



**City of Santa Barbara  
PARKS AND RECREATION DEPARTMENT**

**PARK AND RECREATION COMMISSION  
Regular Monthly Joint Meeting**

Wednesday, November 15, 2006

**Minutes**

**CALL TO ORDER** – The Park and Recreation Commission was called to order by Chair Forsell at 4:00 p.m. at City Council Chambers.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Commissioners Present

Steve Forsell	Park & Recreation Commissioner
Ada Conner	Park & Recreation Commissioner
Beebe Longstreet	Park & Recreation Commissioner
Arnoldo Gonzalez	Park & Recreation Commissioner
Daraka Larimore-Hall	Park & Recreation Commissioner
Laura Spracher	Park & Recreation Commission Intern

Staff Present

Nancy L. Rapp	Parks & Recreation Director
Nancy Woods	Business Manager
Jill Zachary	Creeks Program Manager
Santos Escobar	Parks Manager
Randy Fritz	Street Tree Inspector
Karla Megill	Executive Assistant
Susan Jang-Bardick	Facilities & Registration Coordinator
Susan Young	Recreation Supervisor, Teen Programs
Anita Chamberlin	Police Officer
Dave Whitham	Police Sergeant
Russell Cole	Fire Battalion Chief
Ann Marx	Fire Inspector
Michael Berman	Project Planner
Browning Allen	Transportation Manager

**CHANGES TO THE AGENDA** – None

**WRITTEN COMMUNICATIONS** – None

**PUBLIC COMMENT** – No one wished to speak.

**COMMISSIONER COMMITTEE ASSIGNMENT REPORTS**

Commissioner Longstreet reported on the activities of the Creeks Advisory Committee.

Commissioner Conner reported on the Sheffield Reservoir Grand Opening event. She said that after many years of working on the project, it has come together very nicely. Ms. Conner said that everyone seems to be pleased with the project.

## **YOUTH COUNCIL REPORT**

Intern Spracher provided this report. Ms. Spracher said that the Teen Center project is moving forward, and a formal update will be provided to the Commission soon. Ms. Spracher briefed that Teen Programs is hosting an event called "Tatoos on the Heart" with Father G. Boyle of Homeboy Industries, at 6:00 p.m. tonight, at Casa de la Raza. Finally, Ms. Spracher said that the Youth Council is seeking junior high school students to become involved on the Council.

- 1. Summary of Council Actions - None**
- 2. Approval of Minutes:**
  - A. Special meeting of October 19, 2006; and
  - B. Regular meeting of October 25, 2006.

**Commissioner Conner moved, seconded by Commissioner Longstreet, and passed 4/0 that the Commission approve the minutes of the special meeting of October 19, 2006.**

**Commissioner Larimore-Hall abstained.**

**Commissioner Larimore-Hall moved, seconded by Commissioner Gonzalez, and passed 5/0 that the Commission approve the minutes of the regular meeting of October 25, 2006.**

## **VOLUNTEER RECOGNITION**

### **3. Recognition of Halloween Haunted House Volunteers**

The Commission recognized teen volunteers who supported the creation and development of the City's Annual Haunted House. Certificates of recognition were provided for the following individuals: Carlos Gonzalez, Chelsey Gonzales, Christopher McDermut, Cole Lupollil, Donat Routhier, Emma Jaffe, Ivette Dominguez, Jaime Ortega, Jon Ring, Julio Valdivia, Maggie McDermut, Martin Salter, Max Margolin, Max Stallings, Oliver Preciado, and Will Cross,

## **COMMISSION AND STAFF COMMUNICATIONS** - None

### **4. Street Tree Advisory Committee Recommendations – For Action (Attachments)**

- A. Approve the following Street Tree and Set Back Tree removal requests.**

#### **STREET TREES**

- 1. 836 W. Arrellaga St. – Koelreuteria bipinnata - Sophie Calvin**

Justification: The Committee and staff determined that the tree was not in good health and that the development of this property is an appropriate time to remove and replace the tree. Tree will be removed and replaced at owner's expense with two 24" box Koelreuteria bipinnata in locations to be noted on plans by Street Tree Inspector.

2. 1322 San Andres St. – Magnolia grandiflora – Erika Garcia

Justification: Tree is in decline and would in all likelihood need removal and replacement within 2 years time. City will remove and replace with a Magnolia grandiflora.

**Commissioner Longstreet moved, seconded by Commissioner Conner, and passed 5/0 that the Commission concur with the recommendations of the Street Tree Advisory Committee and approve the tree removal requests identified in items 4A (1 - 2).**

3. 255 San Rafael Ave – Eucalyptus polyanthemos- Jeffrey Davis

Justification: The tree should be removed because of a history of losing large limbs for no apparent reason. More frequent maintenance would not significantly reduce the likelihood of future limb loss therefore the Committee and Staff recommended removing the tree.

Mr. Fritz reviewed this item. He said that last month when the item was brought before the Commission, staff did not have enough information regarding the reasons the tree should be removed, and the Commission asked that the Street Tree Advisory Committee revisit the request. Mr. Fritz indicated that the Street Tree Advisory Committee did readdress the request and revisit the site. He said that the decision was made to recommend approval of the tree removal request. Mr. Fritz indicated that the Committee felt that staff would not be able to service the tree on a regular enough basis to meet the homeowner's expectation. He further said that the tree did have a history of losing large limbs, and staff had means by which to ensure that would not happen again.

**Commissioner Conner moved, seconded by Commissioner Larimore-Hall, and passed 5/0 that the Commission concur with the recommendations of the Street Tree Advisory Committee and approve the tree removal requests identified in items 4A (3).**

#### SETBACK TREES

4. 1046-1074 Miramonte Dr. – (9) Pinus species. (1) Liquidambar – SB Highlands Home Owners Association

Mr. Fritz highlighted this removal request. He said that the Street Tree Advisory Committee is recommending approval of this removal request on the condition that the applicant present a plan for replacement plantings to the Architectural Board of review within three months of this action. He further

said that the plan should require the applicant to install 36" box trees as replacements.

Commissioner Longstreet asked whether the piece of property has a conditional use permit, have a landscape plan on file with the ABR, what were the development issues. She said that she thinks there may be some.

Chair Forsell stated that these were apartments converted to condominiums many years ago. He said he does not believe they have a conditional use permit on the property.

Commissioner Longstreet said that they may have some sort of landscape plan that would need to be researched through the planning division.

Ms. Rapp referred to the letter sent to the Park and Recreation Commission by the SB Highland Home Owners Association. She said that the Home Owners Association does not want to plant any replacement trees. She said they are citing that they have had discussions with the Fire Department, it is a high fire area, so why should they be required to plant additional trees. Ms. Rapp said that the recommendation of the Street Tree Advisory Committee was to plant with appropriated trees, but to replace the trees that are being pulled out.

Commissioner Longstreet asked Ms. Marx to comment on this matter. Ms. Marx stated that the Fire Department has been working with the Highland Home Owners Association for the past several years along with the Parks Division to reduce the fire hazards in the highlands area. She said it is in the coastal interior zone for the high-fire hazard area and they are required to meet the defensible space guidelines and meet landscaping guidelines for a 100-foot perimeter around any of the structures on their property. Ms. Marx said that the Fire Department has been trying to get them to reduce existing fire hazards in that area. She said that the significant problem with the landscaping originally planted in those areas, the pines and eucalyptus trees, are highly flammable. Ms. Marx said that the Fire Department has been trying to work with the Highlands Home Owners Association to submit a landscape plan outlining phases of how they will meet the defensible space guidelines since they currently do not. Ms. Marx said that they do not have a landscape plan and the Fire Department has not seen their final proposal with how they meet those guidelines. She said that related to the trees which are the subject of the removal request, the Fire Department would support the removal of the trees as they are the flammable pines which do not meet Fire Department guidelines for planting at least 15-feet from a structure. Ms. Marx said that the Fire Department has no problem supporting trees being replanted and would work with the Parks Division and the Highlands Home Owners Association and determining where the trees should be placed to meet the Fire Department's landscape guidelines for that area.

Commissioner Longstreet expressed that she is concerned that if the Commission approves the tree removal request, they will not have any leverage over the Home Owner's Association to get them to submit the landscape plan.

She said however that she is not going to say the trees cannot be removed because it is a fire hazard.

**Commissioner Longstreet moved, seconded by Commissioner Larimore-Hall that the Commission support the Street Tree Advisory Committee's recommendation and approve the tree removal requests identified in items 4A (4).**

**Commissioner Gonzalez asked why the Commission cannot request a landscaping plan be submitted by including it in the motion.**

Ms. Rapp said that the recommendation does include that the applicant present a plan for replacement planting, so that is the recommendation that would go forward to the ABR. She said that when ABR hears the item from the Home Owner's Association, they will have the Park and Recreation Commission's recommendation that the trees be replaced with an appropriate type of trees for the area. She further said that by approving the Street Tree Advisory Committee's recommendation that is being communicated.

**Commissioner Longstreet asked whether the Commission can state that the permit to remove the trees cannot be issued until a landscaping plan is submitted or they have a contract with a landscape architect.**

Ms. Rapp stated that she does not see why they cannot add that to their motion.

Commissioner Longstreet expressed concern that Ms. Marx has been working with them for some time and has not yet seen a landscaping plan. Ms. Rapp said that the Commission could deny the request at this time and recommend that the Home Owner's Association come back to the Commission and resubmit their removal request when they have a landscape plan that demonstrated what they are going to do with replacement trees and landscaping.

**Commission Longstreet withdrew the motion.**

**Commissioner Longstreet moved, seconded by Commissioner Larimore-Hall, and passed 5/0 that the Commission recommend this request be brought back to the Commission with a landscape plan within 90 days.**

**B. Deny the following Street Tree and Setback Tree removal requests.**

**STREET TREES**

5. 626 E. Micheltorena St. – Cypress – Debra Friedland

Justification: The Committee felt that the applicants request for removal of a tree solely to promote easier exiting from parked cars did not justify losing the tree.

6. 626 E. Micheltorena St. – Leptospermum laevigatum – Debra Friedland

Justification: Owner will remove ivy currently climbing tree and will be issued permit to lightly prune tree to clear sidewalk. An additional permit will be issued to allow pruning of a set-back Melaleuca tree at the corner of the garage.

**Commissioner Larimore-Hall moved, seconded by Commissioner Conner, and passed 5/0 that the Commission concur with the recommendations of the Street Tree Advisory Committee and deny the tree removal requests identified in items 4B (5 & 6).**

#### SETBACK TREES

7. 219 E. Junipero St. – Quercus agrifolia – Doug Lorch

Justification: Tree is healthy and provides significant benefits to the property and surrounding neighborhood. Efforts should be made to allow the tree to co-exist with the surrounding hardscape. Committee suggested that the small wall to the right of the walkway be rebuilt to afford more room for the tree, and that the tree be root pruned to reduce interference with the stone walkway.

Martha Lorch, applicant, explained her justification for requesting the removal. She urged the Commission to approve the removal of the tree.

Chair Forsell asked Ms. Lorch whether she would be willing to plant another tree in its place. Ms. Lorch said that they thought about that, but until the tree is removed, it is hard to judge what kind of tree to put in. Ms. Lorch said there is immediacy in getting the tree removed. She said the street is pitch dark at night and anyone walking up the walk could easily trip over the stones.

Commissioner Longstreet asked Mr. Fritz what the Street Tree designation is on that street in that particular area. Mr. Fritz said to his knowledge there is not. Ms. Longstreet asked whether there are places in the parkway to plant a tree of substance. Mr. Fritz said that the utility lines take a lot of space in the parkway, so it is probably not an ideal place for that type of tree. He said that a species that does not grow as high could fit in there.

Chair Forsell asked Mr. Escobar what type of tree is planted in front of his house, saying that a couple of those trees might work well in front of Mrs. Lorch's house. Mr. Escobar responded that particular tree is the potacarpus tree. Mr. Forsell said that the house is a very large house and sits way up. He said that having some trees that are of some substance in the front would look good. Mr. Forsell further said that the tree that is currently there, does not have much street appeal. Mr. Forsell recommended that Ms. Lorch put in a couple of other trees that the Street Tree Advisory Committee and staff feel are smaller and more symmetrical.

Mr. Fritz interjected that the tree has never been pruned and there are elements of the tree's structure that could be beautified. He said that with respect to root pruning, because that is taking place relatively early in the age of the tree, there is ample time for the tree to basically recover. He said that in terms of hardscape areas, we will run into those same problems again in ten or so years.

Commissioner Conner expressed concern that the tree is leaning. She asked whether if the tree is pruned, it will stand back up and not lean. Mr. Fritz said that it does create more of a chance for the tree to possibly fail.

Commissioner Longstreet expressed that she would like to have a two for one tree replacement in a location that is more sensible to the structure of the house. Commissioner Conner concurred.

**Commissioner Longstreet moved, seconded by Commissioner Larimore-Hall, and passed 4/0 that the matter be sent back to the Street Tree Advisory Committee to develop a 2 for 1 tree replacement recommendation and brought back to the Commission next month.**

Chair Forsell recused himself.

8. 1187 Coast Village Rd. – Pinus canariensis – Jeff Rutherford

Justification: Trees are healthy and do not appear to be doing harm to the foundation of the building. Under-story plants are generally doing well and can be maintained with standard landscape maintenance practices.

**Commissioner Longstreet moved, seconded by Commissioner Larimore-Hall, and passed 5/0 that the Commission concur with the recommendations of the Street Tree Advisory Committee and deny the tree removal requests identified in items 4B (8).**

## **ADMINISTRATIVE AND STAFF REPORTS**

### **5. Recreation Division Report – Marketing and Participation – First Quarter FY 2006**

Ms. Woods provided a report on a new marketing effort and the status of participation in the Division programs.

Commissioner Conner asked for more information regarding Teen Programs. Ms. Woods responded that Teens has increased because of the Summer Late activities, Youth Leadership Training, and two Youth Forum Summits in the first quarter of this Fiscal Year.

Commissioner Conner asked what the subject heading of the email is when the newsletter is sent out. Ms. Woods responded "RecreAction".

Commissioner Longstreet asked that she be signed up to receive the newsletter. Ms. Woods said she would add the Commissioners to the emailing list.

Commissioner Larimore-Hall asked how people at home can get on the mailing list. Ms. Woods indicated they need only go to the website and sign up.

Commissioner Larimore-Hall said it is very good and shows that the changes made in the fee schedule, at least so far, are not having any kind of negative affect. Ms. Woods said they run their course any time you introduce a new program and it is stressed, it takes a while for it to work itself out, which is where we are right now.

Ms. Rapp clarified that this is not a summary of all of our activities, but the ones we have focused our marketing efforts on.

Commissioner Larimore-Hall asked whether this includes demographic information. Ms. Rapp said that the Department does not collect demographic information other than gender and age. Commissioner Larimore-Hall said that he is interested in the long-term about how to expand programming for people in their late teens through their 20's. Ms. Rapp said that only people under the age of 18 are required to list their age.

## **OLD BUSINESS - None**

**The Commission temporarily adjourned at 5:30 p.m. and reconvened at 6:00 p.m.**

### **6. Oak Park Neighborhood Concerns – Item Continued from October 25, 2006, Meeting**

Ms. Rapp introduced this item. She highlighted the additional information that the Commission requested during their last meeting.

Sgt. Dave Whitham provided crime statistics for Oak Park going back to 1999.

Commissioner Gonzalez asked when most of the arrests are, whether they are during the Festivals or during parties. Sgt. Whitham said that based on his experience, there are more officers on duty during the Festivals. He said that by and large the Festivals are very peaceful.

Commissioner Larimore-Hall asked how many officers patrol this area. Sgt. Whitham said that Oak Park is in Beat 5, and there is typically one officer per beat, and if there are extra officers, they will be extra units and are usually designated in the downtown area and other problem areas, not the north end. Sgt. Whitham said that the north end is typically a slower area than the downtown beach area.

Commissioner Larimore-Hall asked whether some of the same officers would be policing that area in a systematic way and would develop some understanding of some of the individuals, repeat offenders, etc. Sgt. Whitham said absolutely, yet, in fact, an officer would be assigned to a beat typically for six months to a year at a time, so they would become familiar with it.

Commissioner Larimore-Hall commented that there seem to have been a lot of arrests on warrants and asked how Sgt. Whitham would analyze. He asked whether that means that a lot of the people hanging out at the park have warrants or are trouble makers. Sgt. Whitham said yes. He said it is rare that a call is received from someone indicating that someone at the park has a warrant. He said the police normally determine that by contact for another reason, for example, a crime, a vehicle stop, etc.

Commissioner Conner asked whether the Park Rangers patrol the park. Ms. Rapp said there are two park rangers. Mr. Escobar indicated that the Park Rangers do patrol the Oak Park area approximately three times per day.

Commissioner Longstreet asked how the Police determine whether a person is unauthorized camping. Sgt. Whitham responded saying that has changed in recent times, but currently there must be significant evidence, bed rolls, etc., indicating that an individual is actually camping there. He said there have been recent court injunctions on law enforcement in enforcing that; it is currently very strict. Sgt. Whitham further said it is not being enforced like it used to be. He said that you gather all the evidence that an individual is actually camping, and then they receive a citation for unlawful camping, not simply sleeping in a park.

Commissioner Longstreet said her concern is that all the tools are available, not just the alcohol restriction.

Commissioner Conner asked regarding unlawful camping, whether when a person is cited for unlawful camping, does the officer cite them and leave, or does the officer make sure they move out. Sgt. Whitham said that typically, the individual would have to roll up everything and leave.

Chair Forsell commented that there was only one noise ordinance complaint. He asked if that is hard to prove. Sgt. Whitham said that an individual cannot disturb the peace of a Police Officer. He said that the complaint must come from a citizen who is willing to sign a complaint to actually enforce that law. Sgt. Whitham said that normally, when an individual files a noise complaint, they simply want the noise to stop. He said that the subject is asked to lower the noise, and if they comply they are not cited.

Commissioner Gonzalez asked whether any particular age group is involved in the drug problems and what are the type of drugs used. Sgt. Whitham said he does not have that information available at this time.

Ms. Rapp said that one of the issues this discussion focuses on is how the beer gardens affect the festivals that are held in Oak Park. She said this is not a new issue. She said all of the other special events held in other parks where alcohol is prohibited, are currently meeting the requirements of the beer garden. Ms. Rapp said, however, over the last six years, there have been a lot of meetings and discussion with the festival organizers to see if there were some flexibility in the beer garden requirement and not take the "one size fits all" approach.

Ms. Rapp said that staff from the Police Department, Parks and Recreation, City Administrator's Office, and the City Attorney's Office met to discuss the matter. She

said staff discussed whether there could be an ordinance that prohibited alcohol Monday through Friday, but not on Saturday and Sunday, but that opens the door to a lot of other problems throughout the park system and was not supported by staff. She said staff did talk about the beer garden requirement and also involved representatives of the festivals and other larger events. Ms. Rapp said they discussed the possibility of a compromise and what the criteria would be to differentiate between a very large event that has a higher likelihood of having alcohol related problems than an event which is different from that. Ms. Rapp stated that one of the other aspects of a beer garden is whether it is fenced or signed, in some way, the boundaries of the event must be defined, so that alcohol is not allowed past that perimeter.

Ms. Rapp said that staff proposes to introduce a new, less restrictive level of beer garden requirements in addition to the current requirements. She said that the new level, Type 1 Beer Garden, would allow alcohol within the entire event perimeter, as defined either by fencing or signage (i.e., "No alcohol beyond this point"). Ms. Rapp said that the Type 2 Beer Garden, featuring the existing requirements, is proposed for events which meet any 3 of the following criteria:

1. Held on a Friday, Saturday or Sunday.
2. Alcohol is served after 6:00pm.
3. Anticipated attendance will be greater than 2,000 people.
4. The event features more than one park site, or a park site and a special event permit under Chapter 9.12 (Police parade permit) on the same day.
5. The number of simultaneous events in the City which may affect available Police resources.

Ms. Rapp said that it is anticipated that all of the current Oak Park festivals would meet the requirements for a Type 1 Beer Garden, and conversations with affected event organizers indicate that this would be a workable compromise. She said that the Oak Park festivals currently stop selling alcohol at 6:30 p.m., and would be required to stop by 6:00 p.m. in order to qualify for the Type 1 beer garden.

Ms. Rapp said that other events which would most likely qualify for the lower level of beer garden requirements include Nite Moves, Amgen Tour of California, California Wine Festival, Outrigger Championships, AVP Tournament, Gay Festival, and the MS Bike Tour. She said that festivals which would most likely continue with the Type 2 Beer Garden are Solstice, Fiesta, and Cinco de Mayo.

Ms. Rapp stated that if the Park and Recreation Commission concurs with the staff recommendation, the Commission should recommend that City Council modify Resolution No. 99-120 to add Oak Park to the list of parks where alcohol is prohibited except by permit. She said that with City Council approval the change would take place immediately.

Ms. Rapp stated that the beer garden requirements are Administrative Policy and do not require changes to a resolution or ordinance. She said that proposed changes will be presented to City Council when the above recommendation goes forward, and if approved, will be implemented.

## Public Comment

Dan Sullivan expressed support for the proposed changes. He said that since the policy is inconsistent throughout the City, it focuses the problems in a few areas.

Amrita Sullivan urged the Commission to prohibit alcohol in Oak Park except by permit.

Dawn Brady stated that the problems in Oak Park are not only a transient, vagrant, or alcohol issue; it is much larger than that. She said many of the individuals hanging out at Oak Park are dangerous; they are wanted criminals, drug dealers, drug addicts, and worse. Ms. Brady said that the neighbors and Police are in favor of the alcohol ban and urged the Commission to prohibit alcohol in Oak Park except by permit.

Robert Orsula expressed concern about the closing hours of the park because he pitches horseshoes in Oak Park on Wednesday evenings.

Leroy Jeffers expressed concern about the closing hours of the park because he pitches horseshoes in Oak Park on Wednesday evenings. He said the tournaments are state sanctioned and there is not much drinking in the park, there has not been any fights, or anyone arrested. Mr. Jeffers said he feels the City is over-reacting to the issues at Oak Park.

Ann Rissoli concurred with the comments made by Dawn Brady. She spoke in support of the alcohol ban at Oak Park and the expanded beer garden requirements.

Erin Fletcher concurred with the comments made by Dawn Brady. She said she supports the alcohol ban except by permit in Oak Park

Robert Hansen addressed the Commission saying that many of the people who hang out at Oak Park are homeless. He said he hopes a solution can be reached. He suggested the Armory be opened and turned into a community peace center, teach trades, and show hope, instead of simply running the people out of the park.

Darwin Holter spoke in opposition to the alcohol ban in Oak Park and new restrictions against law-abiding citizens.

Alfred Murillo, Santa Barbara Horseshoe Club spoke in opposition to the alcohol ban in Oak Park.

Steve Hogerman, Director/Creator of the Santa Barbara French Festival, spoke in opposition to the alcohol ban in Oak Park and the Beer Gardens. He encouraged the City to use and enforce the existing laws rather than establishing new laws.

Charles Rice, Gay Festival, said he is in favor of what the Commission is doing the issues in Oak Park. He said that the problems are not caused by the festivals. Mr. Rise said there is a problem with public urination in the Park, but attributes that to the fact that the restrooms are located on the other side of the park. He said he would like to see temporary porta-potties put in. Mr. Rice expressed that he is in favor of giving the Police more tools, but it up to them to enforce them. He said that if there are chronic problems at the park and the Police are not doing anything about them now, it

is unfair to put it on the shoulders of the festival organizers. Mr. Rice said he would like alcohol to be able to be served until 8:00 p.m. rather than 6:00 p.m.

Julie McCloud, Santa Barbara Dance Alliance and Oak Park Festivals Committee, spoke in opposition to the change in alcohol policy and beer gardens in Oak Park.

### Commissioner Comments

Chair Forsell asked what the average number attendees at the Festivals are and are we talking about in total over the two-day period or in any given day. Ms. Rapp said that the number of attendees changes, said that staff will look at that further, but said that she does not believe that information is critical to the discussion tonight. Ms. Rapp said that the intent was not to treat the Festivals special, but to come up with criteria that worked for other events as well. Ms. Rapp said the number is a random number at this time that needs to be clarified.

Commissioner Longstreet thanked staff for all their work on this matter. She said it is a complicated issue. Ms. Longstreet asked about the horseshoe players. Ms. Rapp said that when the hours of the park were changed, the closing hours were changed to one half hour after sunset, except for those events held by permit, which includes all of the Oak Park Festivals. Ms. Rapp said there has never been an agreement with the Horseshoes Club, but it is time to have one. She said that permitting their event to be held on Wednesdays should not be a problem.

Chair Forsell said that the proposed solution is very creative. Commissioner Longstreet concurred and said the proposal addresses a number of issues and scenarios within Parks and Recreation.

Commissioner Larimore-Hall asked what the rationale is regarding the 6:00 p.m. cutoff for the permit for a Type 1 Beer Garden. He said that he is not sold that the cutoff should be 6:00 p.m. Mr. Larimore-Hall said that he concurs that it is an elegant solution in that it makes very clear policy delineation between different types of events that need to be treated differently. Ms. Rapp responded that part of the challenge is that there are events that need to have beer gardens, and those events have different criteria. She said that staff looked at the criteria for all of the events and tried to isolate how it could be made to work that the majority of events qualify for a Type 1 Beer Garden. Ms. Rapp said that the singular argument made by the Police Department is that there is an increase in drinking after 6:00 p.m. She said it is perceived to be the evening, and it is perceived that more alcohol is consumed at that time. She said that may not be true for the Oak Park Festivals, but staff is trying to come up with criteria that works for all of the events.

Sgt. Whitham said that 6:00 p.m. is the critical time when a lot of people start drinking. He said that when you talk about DUI enforcement, 6:00 p.m. is when people start drinking; that is when they get off of work, and 95 percent of DUI's happen after 6:00 p.m. Sgt. Whitham said the group discussed what time alcohol consumption may become problematic, 6:00 p.m., is the time they came up with.

Commissioner Larimore-Hall said he cannot see someone getting off of work and going to the French (or other) festival to get drunk.

Sgt. Whitham said that staff is trying to come up with a policy that will work City wide.

Commissioner Gonzalez asked whether the horseshoe group would be able to have alcohol. Ms. Rapp said that these types of events can have alcohol by permit.

Ms. Jang-Bardick said it is easy for a private event using one of the park sites, to have alcohol by permit. She said that currently, for a public event, as the rules are in Oak Park, there are no restrictions on the alcohol, but by placing a prohibition of alcohol at the park, the Festivals or any other public event will definitely have some type of beer garden, whether it a Type 1 or Type 2. Ms. Jang-Bardick said that the ban on alcohol potentially will affect those people that chose to drop into the park to have a picnic without a reservation.

Chair Forsell commented that the only people who will really be affected by the change are people who on the spur of the moment decide to go to the park and take alcohol with them. Ms. Rapp said that is correct.

Commissioner Conner asked what happens when someone is consuming alcohol without a permit in a park that prohibits alcohol; would the Police issue a citation. Sgt. Whitham said that typically, it would be a Municipal Code violation, a citable offense. He said that the offender would receive a citation, the alcohol that is open would be destroyed on scene, and the offender could remove any legally posses, unopened alcohol.

Commissioner Longstreet asked how we will be able to enforce the undeveloped parkland. Ms. Rapp said she gets at least one call a week regarding illegal encampments. She said that staff responds to those calls immediately by sending out the Park Ranger and following up with the Police Department as necessary. She said we already have problems in those areas and this alcohol ban will give staff the tools to work with.

Sgt. Whitham said that generally unless a call for service comes in they would not likely go into those areas. He said that he believes the officers would be more apt to go into those areas is they feel illegal activity is going on there.

Commissioner Longstreet asked how often the underbrush is cleared out and can a concerted effort be made during the spring. Mr. Escobar said that staff has done that already and it has made a big difference.

Commissioner Gonzalez expressed concern about the greater than 2,000 people criteria. Chair Forsell said that is to be determined at this point. He said that item requires further discussion.

Commissioner Longstreet asked whether because it is an administrative matter, the issues will be work on further by staff and does not need to come back to the Commission for further action. Ms. Rapp said that is correct; it does not need to come back to the Commission. She said that staff will iron out all of the language, and the intent will not change significantly at all from what the Commission has heard tonight, which is to allow the beer garden requirements to meet the needs of Oak Park.

Commissioner Larimore-Hall asked for clarification that the Commission is voting on adding Oak Park to the list of parks that are permit only for alcohol use. He further asked whether the change in administrative policy about beer gardens is the Department's decision unilaterally, or must it be cleared by Council. Ms. Rapp responded saying that generally there is an agreement between the Police Department and Parks and Recreation Department, but staff will go to Council with the refined administrative policy and it will be implemented afterwards.

Commissioner Larimore-Hall asked whether there is a possibility that Council could change the recommendation of the Commission and staff and approve only part of the recommendation. Ms. Rapp said that is possible but unlikely.

**Commissioner Longstreet moved, seconded by Commissioner Conner, and passed 5/0 that the Commission recommend to City Council that Resolution No. 99-120, regarding consumption of alcoholic beverages in certain City-owned public areas, be modified such that Oak Park is designated as a park where alcohol is prohibited except where allowed by permit and that the Commission receive reports back at 6 months and one year afterwards regarding the crime statistics to determine whether it is an effective policy.**

## **NEW BUSINESS**

### **7. Advisory Committee Appointment**

Ms. Rapp advised that incumbent applicant Lillian Ulrich is applying for re-appoint her to the Active Adults Advisory Committee for a term ending December 31, 2008.

**Commissioner Conner moved, seconded by Commissioner Longstreet, and passed 5/0 that the Commission re-appoint Lillian Ulrich to the Active Adults Advisory Committee for a term ending December 31, 2008.**

### **8. Fiscal Years 2008 - 13 Proposed Creeks Capital Improvement Program**

Ms. Zachary provided a presentation on the proposed Creeks Division Capital Program for Fiscal Year 2008 - Fiscal Year 2013. She asked that the Commission provide feedback on the approach and funding allocations.

Commissioner Larimore-Hall asked whether Prop 84 funding is open-ended. Ms. Zachary responded saying that generally speaking, Prop 84 proposed to spend money on water quality, urban parks, open spaces, restoration, etc. She said she anticipates it will be separated and parted out to different State agencies, and one of those will likely be the Department of Parks and Recreation. Ms. Zachary said staff has successfully sought and received grants from them, so staff will look to that grant funding as a source as well.

Commissioner Longstreet thanked the public for voting in Measure B, thanked staff for writing the grants and leveraging funds so well, and the Creeks Advisory Committee for their oversight.

Chair Forsell thanked Ms. Zachary for her presentation and expressed his appreciation for the work the Creeks Division staff does. Commissioner Conner concurred.

**Commissioner Larimore-Hall moved, seconded by Commissioner Conner, and passed 5/0 that the Commission send a message of approval for the Creeks Division Capital Program for FY 12008 – 2013 to Council.**

**9. Wetlands Restoration on Sycamore Creek At Dwight Murphy Park**

Ms. Jill Zachary advised the Commission that they are being asked to hear a presentation by the California Department of Transportation (Caltrans) on wetland restoration at Sycamore Creek in Dwight Murphy Park; approve the wetland restoration on Sycamore Creek within Dwight Murphy Park; and make the findings.

Michael Sandecki, Environmental Coordinator Milpas Project, reviewed the project for the Commission.

Ms. Zachary discussed the timing by which the Commission is hearing this project presentation and the fact that staff did not have the opportunity to take it to the Creeks Advisory Committee prior to the Commission considering the project. Ms. Zachary said that Caltrans will be going to the Planning Commission and they do need Commission findings before they go to the Planning Commission. Ms. Zachary said there were also concerns regarding a species selected for the site. She said the plants are all going to be grown from local genetic stock, which is part of the conditions of approval for Caltrans. She said there are 30 Willow cuttings that will be planted in addition to the Cottonwoods, Alders, and Sycamores. Ms. Zachary said that one of the goals is to insure diversity among the tree canopy, and they are trees that would be found in the Southern California Coastal areas. Ms. Zachary said she will be speaking to Mr. Sandecki about when he might be able to go to share this plan with the Creeks Advisory Committee.

Commissioner Longstreet asked how this projects work for Ms. Zachary. She said she needs Ms. Zachary's assurance that this project is good, that the restoration project will work, and has community benefit. Ms. Zachary responded saying that part of the work that has been done at the staff level is to review plans proposed by Caltrans. She said that in a number of instances, staff has asked that they lay the bank back to further expand the creek and wetland habitat, and staff believes Caltrans has been largely responsive to those requests and that there will be net benefit to this area of Sycamore Creek, overall.

Mr. Sandecki interjected that Caltrans has project Biologists on their staff who were very active and proactive in designing this project. He further said that they worked with George Johnson from the start of the project to make sure the biological ingredients were present. Mr. Sandecki said he has spend 25 years working with restoration planning and doing restoration projects for the National Park Service, Department of Conservation, and now for Caltrans.

Commissioner Longstreet said this is an area that is pretty heavily used, but the creek is not necessary a place where we want people. She asked whether there is a

reason why the fencing must be removed or would it be more beneficial to the creek to have a type of fencing left in place. Mr. Berman responded saying that we are in the coastal zone and there is a coastal plan policy that precludes us from restricting access to and along the coast. He said that staff has included it in the project and trying to permit a temporary fence to allow the plants to be established and then take it out to comply with Coastal Commission plans.

Commissioner Longstreet asked regarding maintenance, whether there will be an impact on the Creeks budget once the City takes the area over. Ms. Zachary responded saying that part of the objective with the project is that within five years, maintenance requirements are largely minimal and no more than what is currently required in the area. She said staff will need to work closely with Caltrans to make sure that there are not significant weed problems and that the plans are well-established and thriving.

Mr. Escobar said regarding maintenance that staff has worked closed with Caltrans on this project and said that the landscape will be sustainable, allowing staff to maintain it at a high level.

Commissioner Larimore-Hall asked whether the project will go to the Creeks Advisory Committee eventually. Ms. Zachary said yes, it has always been the intent that the project will be reviewed by the Creeks Advisory Committee, but staff found out quickly that the Commission needed to review and approve the project and make findings. She added that staff was confident that what Caltrans was proposing would be good for the site.

**Commissioner Larimore-Hall moved, seconded by Commissioner Conner, the Commission concur with recommendations A, B, & C.**

Commissioner Larimore-Hall withdrew his motion.

**Commissioner Longstreet moved, seconded by Commissioner Larimore-Hall and passed 5/0 that the Commission approve the Wetlands Plan and make the following findings:**

- A. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;**
- B. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;**
- C. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;**
- D. That the intensity of park use is appropriate and compatible with the character of the neighborhood;**

- E. That the proposed park and recreation facilities are compatible with the scenic character of the City; and**  
**F. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location. (Ord. 4919, 1995.)**

**10. Change in Park and Recreation Commission Liaison to the Franceschi Park Advisory Committee – For Action**

Commissioner Longstreet indicated she is currently the liaison, but the Creeks Advisory Committee meets the same night. She said the Franceschi Park Advisory Committee meets quarterly.

Commissioner Larimore-Hall volunteered to serve as the liaison to the Franceschi Park Advisory Committee.

**11. Proposed Change in Date of December 2006 Meeting – For Action (Attachment)**

Ms. Rapp said that staff proposes that the Commission change the date of the December 2006 meeting to Wednesday, December 13, 2006. The Commission concurred.

**ADJOURNMENT:**

At 7:15 p.m., with no further business to come before the Commission,

**Commissioner Forsell moved seconded by Commissioner Conner, and passed 5/0 that the meeting be adjourned.**

Respectfully submitted,

Nancy L. Rapp  
Parks and Recreation Director