

**Parks, Beaches & Recreation Commission  
Regular Meeting  
October 5, 2010 – 7pm**

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**Convened** 7:04pm

**ROLL CALL**

Present: Phillip Lugar, Vice Chair  
Tim Brown  
Tom Anderson  
Ron Cole  
Bill Garrett  
Kathy Hamilton

Absent: Marie Marston, Chair

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

**DIRECTORS COMMENTS**

- Director Detweiler announced that staff met with the Parks Development Committee, the annual update of CIP Projects related to buildings and parks and will upload that PowerPoint which will be attached to the Parks Development Meeting agenda online. She also announced that the Department adopted the Marine Protection & Education Division which includes the Tidepool staff along with the Marine Protection & Education Supervisor. They will work under the direction of Recreation Manager Janet Cates and the Commission will begin to hear more program information in the months to come. Director Detweiler highlighted some Buck Gully programs and noted that the first tour was sold out but there are several more scheduled and invited the Commission to attend one. She also reminded the Commission of the OASIS Grand Re-Opening on Saturday, October 9 at 2pm.
- Director Harmon reminded the Commission of a previous meeting with a tree removal report request from 31<sup>st</sup> Street where one of the neighbors brought many of the leaves and a branch for the Commission to see. He stated that since then staff has trimmed the tree and removed some branches and received an email thanking the staff and the Commission for helping them with the tree droppings situation.
- Council Actions – Director Harmon stated that the City Council approved the PB&R Commission recommendation for the designated trees on Heliotrope and will now contact the homeowners so that trees can now be planted.

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Minutes of the September 7, 2010 regular meeting.** *Waive reading of subject minutes, approve and order filed.*
2. **Park & Operations Division Activity Report.** *Receive/file monthly Activity Report for activities and upcoming projects.*
3. **Item pulled by Commissioner Lugar**
4. **Balboa Village Tree Donation.** *Approve Balboa Village tree plaques located in Balboa Village.*
5. **Item pulled by Director Harmon**

**Motion by Commissioner Brown** to accept items 1, 2 and 4 of the Consent Calendar. Motion carried by acclamation.

3. **Recreation & Senior Services Activity Report.** Vice Chair Lugar questioned staff regarding the Park Patrol section of the report about 97 dog related public contacts.

Superintendent Levin stated that this refers to each time the Park Patrol comes in contact with someone with a dog and they are educating them on something that they are not doing correctly, i.e. dog off leash.

Vice Chair Lugar asked if these contacts were in a predominant location.

Superintendent Levin stated that this activity report is from August and that during that month they predominantly patrolled CdM State Beach and parks around the City.

5. **Bench Donation.** Director Harmon stated that the resident contacted staff requesting that the dedication language could be changed from *Donated for Brian Scalzo* to *In Memory of Brian Scalzo* and that it does meet the requirements of Council Policy B-17 and recommended that the Commission approve the donation with that change.

**Motion from Commissioner Brown** to approve items 3 and 5 of the Consent Calendar. Motion carried by acclamation.

Vice Chair Lugar stated that item 7 would be taken out of order so that the homeowners would not have sit through the discussion of item 6.

### **NEW BUSINESS**

7. **Reforestation Request.** Director Harmon stated that staff had received a request for reforestation of two Eucalyptus trees from Matthew Haight at 537 Santa Ana Avenue. He stated that the property owner has complied with the requirements of Council Policy G-1 and has agreed to assume the full cost of the removal and replacement of the trees. He went on to say that these trees are planted under Southern California Edison power lines and that they have topped many times and have become disfigured. He stated that staff recommends approval of the reforestation.

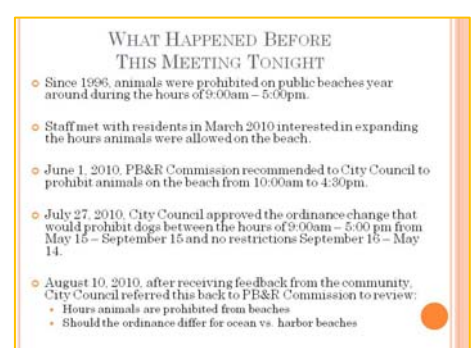
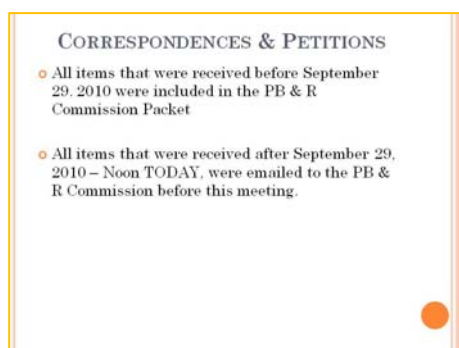
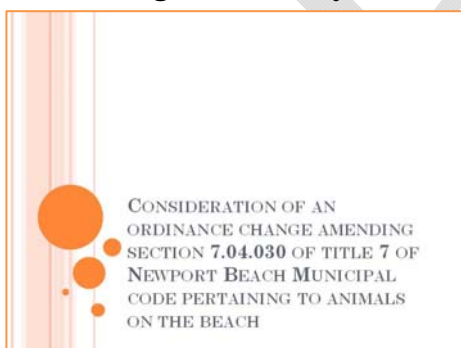
Discussion ensued regarding the need for a 36 inch box tree versus a 24 inch box tree. Director Harmon stated that the homeowner did state that he was willing to plan any size box tree and that Commission can certainly ask him to do that; but the policy stated that the replacement size is the 24 inch box.

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

**Motion by Commissioner Brown** to approve the reforestation of two Eucalyptus trees by Matthew Haight at 537 Santa Ana Avenue. Motion carried by acclamation.

### **OLD BUSINESS**

6. **Consideration of an Ordinance Change Amending Section 7.04.030 of Title 7 of the Newport Beach Municipal Code Pertaining to Animals on the Beach.** Recreation Manager Lohr introduced Senior Animal Control Office Valerie Schaumburg and Battalion Lifeguard Chief Jim Turner and noted that they were here to answer any questions if needed. Manager Lohr presented a brief PowerPoint on the history of how the City ordinance has changed over the years.



CITY COUNCIL REQUESTED PB&R COMMISSION TO CONSIDER THE FOLLOWING OPTIONS & THEY MAY BE MODIFIED:

1 No change to the ordinance as currently written (prohibits animals on beaches between 9:00am-5:00pm year round);

or

2 Change hours that animals are not permitted on beaches to 10:00am – 4:30pm on a year round basis;

or

3 Exclude animals on beaches between the hours of 9:00am to 5:00pm from May 15 to September 15 with no restriction from September 16 to May 14;

and

4 Exclude harbor beaches from any changes to the existing ordinance;

and

5 Forward recommendation to City Council for the first reading of the Ordinance Change.

NEXT STEPS	
o Staff will prepare a City Council Report, forwarding PB & R Commission recommendations.	o
o November 9, 2010 – Staff will present to City Council PB&R Recommendations and 1 <sup>st</sup> Hearing of Ordinance Change if necessary.	
o November 23, 2010 – 2 <sup>nd</sup> Hearing of Ordinance Change/With City Council recommending implementation date.	

Sunset & Civil Twilight		
November – December we have limited hours of sunlight in the evening hours		
Month	Sunset	Civil Twilight *
September 1 <sup>st</sup> 2010	7:00pm	7:25pm
October 1 <sup>st</sup>	6:19	6:45
November 1 <sup>st</sup>	4:49	5:16
December 1 <sup>st</sup>	4:44	5:12
January 1 <sup>st</sup> 2011	5:05	5:32
February 1 <sup>st</sup>	5:35	6:01
March 1 <sup>st</sup>	6:59	7:24
April 1 <sup>st</sup>	7:23	7:48
May 1 <sup>st</sup>	7:46	8:14
June 1 <sup>st</sup>	8:05	8:34

Chair Lugar asked the public to inform the Commission by indicating to the Commission which item they agree with:

- 1 No change to the ordinance as currently written (prohibits animals on beaches between 9:00am-5:00pm year round);  
*or*
- 2 Change hours that animals are not permitted on beaches to 10:00am – 4:30pm on a year round basis;  
*or*
- 3 Exclude animals on beaches between the hours of 9:00am to 5:00pm from May 15 to September 15 with no restriction from September 16 to May 14;  
*and/or*
- 4 Exclude harbor beaches from any changes to the existing ordinance;

### **Chair Marston opened the public discussion**

Shirley Reinker stated that she is one of the pact leaders for the hundreds of responsible residents that want to enjoy a slice of our great sand park with our leashed dogs during winter when the beach is mostly empty. She went on to say that it is unsafe to walk on the beach from November to February when the sun sets before 5pm for most seniors. She noted that it is cold and dark in the mornings and that 9am does not allow for much time on the beach nor does it allow those parents that drop off their children at school the time to get a decent walk in. Ms. Reinker stated that when City Council voted to lift the ban during the winter they were right on target and that it is common sense to allow that and they have a petition with over 300 signatures in support of this. She did note that this ban should apply only to ocean facing beaches and exclude the harbor beaches, i.e. Balboa Island is a totally different situation as their beaches on not a very good location to walk and they can walk on their boardwalk 24 hours a day and we are restricted between 9am and 5pm all year long. She urged that the Commission to support items 3 and 4.

Ed Hepner stated that by supporting the change to 10am to 4:30pm it would enhance the quality of life and asked the Commission to support items 2 and 4. He stated that his dream would be to allow dogs off leash dogs and 7am and 8am all year round on any beach.

Tom Houston stated that he has served on the Water Quality Committee since 1986. He noted that Balboa Island and Harbor Beaches are no place for dogs. He supports whatever the Commission feels is appropriate regarding the hours but should exclude animals from harbor beaches.

Jim Uer stated that he believes that most people that bring their dogs and most respect the access but there are about 20% that do not pick up after their dogs and noted that he sees this every single day of the week. He urged the Commission to support item 2.

Bill Bennett urged the Commission to support items 3 and 4 and would add a little more freedom and it would be much appreciated and asked the Commission to see how it goes and

revisit again if there are problems.

Tempest Hill stated that she has noticed that there have never been more than four dogs on the beach at any one time during the hours that dogs are allowed and does not believe that there is a problem. She urged support of item 3.

Greg Reinker stated that he walks on the beach twice everyday all year round. He provided a suggestion on how the signs could be changed with just a sticker. He recommended no change for the harbor beaches. He urged support of 3 and 4 and supported stricter restriction of the litter and off-leash laws.

Sara Abraham noted her support of item 3 and 4. She stated that people have to be responsible and it is the people that have to be monitored and suggested that civilians do that.

Mike Hernough urged support of items 3 and 4 and with more stringent litter laws.

Tom Burke stated that he is opposed to item 3 as he is concerned with dogs being off leash. He urged support item of items 2 and 4.

Trish Knapp urged support of item 3.

Kelly Newcomb stated that she is in favor of items 3 and 4 and that the Commission should not punish those that are good dog owners.

Kim Jameson stated that she supports items 3 and 4. She stated that emotional issue of more dog bites is unfounded because the calls for these in 2008 account for 0.07% of total citations. She went on to say that dog fights accounts for 0.14% and even if these were doubled because of the longer hours it would still account for less than 0% of the annual NBPD citations for these types of events.

Mike Sinacori provided a picture of a dog owner allowing her dogs off leash at 28<sup>th</sup> Street which is an everyday occurrence. He urged support of item 2 and make it consistent across the City.

David Granoff stated that we are becoming known as a Dog Beach by the River Jetties. He stated that he does not really have a preference if either item 1 or 2 were passed.

Officer Schaumburg stated that in 2009 1100 tickets were issued; 48% were beach violations – 1% of the Police Officers wrote animal tickets last year and that it is important to note that since 1996 there are more dog owners, and noted that the Police Department supports item 2.

Manager Lohr stated that consistency is a big issue for enforcement.

Joe McCarthy agreed that the City has become known as a Dog Beach and was actually attacked by a dog in 2005 and stated that there is definitely a lack of enforcement for dogs off leash. He recommended that the Commission maintain the beach hours as they are today and urged support of item 1.

Les Klingerman informed the Commission about how pathogens remain in the sand even if collected and recommended that the Commission support item 4 regarding a sanitation standpoint.

Dave Purcell stated that he was speaking for the birds as an avid bird watcher and that the dogs scare them away.

Battalion Chief Turner stated that he has been enforcing the dog ordinances since 1973. He noted that he had contacted other cities around and noted that Seal Beach is very happy with not allowing dogs on their beach and have a difficult time with enforcement when guards are not out; Huntington Beach allows dogs on their dog beach and one of their big issues is that dogs are supposed to be on leash and they cannot enforce it; and Laguna Beach allow dogs on their beach during the off season; and San Clemente does not allow dogs on the beach and have problems with enforcement of the pedestrians going off the trails. He stated that Lifeguard Operations recommend item 2 and stated that this was more to appease the dog owners but confirmed that his staff get a lot of complaints because beach crowds are coming later to the beach and staying longer into the evening. He went on to say that the weather in Newport stays warmer through September. He said that after talking to the Police Department and his staff consistency throughout the year was important.

#### **Vice Chair Lugar closed the public discussion**

Commissioner Anderson stated that the sentiments of the lifeguards make it very clear that the recommendation by the PB&R to the Council back in June was correct and is very comfortable with recommending #2 again. He stated that he believes consistency is important but was willing to hear the other Commissioners regarding harbor beaches.

Commissioner Hamilton agreed with Chief Turner and believes that item 2 is the right one to forward to the City Council.

Commissioner Brown stated that he had kept tabs on the discussion tonight and that most people support item 2 and that there is a difference between the harbor beaches and the beach front on the peninsula and believes it is fair that we could exclude the harbor beaches from any change because that water does not move as much but would support item 2 and exclude harbor beaches from any change.

Commissioner Garrett stated at the last discussion he had wanted to make a recommendation that the fines be increased in exchange for allowing more hours and that he is still in support of that; he went on to say that a resident came up to him at the last meeting about a woman whose daughter was jumped on by an unleashed dog and since then has been terrified of all dogs. Commissioner Garrett stated that the real problem is the dogs that are not on a leash and cleaning up after them. He noted that they have been trying to get dispensers on the numbered streets. He recommended item 2 and that fines should increase should be considered for dogs off leash and look into providing dispensers for the numbered streets on the peninsula.

Commissioner Cole stated that he struggles with the enforcement aspects and that he finds it hard to support item 3. He went on to say that he supports item 2, recognizes the fact that everything should be consistent and would be in support of looking at fines and dispensers but also excluding dogs on the harbor beaches altogether.

Vice Chair Lugar stated that he agrees with Commissioner Garrett and that consistency is important. He stated that he would support increasing the fines, installing dispensers and supporting item 2.

**Motion by Commissioner Garrett** to recommend to the City Council that they approve item 2 - Change hours that animals are not permitted on beaches to 10:00am – 4:30pm on a year round basis; that fines be increased for dogs off leash; that a funding source be found for dog dispensers on the peninsula, and; exclude animals from the harbor beaches.

Director Detweiler stated that the admin citations have a set fee of \$100, \$200 and \$500.

Commissioner Brown confirmed that the City Council sets the fees for the admin citations. Officer Schaumburg stated yes and went on to say that the Harbor Court and the State set the fines for criminal citations.

Superintendent Levin stated that staff had talked to Revenue regarding admin citation and that it is used for a multitude of different violations so that if they changed it for the dogs they would be changing it for everything else.

Vice Chair Lugar asked Commissioner Brown his thoughts on the harbor beaches.

Commissioner Brown stated that he would not support the no dogs allowed on the harbor beaches but rather excluding harbor beaches from the recommendation tonight and leaving it as it stands in the ordinance today.

Vice Chair Lugar asked Commissioner Brown if he supported changing the hours for oceanfront beaches to 10am – 4:30pm and that harbor beaches remain at 9am to 5pm.

Commissioner Brown stated yes that he would be in support of this, but he would not support anything with the citation fines attached as he believes they are two different issues. He would support item 2 and 4; but if the motion goes forward pending raising the admin citations then he would be troubled with that and might not be able to support that motion. The issue of dispensers is a good idea but cannot support the recommendation to raise the fees for admin citations.

Commissioner Garrett stated that if everyone was in favor he could withdraw that part of the motion.

**Revised Motion by Commissioner Garrett** to recommend to the City Council that they approve item 2 - Change hours that animals are not permitted on oceanfront beaches to 10:00am – 4:30pm on a year round basis; that a funding source be found for dog dispensers on the numbered streets on Balboa Peninsula, and; exclude the harbor/bay front beaches from any time change to the existing ordinance.

Commissioner Garrett asked staff to look in to the fine issue as discussed.

Director Detweiler stated that staff would discuss this with Revenue to provide further clarification.

Motion carried by acclamation.

#### **COMMITTEE REPORTS –**

**Parks** – Commissioner Brown stated that the Committee had met with staff tonight and had been advised of current and completed projects and provide a quick overview of that presentation.

RSS – Nothing to report.

Budget– Nothing to report

Community Service Award – Nothing to report.

AD- Hoc

–Youth Sports Liaison – Superintendent Levin stated that there is a meeting scheduled for October to discuss the gray area that exists between select and all-star teams.

–Marina Park – Nothing to report.

### **FUTURE AGENDA ITEMS**

- Artificial Turf status – Commissioner Anderson stated that the funding should be brought to the youth sports teams to discuss what resources could be found to help fund artificial turf at Bonita Creek. Commissioner Brown stated that this would be a good idea to bring to the City Council's attention on how the Commission feels that this is a priority. Commissioner Anderson stated that he knows that there are funds out there that could be used. Director Detweiler suggested that it be brought to the next meeting of the Youth Sports Groups to share the study and discuss support and then it could be brought forward to the Commission at a future meeting. Vice Chair Lugar agreed with Commissioner Brown that an ad hoc committee would be appropriate to look at the artificial turf issues and would volunteer with Commissioners Anderson and Brown and looked to Superintendent Levin to set up a meeting after some data has been assembled.
- Commissioner Anderson discussed the Banning Ranch land that the NMUSD has that was set aside for a school but apparently it is not buildable. Director Harmon asked that as discussions about fields continue that it be kept in mind that there is maintenance costs associated with them and as part of the budget reductions the Landscape & Parks Maintenance Divisions took a big hit. He went on to say that everyone is for more fields but it is not just the initial costs there is always an ongoing significant costs associated with these facilities and that investments should be made in the current fields we have.
- Trash Pick-Up on Saturdays –Discussion ensued regarding trash pick-up on Saturday and on the beach.
- G-1 Review
- Pirates Cove Lighting – Director Harmon stated that he has talked to Public Works about what would be needed to put a light there and that is as far as it goes. He noted that staff would work on a report for the Commission and would try for December.

Vice Chair Lugar stated that since the next Commission meeting was scheduled for the same night as the election he would suggest that the Commission go dark on November 2d. The Commission agreed.

**ADJOURNED @ 8:54pm**

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