

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission Regular Meeting July 2, 2013 – 6pm

1) CALL MEETING TO ORDER – 6:00 p.m.

2) ROLL CALL

Present: Kathy Hamilton, Chair
Tom Anderson, Vice Chair
Ron Cole
Roy Englebrecht
Walt Howald
Marie Marston
Jack Tingley

Staff: Laura Detweiler, Recreation & Senior Services Director
Mark Harmon, Municipal Operations Director
Teri Craig, Administrative Assistant

3) NOTICE TO THE PUBLIC

4) PRESENTATION TO OUTGOING COMMISSIONER PHIL LUGAR

Chair Hamilton and Commission members expressed their appreciation to outgoing Commissioner Lugar for his eight years of service and presented him with a gift for his time and contributions to the community.

5) ELECTION OF OFFICERS

Director Detweiler provided a brief presentation regarding the process for electing officers for the PB&R Commission.

Chair Hamilton opened the nominations for **Chair**.

Commissioner Marston nominated Vice Chair Anderson; Commissioner Englebrecht seconded nomination. There being no other nominations; nominations were closed and Vice Chair Anderson was declared Chair, unanimously.

Chair Anderson recognized outgoing Chair Hamilton for her leadership and service.

Chair Anderson opened the nominations for **Vice Chair**.

Chair Anderson nominated Commissioner Cole; Commissioner Englebrecht seconded nomination. There being no other nominations, Commissioner Cole was declared Vice Chair of the PB&R Commission, unanimously.

Chair Anderson congratulated Commissioner Marston for her reappointment to the Commission and commented positively on her service. He welcomed new Commissioner Walt Howald and deferred to him for introductions.

Commissioner Howald presented a summary of his background and experience.

6) CONSENT CALENDAR

Commissioner Marston noted that her comments last month regarding Sunset View Park ADA access should also include the need for ADA parking.

Jim Mosher reported that he had submitted comments and corrections to the minutes; he commented that the Parks & Operation Division Activity Report did not include a list of park projects currently underway nor any tree activity and that he was unclear which months were represented within the Recreation & Senior Services Activity report.

A. Minutes of the May 7, 2013 regular meeting.

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

B. Parks & Operations Division Activity Report.

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

C. Recreation & Seniors Services Activity Report.

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

D. Pulled by member of the public

E. Pulled by Director Harmon

Motion by Commissioner Marston; seconded by Commissioner Cole to accept items 6A – 6C of the Consent Calendar. Motion carried by acclamation

D. Reforestation Request

Recommendation: Approve reforestation request of John Byers & Monica Mazur to replace one City Chinese Elm and one City Rusty Leaf Fig trees located at 518 Signal Road.

Mr. Mosher stated that no reason was listed by the applicant for requesting the removal nor was the replacement tree identified. He also noted that this matter should not have been listed in the Consent Calendar in accordance with Council Policy G-1

Director Harmon referenced photos attached to the report illustrating that this tree was planted in the wrong location and has been damaged and that the picture did not show the damage caused by Southern California Edison. He reiterated staff's recommendation to remove the trees. He went on to say that the area is part of the Cliff Haven Community Association and addressed the applicable rules on HOA's, reforestation and noticing requirements.

Discussion followed regarding the possibility of removing the damaged tree and trimming the other since it looks like many of the other trees in the neighborhood and whether there are designated replacement trees for the specific area.

Director Harmon reported that staff reviews the neighborhood, aesthetics and the growth area and that staff has deviated from using designated trees for replacement to allow homeowners a choice of trees.

Chair Anderson opened the public discussion

Monica Mazur provided a brief background and addressed removal of the nearby diseased trees. She explained that it was their intent to replace all of the removed trees in the future.

Chair Anderson closed the public discussion

Discussion followed regarding the health of the second tree and the possibility of removing only the damaged tree.

Motion by Commissioner Englebrecht to remove one tree and keep the second tree. Motion died for lack of a second.

Motion by Commissioner Cole; seconded by Commissioner Marston, to approve the reforestation request of John Byers & Monica Mazur to replace one City Chinese Elm and one City Rusty Leaf Fig trees located at 518 Signal Road. Motion carried by the following vote:

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

Nay: Englebrecht

E. Reforestation Request

Recommendation: Approve reforestation request of residents from Cliff Drive Park and Santa Ana Avenue to replace two City Sugar Gum trees within Cliff Drive Park.

Director Harmon stated that he pulled this item because the signature pages were not included with the report but had distributed them separately to the Commission before the start of the meeting and copies were available for the public.

Chair Anderson opened the public discussion

Jim Mosher expressed confusion stating that the request stated it was from the residents but that there was only one resident applicant named. He stated that the report indicates no applicable Homeowners Association but elsewhere in the report the location is listed under the Newport Heights Improvement Association.

Discussion followed regarding residents requesting removal/replacement of trees from City parks.

Director Harmon reported that the trees are City trees, within a park and that each tree is property of the City and therefore, property of the residents. He commented on how the trees impact ocean views and that residents pay a yearly fee to have the trees trimmed. The City was approached by these residents wanting to submit an application for reforestation to remove the trees in order to replace them with slow-growing trees that would not impact their ocean views.

Chair Anderson closed the public discussion

Motion by Commissioner Marston; seconded by Commissioner Cole to approve the reforestation request of residents from Cliff Drive Park to replace two City Sugar Gum trees within Cliff Drive Park.

7) CURRENT / NEW BUSINESS – Staff Report

A. Special Tree Removal Appeal – 248 Poppy Avenue

Recommendation: Deny appeal to remove a City Special tree – Neighborhood tree from Al Ross at 248 Poppy Avenue.

Director Harmon presented details of the report noting that it is an appeal of staff's decision to retain a tree and provided a brief background. He reported that the tree is designated as a City Special tree which dictates that staff must take every measure possible to save the tree. He reported that the applicant, Al Ross, contacted the City to remove the tree because of the damage to his stone parkway pavers. Director Harmon added that the pavers were installed without a permit and the resident is responsible for any repair costs. Additionally, Mr. Ross in his request complained about the leaf droppings; Director Harmon reported on ways to address that issue including an offer by the City to prune the tree. He went on to say that Mr. Ross had made a claim to the City for damages which were denied but there is an additional open claim. He noted that the City Manager and City Risk Manager had reviewed this matter and agreed with staff to retain the tree. Subsequently, Mr. Ross appealed that decision.

Director Harmon addressed the noticing of the matter and reported that Mr. Ross was unable to attend the meeting tonight but indicated that he would like to allow public comment and move the matter forward. He offered options for the PB&R Commission to act upon.

Discussion ensued regarding the possibility of continuing the matter to allow Mr. Ross the opportunity to address the Commission.

Director Harmon noted that this is a unique situation where the tree is not causing any damage to the infrastructure and staff sees no reason to support removing the tree.

Chair Anderson opened the public discussion

Jim Mosher felt that the recommendation to continue the matter is appropriate. He commented on a policy that is not being followed and addressed the powers and duties of the Commission as well as the applicable requirements in the Municipal Code.

Chair Anderson closed the public discussion

Motion by Commissioner Englebrecht; seconded by Commissioner Cole to continue the Special Tree Removal Appeal at 248 Poppy Avenue to allow Mr. Ross to attend the meeting. Motion carried by acclamation.

B. Special Tree Removal

Recommendation: Consider removal of a Special City Tree – Neighborhood tree at 300 Poppy Avenue

Director Harmon presented details of the report noting that the tree has caused the sidewalk to rise. He stated that staff and the City Arborist evaluated the tree and recommend removal. He noted there are other areas with raised sidewalks that will be addressed in the future.

Discussion followed regarding the possibility of this matter setting precedence, the need to set appropriate policies, prior support for retention of the trees by residents of Corona del Mar, and having staff examine the entire area and provide a report with respect to the City's liability and the dangers posed by the existing trees.

Chair Anderson opened the public discussion

Jim Mosher stated he was not sure who the originator of this request was and that the Commission should focus on creating appropriate policies.

Chair Anderson closed the public discussion

Director Harmon reported that the matter was originated by a resident. He referenced photos of the tree and noted that this matter relates to one specific tree.

Chair Anderson stated that he is usually hesitant to remove trees but felt that this tree poses a liability issue but a study on the area in general is merited.

Motion by Commissioner Englebrecht; seconded by Chair Anderson to approve the Special Tree Removal at 300 Poppy Avenue. Motion carried by the following vote:

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

Nay: Howald

C. Special Tree Removal

Recommendation: Consider removal of a Special City Tree – Neighborhood tree at 1732 Candlestick Lane.

Director Harmon noted that the tree will be replaced at the same location. He presented recommendations and photos of existing conditions. Director Harmon noted significant decay on the sidewalk side of the tree and felt that pruning will ensure the tree's failure.

Ensuing discussion pertained to the size of trees along the specific street and the value of the tree.

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

Discussion followed regarding the noticing process and the possibility of expanding the notice area in the future. Chair Anderson reported that he resides within view of the tree and stated that he will abstain from voting on this matter.

Motion by Commissioner Englebrecht, seconded by Commissioner Tingley to approve the removal of a *Special City Tree – Neighborhood tree at 1732 Candlestick Lane.* Motion carried by the following vote:

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

Abstain: Anderson

8) 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 Tingley requested an update on the policies regarding the Poppy Avenue area and would like it included on a future agenda.

Commissioner Howald requested that Poppy Avenue report also include an indication of where, on Poppy Avenue, the City has had incidents and any applicable resolutions. Additionally, he questioned the noticing requirements in regards to noticing homeowners associations.

Director Harmon explained the noticing process for homeowners association.

Commissioner Hamilton presented a summary of a meeting that she attended regarding future plans for Lower Castaways area.

Director Detweiler reported that the City Manager is identifying funds to hire a landscape architect to help develop conceptual designs for Lower Castaways.

Commissioner Cole reported that he attended a meeting to discuss the dogs off leash options in the Dover Shores area. He reported that discussions included the possibility of an off-leash park with voice and vision control within a park. He noted that his son is involved in many City camps and commented positively on the City's Recreation programs.

Director Harmon reported that his Deputy Director Mike Pisani will begin representing his department at future PB&R Commission meetings.

Director Detweiler stated that she will place on the August agenda for review and consideration of the Commission to appoint members to four ad hoc committees. She also reported that staff continues to work with the Coastal Commission on pending projects and reported on approval by Council of the land lease for the Girl Scouts House at Marina Park. She announced upcoming Fourth of July events and reported on the growing sport of pickleball and the possibility of developing a pickle-ball program. Additionally, she reported that Council will consider the matter of the reuse of the old City Hall at its July 9, 2013 meeting. Director Detweiler noted the updated Friends of OASIS Cooperative Agreement that would be before Council for consideration at their meeting on July 9, 2013.

Commissioner Howald suggested that commission members attend a future OASIS general membership meeting.

9) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Jim Mosher commented on the need for the Commission to review its policies including replacement of trees, Council's approval of the IOD for two Newport Coast Association Parks, the City's bicycle plan and AQMD's consideration of fire rings.

10) ADJOURNMENT @ 7:45pm

Submitted by: Teri Craig
Teri Craig, Admin Assistant

Approved by: Tom Anderson
Tom Anderson, Chair