tree and replaced with a Coast Live Oak Tree. This tree is recommended to be removed to mitigate potential tree failure due to sulfur fungus conks and root decay.

Acting Director Pisani presented details of the staff report addressing location, background, reason for the removal request and type of replacement tree.

Commissioner Marston questioned whether the trees need to be assessed as a group instead of individually.

Acting Director Pisani reported that staff has removed 68 trees so far, which took care of the worst trees that were showing significant evidence of decay. The remaining 35 trees are fairly well-separated and are not intertwined.

Chair Anderson stated he will support the item and stated he prefers the piece-meal approach.

Chair Anderson opened the public discussion.

Jim Mosher stated that only one tree fell in a strong wind storm. He opined that the City does not have a reliable system of determining which trees are sound and which are not sound. He commented on the sulfur disease and stated that the tools not being cleaned properly could be the reason for the spread of the disease.

Chair Anderson closed the public discussion.

Discussion followed regarding tool cleaning procedures and it was noted that staff properly cleans pruning tools.

Acting Director Pisani reported that trees are pruned to keep canopies light and are constantly under stress.

Brief discussion followed regarding the replacement tree.

Motion by Chair Anderson: seconded by Commissioner Howald, to approve the request of MOD Staff to remove one (1) City Special Blue Gum – Landmark Tree and replaced with a Coast Live Oak Tree. This tree is recommended to be removed to mitigate potential tree failure due to sulfur fungus conks and root decay. Motion carried by acclamation.

C. Bench Donation — Grant Howald Passive Park

Recommendation: Consider donation of bench to be installed at Grant Howald Passive Park for Willard & Gayle Courtney by Ken Schwarz.

Acting Director Pisani presented details of the staff report including background, location of the proposed bench and the rationale for its placement.

It was noted that there is no bench currently at that location and that it makes it convenient for seniors participating in excursions.

Commissioner Howald commented that it will probably be one of the most-used benches in the City since most of the excursions from OASIS leave from that location.

Chair Anderson questioned whether there is room for additional benches at that location and Acting Director Pisani responded affirmatively.

Chair Anderson opened the public discussion.

Jim Mosher questioned whether the bench will be installed facing the parking lot or the grass. He stated that the Commission should direct staff as to the direction in which it should be installed.

Chair Anderson closed the public discussion.

Commissioner Howald stated that it would be prettier if the bench faced the grass and that most seniors who wait for excursion buses at that location are able to turn around to enter buses.

Acting Director Pisani stated that it was assumed that the bench would face the parking lot since seniors would be looking for the bus arrival.

It was suggested that the donor make the determination as to which way the bench should face.

Motion by Commissioner Howald: seconded by Commissioner Cole, to approve donation of bench to be installed at Grant Howald Passive Park for Willard & Gayle Courtney by Ken Schwarz. The motion carried by acclamation.

D. Denial of Tree Removal Request Appeal — 2113 Seville Avenue

Recommendation: Consider request of MOD staff to deny appeal of Ann Kenowsky to remove a City Southern Magnolia tree at 2113 Seville Avenue.

The aforementioned item was pulled by staff and will not be discussed this evening.

E. Request by Newport Beach Elite Baseball for Temporary Lights at Coastal Peak Park

Recommendation: Consider request from Newport Beach Elite Baseball to use portable temporary lights in the batting cages from February 17 – March 9 and November 2 December 12 from dusk to 6pm, weekdays only.

Manager Cates presented details of the staff report noting that the request would be for the spring and fall seasons (February 17, 2014 – March 9, 2014 and November 2, 2014 - December 12, 2014 from dusk to 6pm, weekdays only). She stated that the lights would be stored each night, and addressed the types and number of lights to be used.

Chair Anderson opened the public discussion; seeing none the public discussion was closed

Motion by Commissioner Englebrecht: seconded by Commissioner Howald, to approve request from Newport Beach Elite Baseball to use portable temporary lights in the batting cages from February 17 – March 9 and November 2 December 12 from dusk to 6:00 p.m., weekdays only. The motion carried by acclamation.

7) PARKS, BEACHES & RECREATION COMMISSION / STAFF ANNOUNCEMENTS, UPDATES OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Commissioner Englebrecht requested that a logo and the the words PB&R Commission be displayed on the screen in order to let attendees know what meeting is being held.

Commissioner Howald asked when the next meeting related to G-1 would be and when the Poppy Avenue trees would be on the agenda.

Acting Director Pisani noted that a G-1 meeting would be scheduled soon and that Public Works is in the process of hiring a consultant to do a study on Poppy Avenue but that it would be a while before a report would be generated.

Commissioner Howald commented on the trees that have been removed and hoped that a report will be presented to the Commission regarding same in the near future.

Chair Anderson stated he is eagerly awaiting the report from the Recreation Department regarding the resident and non-resident usage of sports teams.

Superintendent Levin reported that two adult sports groups have recently started and that staff is collecting data and should have a report to present to the Commission by mid-March.

Chair Anderson reported that at a recent Youth Sports Commission meeting there was discussion regarding redoing the policy. He requested that the matter be agendized and that staff advise him and Commissioner Englebrecht regarding that meeting time and date.

Chair Anderson thanked Vice Chair Cole and Superintendent Levin for their work on the Blackball issue.

8) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Jim Mosher complimented the Commission for its consideration of the Blackball issue. He commented on the recruitment of the Municipal Operations Director and on Commissioner Englebrecht's recommendation of using the screen to communicate items being discussed on the agenda. Additionally, he referenced an upcoming groundbreaking at Marina Park and designating a permanent area in the park for public use and the possibility of the Girl Scout facility intruding into that location.

Leslie Obedich stated that she attends a daily exercise class in the Newport Coast Community Center and was informed that the stage would be taken away at the gymnasium which is part of how the class is held. She added that the proposal is to place a solid wall in front of the stage and turn it into a daycare facility. She reported discussing the matter with Supervisor Valdez, and voicing a lot of objections. She questioned why the City is considering a permanent wall at that location and suggested the possibility of a temporary wall in order to accommodate all user groups and review costs versus benefits.

9) ADJOURNMENT @ 9:10 p.m.

Submitted by:

Teri Craig, Admin Assistant

Approved by:

Tom Anderson, Chair