

PARKS AND RECREATION ADVISORY COMMISSION

City of Oakland

Wednesday, October 13, 2010, 4:30 P.M.

Lakeside Garden, 666 Bellevue Avenue, Oakland, CA



CITY of OAKLAND  
OFFICE of PARKS & RECREATION

MINUTES

1. CALL TO ORDER:

A meeting of the Parks and Recreation Advisory Commission was held on Wednesday, October 13, 2010 at the Lakeside Park Garden Center, 666 Bellevue Avenue, Oakland. Chair Commissioner Taylor convened the meeting at 4:44 p.m. Audree Jones-Taylor, OPR Director, conducted the roll call. A quorum was present at 4:49 p.m.

2. ROLL CALL:

Present: Judy Belcher, Michael Hammock, Barry Miller, Benjamin Scott, Jeffrey Taylor, Calvin Wong, Ellen Wu

Excused: Osagie Enabulele, Howard Matis, Susan Montauk, Brad Ricards

Staff Present: Audree Jones-Taylor, Gail McMillon, Dana Riley, Stephanie Benavidez, Robert Zahn-PWA Tree Division, Mitch Thomson-PWA Tree Division, Jim Ryugo, PWA Parks

Guests: Scout Tessmann, Daniel Villaume, Annette R. Floystrup, Kieran Healy

3. DISPOSITION OF MINUTES:

Minutes of the September 15, 2010 meeting.

**MOTION:** Commissioner Taylor entertained a motion to approve the meeting minutes.

**Moved by:** Commissioner Commission Miller, **Seconded by:** Commissioner Hammock, **Motion: Approved.**

4. SPECIAL ORDERS:

None

5. PRAC PENDING LIST:

A. Commissioner Report Update, Commissioner Taylor – Almost finished with report.

6. MODIFICATIONS TO THE AGENDA:

Moved Item 15 before Item 8

7. NEW BUSINESS:

A. **Request Approval for a Bench In Memory of Stanley Garcia to be Installed at Lake Merritt on the East 18<sup>th</sup> Street Pier:**

Stephanie Benavidez, OPR Naturalist, presented the staff report. Ms. Katie Sanchez request that a bench in memory of her friend Stanley Garcia be installed on the East 18<sup>th</sup> Street Pier at Lake Merritt. The plaque is to read "In Loving Memory of Stanley Garcia (October 16, 1940-January 29, 2010) – Founder of East Oakland Boxing Association". Ms. Sanchez will make a donation to cover cost for the bench purchase, install and plaque.

**Moved by:** Commissioner Belcher, **Seconded by:** Commissioner Miller, **Motion: Unanimously Passed.**

B. **Tree Permit Appeal 5890 Birch Court, Priory of Saint Albert the Great:**

Robert Zahn, PWA Tree Supervisor, presented the staff report. Saint Albert's Priory submitted a tree removal application to remove ten trees. Staff approved two trees, denied the other eight trees. The Tree Division felt that

trimming the trees would be safe. Kieran Healy, lives at Saint Albert Priory and does a lot of work on the grounds. Mr. Healy spoke on behalf of the Priory. He wanted to get a formal response from the people who lived next door and would like to withdraw or postpone the application. Annette Floystrup, a nearby adjacent neighbor, also spoke on behalf of the Priory. Ms. Floystrup spoke with the co-owner of the property and indicated that she would like to see the trees preserved. Ms. Floystrup mentioned that someone, who would like to keep their name anonymous, would like to donate the services of a licensed, bonded, qualified arborist at no cost to the Priory to maintain the trees. The community would like to help. Daniel Villaume, part time supervisor at the Priory, also spoke on behalf of the Priory. He indicated that they do not want to cut the trees down. They cannot afford to prune the trees. He, nor anyone at Saint Albert's he's spoken to, has heard of an anonymous donor. He would like to see the information in writing about the anonymous donor. At the end of the onsite meeting with the PRAC Commissioners, Mr. Villaume mentioned that they talked to Commissioner Wong about postponing the appeal. Mr. Zahn commented that if it is in the best interest of the trees and that they can work something out with the new information given, the postponement is fine with PWA. The church and the community will meet and work out the issue.

Commissioner Taylor entertained a motion to table item and postpone the appeal.

**Moved by:** Commissioner Belcher, **Seconded by:** Commissioner Miller, **MOTION: Passed**

C. **This number was not used.**

**D. Request Approval For a Memorial Bench With Plaque In Memory of Carol Lungaard and Buster To Be Donated and Installed Near the Bay View Trail in Joaquin Miller Park:**

Gail McMillon presented the staff report. Mr. Scott Tessman, husband of Carol Lungaard, spoke on behalf of the request. Mr. Tessman will pay for the bench and donate it to the City for installation by staff in the Public Works Agency, Parks Divison. Ms. Lungaard was Mr. Tessman's wife. Buster was their family dog. Ms. Lungaard and Buster would take hikes in the Bay View Trail. Buster passed away in April 2009. Before passing in January of 2010, Ms. Lungaard had spoken about a memorial bench for Buster. Mr. Tessman would like to honor her wish and memory with the bench and plaque. The plaque will read "In Loving Memory of Carol J. Lungaard & Buster Forever In Our Hearts".

Commissioner Taylor entertained a motion to approve the request for a memorial bench with plaque in memory of Carol Lungaard and Buster to be donated and installed near the Bay View Trail in Joaquin Miller Park.

**Moved by:** Commissioner Wong, **Seconded by:** Commissioner Hammock, **Motion: Unanimously Passed.**

**E. An Informational Report on the Central Reservation Permit Process:**

Gail McMillon presented the staff report on the following handouts: 1) Central Reservation Permit Process, 2) Procedure to Obtain a Park Use Permit, 3) Park Reservation Information, 4) Park Use Fees & Guidelines for Special Events, 5) Rules & Procedures for Granting Park Use Permits for Special Events, 5) OPD Special Event Information and Application, 6) Park Use Application and 7) Checklist for Special Events. The Central Reservation Permit Process gave a detailed step by step process on how reservations are received and processed through the Central Reservations Unit (CRU). A comment was made about whether the deposit is too low in case of damages to the park use area. The CRU has not experienced issues resulting in damages above the current deposit rate and rarely have the need to retain a customers damage deposit. If the damages exceed the deposit paid, the patron will be billed for the difference. A recommendation was made to add information on accepting checks and on bounced checks in the Payment Requirement Section. A comment on lead in inflatable jumpers was brought up. OPR requires a Certificate of Insurance for all groups requesting a jumper on park premises which covers the liability of the City where the City is not liable for anything pertaining to the jumper. A question was asked about park fee increases. There were fee increases to the picnic and related events, not to Special Events. A comment was made on the 90-day requirement for reports coming to the PRAC. It seems that many of the reports coming to the PRAC are for events less than 90 days away. The request may have been received in the Central Reservations Unit (CRU) more than 90 days in advance and staff has not given the information to the Supervisor in ample time of the 90-day requirement.

Commissioner Taylor entertained a motion to accept the Informational Report on the Central Reservation Permit

Process.

**Moved by:** Commissioner Hammock, **Seconded by:** Commissioner Wong, **Motion: Unanimously Passed.**

8. COMMUNICATIONS:

None

9. PRAC COMMITTEE REPORT:

A. Re-election Committee Report

No report. Commissioner Matis will be setting up the committee.

10. ADVISORY COUNCIL REPORTS:

None

11. CONDITIONAL USE PERMITS:

None

12. UNFINISHED BUSINESS:

None

13. COUNCIL REFERRALS:

None

14. DIRECTOR'S REPORT:

A. Tree Committee: Discuss potential modifications to Tree Committee Membership

B. Tree Permit/Appeal Process: Review Tree Ordinance

The Director asked Mitch Thompson and Robert Zahn, both from PWA Tree Division, to speak under the Director's Report to review the tree appeal process with the Commissioners. An overview of the Tree Permit/Appeal Process was presented to the Commission from Mitch Thompson. Mr. Thompson is the inspector who performs onsite tree inspections, processes tree permits and makes recommendations. Mr. Zahn is the second signature on the tree permits to make sure Mr. Thompson did his job right.

When an applicant files an appeal, they are suppose to put on the application where staff may have made an error or abused their powers of discretion. Staff has to evaluate, did the criteria, per the ordinance, get followed and applied correctly by staff? PRAC's job is to review if the decision followed the criteria. PRAC has to be familiar with the criteria and see what staff said and does it make sense. The permits that come to the PRAC are often the ones with a gray area. PRAC then has to see what is reasonable. Mr. Thompson referenced Ordinance 12.36.050 and highlighted some of the criteria. There is an A and B section. The A section is their first look at the request. Does the request fit one of the reasons? The B section describes that if you pass the A section reason to remove the tree, you have to see if there is some other alternative that's reasonable. If it is, the PRAC need to take the reasonable alternative and keep the tree in place even though it first met the reason to remove a tree. PRAC has to see if it is reasonable or not. Examples were used from previous appeals.

There are some areas in the A and B section that isn't use because of the type of permits that come before the PRAC. Some of sections are for development related tree issues only.

Cost was brought up. PRAC may have to consider the cost. Pruning is an expense that can get costly. What is considered reasonable has be left up to the judgment of PRAC and Tree Staff .

When PWA signs the permit, there is a date that is noted and thirty days from that date, if an appeal is not resolved the decision on the permit stands. It's best to deal with the appeal within the thirty day timeframe.

If an appeal comes to the PRAC, it is requested that the staff report include the recommendation from staff and an expert opinion on what are reasonable options. This allows the Commission to decide if there is a compromise with reasonable options and solutions that can be approved. Mr. Thompson will talk to Brooke Levin, PWA Assistant Director, and work it out in-house. It was recommended, and agreed that the PRAC Tree Committee members meet a few days to one week in advance of the PRAC meeting, rather than meet the same day of the meeting.

Director Jones-Taylor spoke on the Tree Committee members, Commissioner Wong, Commissioner Ricards and Commissioner Taylor. Commissioner Montauk goes out and wants to sit on the committee as well. Director

Jones-Taylor asked Commissioner Taylor if he would like to give up his seat on the Tree Committee. Commissioner Taylor made a motion to remove himself from the Tree Committee and be replaced with Commissioner Montauk.

**Moved by:** Commissioner Hammock, **Seconded by:** Commissioner Miller, **MOTION: Unanimously Passed.**

C. Dana Riley reported the information placed on the Commissioners seats was a report from Commissioner Matis providing an update on a meeting he attended at the Zoo.

D. Director Jones-Taylor reported that it is that time of the year. The California Parks and Recreation Society is soliciting nominations for Commissioner's Board Members awards. If there is anyone the Commissioners would like to nominate, review the packet and submit the nominations in by November 1.

E. There were pictures going around of the Sundays in the Redwoods that we had over 7,000 – 8,000 people out of the four series. It was very, very successful this year. We really created people, parks and programs. Commissioner Ricards and Commissioner Hammock went to a couple of the shows. Commissioner Ricards son played with Martin Luther.

15. OPEN FORUM:

Moved up before Item 8. No one present for Open Forum.

16. ANNOUNCEMENTS:

Commissioner Taylor commented on a walk that he participated in for domestic violence on Saturday, October 9. It was his first time going to one of the walks. He encouraged the Commissioners, if they get a chance to participate in one of the walks, to do so, because the one he participated in was fun.

17. ADJOURNMENT:

The meeting was adjourned at 6:14 p.m.

Respectfully submitted,

Audree Jones-Taylor  
Secretary

Gail McMillon  
Acting Recording Secretary