

**PARKS AND RECREATION COMMISSION MINUTES
REGULAR MEETING
City Hall
Monterey, California 93940
7:00 P.M.**

NOVEMBER 17, 2005

CALL TO ORDER

Chairperson Menendez-Herbst called the meeting to order at 7:00 p.m. and asked the Secretary to call for roll.

ROLL CALL

COMMISSIONERS PRESENT:

Canepa
Cooney
Marotta
McCarthy
Menendez-Herbst
Woodward

COMMISSIONERS ABSENT:

Laughton (Excused)

MILITARY LIAISON PRESENT:

None

STAFF PRESENT:

Deputy Public Works Director STAFFORD, Deputy Public Works Director TURNBEAUGH, Sports Center Manager VIERRA, Recreation Superintendent VIERRA, Recording Secretary NASH, Office Assistant II POSADAS

APPROVAL OF MINUTES

1. The minutes from the Parks and Recreation Commission meeting of Thursday, October 20, 2005 were approved as submitted.

PUBLIC COMMENTS

None.

AGENDA ITEMS

2. Recommendation to City Council to Authorize Exercising Option for Musical and Color Act Services for 2006 4th of July Celebration

Recreation Superintendent Vierra reviewed with the Commission a recommendation to City Council to authorize Kelly Productions to provide Entertainment and Color Acts for the 2006 4th of July Flag Raising and Kick-Off Parade and Lawn Party. She stated that based on a Request for Proposal, Kelly Productions was selected to provide these services with repeat performances for four successive years. This is the second year option for repeat services pursuant to the provisions as outlined in Resolution No. 04-20 passed and adopted by the City Council on February 3, 2004.

Recreation Superintendent Vierra said funding in the amount of \$31,574 is required to provide parade color acts and lawn party entertainment for the July 4, 2006 event. She reviewed the approved yearly options as follows:

2005	Option 1	\$30,070
2006	Option 2	\$31,574
2007	Option 3	\$31,574
2008	Option 4	\$33,153

Commissioner McCarthy asked how this event would be funded. Recreation Superintendent Vierra stated that the 2006 4th of July events are already budgeted for and that any donations collected will also go towards the event.

Commissioner Marotta stated that Kelly Productions has done a great job of providing high quality entertainment for this event.

Commissioner Marotta motioned that the Parks and Recreation Commission recommend City Council approval of a Resolution to authorize the second year option for Kelly Productions to provide musical and color act services for the 2006 4th of July Ceremony with funding not to exceed \$31,574. The motion was seconded by Commissioner Cooney and carried by the following roll call vote:

AYES:	6	COMMISSIONERS:	CANEPA, COONEY, MAROTTA, McCARTHY, MENENDEZ-HERBST, WOODWARD
NOES:	0	COMMISSIONERS:	NONE
ABSENT:	1	COMMISSIONERS:	LAUGHTON

3. Recommendation to City Council to Authorize Exercising Option for Pyrotechnical Services for 2006 4th of July Celebration

Recreation Superintendent Vierra reviewed with the Commission the recommendation to City Council to approve the third year option provision, as outlined in Resolution No. 03-33, passed and adopted by the City Council on March 18, 2003, to authorize PyroSpectaculars, Inc. to provide the pyrotechnical services for the 2006 4th of July Celebration. She stated that there are no changes in the program and the cost for the fireworks display will be \$24,380. She said the funding for this event is budgeted in the Community Promotion account.

Commissioner Marotta asked if this amount takes into consideration the extra City costs for staff and services provided during this event and feels that other cities in the area should contribute towards the fireworks display. He said that the parade and lawn party are more for local residents but the fireworks draw people from all over.

Chairperson Menendez-Herbst agreed with Commissioner Marotta and said that the City of Monterey provides three fabulous events on the 4th of July and that other cities have been asked to contribute but have not done so. She said we have a great Fundraising Committee who are working with the community to gather fundraising ideas for future 4th of July events.

Commissioner Canepa motioned that the Parks and Recreation Commission recommend to City Council to authorize exercising the third year option with PyroSpectaculars, Inc. for pyrotechnical services for 2006 4th of July Celebration not to exceed \$24,380. The motion was seconded by Commissioner Woodward and carried by the following roll call vote:

AYES:	6	COMMISSIONERS:	CANEPA, COONEY, MAROTTA, McCARTHY, MENENDEZ-HERBST, WOODWARD
NOES:	0	COMMISSIONERS:	NONE
ABSENT:	1	COMMISSIONERS:	LAUGHTON

4. Recommendation to the City Council Canceling the Temporary Use Permit for Rental of Segways on the Recreation Trail in Recognition of Monterey Peninsula Regional Park District Action and the City's Past Cooperative Efforts with the Park District

Deputy Public Works Director Stafford stated that the recommendation before the Commission this evening is to cancel the temporary Use Permit that was originally granted by the City Council in June 2005 for a 3-month trial basis. He stated that at the September 15, 2005 Parks and Recreation Commission meeting, the Commission reviewed this item. This item was subsequently tabled at that meeting based on receiving comments from the Monterey Peninsula Regional Park District Board. He said the Park District met in early October and voted 4-1 to request that the City of Monterey not grant the continued use of segways on the Recreation Trail. Deputy Public Works Director Stafford stated that attached to the staff report is a letter from the Monterey Peninsula Regional Park District outlining the reasons for the Park District's action. Also attached is a copy of the Grant Deed for the Recreation Trail and the primary phrase of utmost importance is where it states "and said property shall not be used for any commercial use or other purposes except as may be authorized in writing by the mutual and unanimous consent of the city councils of Monterey and Pacific Grove and the Board of Directors of the Monterey Peninsula Regional Park District". He said the Park District's interpretation is that this use is a commercial use of the Recreation Trail. He stated that the City of Monterey may dispute that particular claim, however, because of our cooperative past history with the Park District we are recommending that we consider their input and discontinue the temporary Use Permit for segways on the Recreation Trail.

Commissioner Woodward stated that Exhibit "A" of the Grant Deed is not attached and asked if that exhibit defines the boundaries of the Recreation Trail property. Deputy Public Works Director Stafford said it does and that the segway business is not on Recreation Trail property, but it comes under the Use Permit guidelines because it is adjacent to the Trail. Commissioner Woodward asked about the recorded dates stamped on the Grant Deed and why there is three years between when it was signed by the City of Monterey and when it was actually recorded. Deputy Public Works Director Stafford said that the deed was prepared by the City of Monterey's Property Management Division and sent to the City of Pacific Grove and at that time Pacific Grove had some staff changes and did not follow through with signing the deed at that time.

Commissioner Marotta asked how do the surrey rentals relate to this policy because the deed restrictions states there shall be no commercial uses on the Recreation Trail. Deputy Public Works Director Stafford said that the surreys were allowed on the Recreation Trail before this Grant Deed was written. Commissioner Marotta said the deed is pretty clear in stating that the property shall not be used for any commercial use or other purposes except as may be authorized in writing by the mutual and unanimous consent of all three agencies. He said that unless all three agencies agree then there's a restriction that there should be no commercial use.

Commissioner McCarthy said his question in terms of the surreys and the bicycles, was there an agreement among the three agencies when they went in. He stated that his concern is that clearly surreys and bicycles are a commercial use and therefore would seem to require all three agencies approval for it to be permissible. He said it seems unfair to have this issue fall upon segway use and not consider all other commercial uses. Deputy Public Works Director Stafford stated that both the surreys and bicycles were allowed on the Recreation Trail prior to 2002 when the Grant Deed was prepared. He said the definition of commercial use is still in question and as far as he knows there is no business that actually occupies Recreation Trail property. He also said that because the business is adjacent to the Recreation Trail its considered commercial use.

Chairperson Menendez-Herbst asked if the segway business were located further away from the Recreation Trail would it change the status of the commercial use on the Trail. Deputy Public Works Director Stafford stated it would only change the status of the Use Permit.

Commissioner Marotta asked if a skateboard business were to open on Alvarado Street and rent skateboards for use on the Recreation Trail, would this fall under commercial use on the Trail. Deputy Public Works Director Stafford stated that a Use Permit would not be required because the business would not be adjacent to the Recreation Trail and skateboarding is not limited to the Recreation Trail.

Commissioner Woodward asked what other businesses are adjacent to the Recreation Trail. Deputy Public Works Director Stafford said there a lot of businesses adjacent to the Trail but they are not using the Trail as part of their business.

Commissioner Woodward stated that segways are considered pedestrians in the Vehicle Code. Deputy Public Works Director Stafford said that at the September Commission meeting prior to receiving input from the Park District, it was determined that there were no significant problems with the segway use on the Recreation Trail from staff or the Police Department. He said one alternative is to either confirm or deny the temporary Use Permit based on that record and another alternative is to confirm or deny the Use Permit based on Park District input.

Greg Von Lortz, owner of Segways by the Sea, said that he talked to Joe Donofrio, General Manager of the Monterey Peninsula Regional Park District, and that Mr. Donofrio stated that the commercial use clause on the Grant Deed was put in there to keep popcorn vendor type businesses off of the Recreation Trail. Mr. Von Lortz said he agrees with that and does not want to commercialize the Recreation Trail. He said it's a choice for his customers, they don't tell them to go on the Recreation Trail, they're also allowed to go on sidewalks and streets. He stated they have over 1,000 hours of segway rentals since June 10, 2005. He thanked the Commissioners and said they have been great and very fair throughout this process. He also asked the Commissioners to remember that this is about fun and that people have been having a great time on segways. He said that the history of the segways since the time he opened and was given a three-month trial period speaks for itself.

Bruce Crist, New Monterey Neighborhood Association President, commended Mr. Von Lortz for advising segway renters of the Recreation Trail rules. He said that he disagrees with the commercial use of segways on the Recreation Trail and supports staff's recommendation to cancel the temporary Use Permit.

Fred Nolan, Monterey resident, said that he is concerned with the potential liability of using segways on the Recreation Trail especially in Pacific Grove where the walking/foot paths have no barriers on the edge. He said he agrees with the cancellation of the temporary Use Permit.

Joe Donofrio, General Manager of the Monterey Peninsula Regional Park District, thanked the Commission on behalf of the Park District for their action in September to allow input from the Park District. He stated that surrey and bicycle rentals on the Recreation Trail were an existing use at the time of the transfer of this property from the Park District to the City and the Grant Deed states "existing uses as of this date". He said there was not any kind of agreement where all three agencies had to review that condition prior to that so it was the Park District's grant deed restrictions that we wrote into the deed. He said that since the Park District wrote the grant deed restrictions, we can tell you clearly that commercial use means commercial activity and in a public trail right-of-way you're not going to typically find buildings sitting in a public trail right-of-way. He said whether a business is adjacent to the Recreation Trail or is a mile away from the Recreation Trail, if they are putting out commercial vehicles or commercial activity onto the Recreation Trail that was the intent of what was stated in the Grant Deed. He said basically here's the Trail and the Park District is giving it to both of the cities, here's what the Trail is as of this date, here's what the uses are as of the date we're transferring to you, and that if we're going to do anything different in the future with the commercial activity on the Trail then we all have to agree it's beneficial for that to happen, that was the understanding, that was the deal that we made.

Commissioner Woodward asked for clarification if someone opened a bicycle rental business on Alvarado Street would it be considered commercial use of the Recreation Trail. Mr. Donofrio said there is existing commercial use and this issue is really about adding any new business and commercial uses on the Recreation Trail.

Commissioner Marotta asked what is the District's position if the segway business was not adjacent to the Recreation Trail and gave maps and directions to his customers and showed them all the areas they can go on segways including the Recreation Trail. Mr. Donofrio said he has talked to Mr. Von Lortz about this and in the District's letter to the City the District was clear that they are not opposed to segways being on the Recreation Trail, if someone has one for personal transportation purposes and wants to use it on the

Recreation Trail the District's not opposed to that. It's strictly the commercial activity of renting segways for commercial recreation uses that we have the opposition to. Mr. Donofrio said that Mr. Von Lortz talked to him about doing tours where they can go on sidewalks and go to the historic buildings downtown and stated the District does not have a problem with that. He said it becomes an enforcement issue and we have to look at posting signs.

Greg Von Lortz, Segways by the Sea, said it's an option, we would like for anybody on a segway to have the option to use the Recreation Trail if they choose. He said for example getting around the Presidio Curve; it's a lot safer to use the Trail in that area. He also reiterated that segways are considered pedestrians.

Commissioner Cooney asked if the temporary Use Permit were revoked would Mr. Von Lortz still have be allowed to rent segways or does it take away his whole business. Deputy Public Works Director Stafford said that the Use Permits are handled by the Planning Department and that the temporary Use Permit allows him to rent segways at that location.

Commissioner Marotta said that if someone rents a segway anywhere on the peninsula they are going to want to go on the Recreation Trail at some point.

Commissioner Woodward asked for clarification regarding the issuance of the Use Permit. Deputy Public Works Director Stafford said that the Planning Department issues and manages the Use Permit and the City Council approves them. It will be the City Council that ultimately approves or disapproves this item.

Commissioner McCarthy said that if you read the Grant Deed it talks about for any commercial use or other purposes, it's not just commercial uses it's talking about the three entities approving any use of the Trail, that's what it says. The real question would be is what recommendation do we want to make to the Council.

Chairperson Menendez-Herbst said that based on the experience with the three-month trial, the Commission could make a recommendation whether segway rental should be allowed to continue or not on the Recreation Trail and let the City Council and City Attorney decide the legalities of the Grant Deed.

Commissioner Marotta suggested that the three entities get together and provide some specific guidelines.

Commissioner Canepa said in light of seeing the Grant Deed for the first time, he doesn't feel that the Commission has any other avenue except to follow through with the staff recommendation that temporary segway rental on the Recreation Trail be cancelled. He said the Monterey and Pacific Grove City Councils and the Monterey Peninsula Regional Park District need to get together to discuss guidelines for commercial use on the Recreation Trail.

Chairperson Menendez-Herbst motioned that the Parks and Recreation Commission recommend to City Council to allow the Use Permit to be continued based on a successful three-month trial period and agreement of all three agencies within the Joint Powers Agency (City of Monterey, City of Pacific Grove, and the Monterey Peninsula Regional Park District). The motion was seconded by Commissioner Woodward and ended with a tie vote:

AYES: 3 COMMISSIONERS: McCARTHY, MENENDEZ-HERBST,
WOODWARD

NOES: 3 COMMISSIONERS: CANEPA, COONEY, MAROTTA

ABSENT: 1 COMMISSIONERS: LAUGHTON

Commissioner Canepa motioned that the Parks and Recreation Commission recommend to City Council recommendation to cancel the temporary Use Permit for rental of Segways on the Recreation Trail in recognition of Monterey Peninsula Regional Park District Action and the City's past cooperative efforts with the Park District. The motion was seconded by Commissioner Cooney and ended with a tie vote:

AYES: 3 COMMISSIONERS: CANEPA, COONEY, MAROTTA

NOES: 3 COMMISSIONERS: McCARTHY, MENENDEZ-HERBST,
WOODWARD

ABSENT: 1 COMMISSIONERS: LAUGHTON

Commissioner Woodward motioned that the Parks and Recreation Commission not make a recommendation to the City Council regarding the temporary Use Permit for the rental of segways on the Recreation Trail. The motion was seconded by Commissioner McCarthy and carried by the following roll call vote:

AYES: 4 COMMISSIONERS: MAROTTA, McCARTHY, MENENDEZ-HERBST,
WOODWARD

NOES: 2 COMMISSIONERS: CANEPA, COONEY

ABSENT: 1 COMMISSIONERS: LAUGHTON

5. Selection of Chairperson and Vice Chairperson for 2006

Recreation Superintendent Vierra reviewed with the Commission the selection of Chairperson and Vice Chairperson for the Parks and Recreation Commission for 2006. The Chairperson will be Mike Marotta and the Vice Chairperson will be Dennis McCarthy, effective January 1, 2006. She stated that the positions of Chairperson and Vice Chairperson rotates annually to the member who has the longest current period of continuous service without having served as Chairperson or Vice Chairperson.

Recreation Superintendent Vierra said that Mike and Dennis have both agreed to serve as Chairperson and Vice Chairperson for 2006.

6. Potential Neighborhood Improvement Program (NIP) Projects for Fiscal Year 2006-2007

Recreation Superintendent Vierra reviewed with the Commission a list of potential NIP projects from which the Commission could select projects to nominate for Fiscal Year 2006-2007. Each Commissioner was asked to complete a NIP Nomination Form identifying three projects that he/she would like to be considered for FY 2006-2007 NIP funding. Recreation Superintendent Vierra collected each Commissioner's NIP Nomination Form.

The List of Potential NIP Projects for Fiscal Year 2006-2007 is as follows:

Recreation and Community Services Department

- | | |
|---|----------|
| 1. Monterey Sports Center
Replace tile with colored concrete in driveway/drop-off area | \$10,000 |
| 2. Monterey Sports Center
Installation of overhead lights in Natatorium | \$50,000 |
| 3. Monterey Youth Center
Marquee Board | \$8,000 |

Parks Division

- | | |
|--|----------|
| 1. Montecito Park Tot Lot | \$45,000 |
| 2. Dennis the Menace Park – Replace Roller Slide | \$35,000 |
| 3. McAbee Beach Development | \$35,000 |
| 4. Shoreline Park Path Widening and Boatyard Overlook Renovation | \$25,000 |

Deputy Public Works Director Stafford said that the Montecito Park Tot Lot project was submitted last year as the Parks and Recreation Commission's first priority and was not funded by NIP. He said that the Cannery Row Company owns a small parcel at McAbee Beach that has been used as a public access and would be deeded over to the City.

Recreation Superintendent Vierra reminded the Commission's NIP Subcommittee (Chairperson Marotta and Vice Chairperson McCarthy) and staff that they will meet on Thursday, January 5, 2006 at 12:00 noon to compile the Commissions suggested NIP projects into categories as well as develop a strategy for priority submission. She stated that the Commission will then rank the suggested projects into priority order at their January 19, 2006 Commission meeting. The Commission will also approve the projects and submit them to NIP.

7. Parks and Recreation Commission Schedule for 2006

Recreation Superintendent Vierra reviewed the Parks and Recreation Commission's Schedule for 2006. The regularly scheduled meetings will be the third Thursday of each month at 7:00 p.m. in the City Council Chambers. Also included are the dates for the Mayor's bi-monthly meetings that the Chairperson will attend.

8. Hosting of Annual Christmas Party

Recreation Superintendent Vierra reminded the Commission of their Annual Christmas Party to be held at the Monterey Youth Center on Monday, December 19, 2005 from 5:00 – 7:00 p.m. The Parks and Recreation Commission, staff of the Recreation and Community Services Department, Parks Division, and City Attorney's Office host this annual party. She said that Recreation and Community Services Director Russo would be contacting Commissioners to donate food and refreshments for the event.

9. California Park and Recreation Society (CPRS) Awards and Installation Dinner 2006

Recreation Superintendent Vierra informed the Commission that the annual California Park and Recreation Society (CPRS) District VI Awards and Installation Dinner is scheduled for Friday, January 20, 2006 at 6:00 p.m. at the Salinas Community Center. She stated that each parks and recreation commission within District VI is asked to nominate and select one outstanding commissioner who best meets the selection criteria and they will be recognized at the awards dinner for their accomplishments. Each Commissioner is asked to vote for the Commissioner of his/her choice and give a brief reason why this individual should be recognized.

Recreation Superintendent Vierra asked the Commissioners to turn in their ballots if they wished to nominate a fellow commissioner this year and to let the secretary know if they will be attending the awards dinner. The ballot results will be forwarded to the CPRS District VI committee.

STAFF INFORMATIONAL REPORTS

The Commission received the following reports:

- 10. Monthly Reports:**
a. Recreation and Community Services Department – October 2005
b. Parks Division – October 2005

STAFF COMMENTS

Deputy Public Works Director Stafford said that the Parks crew did a test on the Christmas Tree lights and commended Tree Trimmer Todd Harris on his work of the light design. He reported that the Skyline greenbelt clean-up project is about 75% complete. He also reported that Senior Craftworker Steve King will be retiring on December 31, 2005 after 30 years of service to the City of Monterey. He reported that the street resurfacing project is going well, the Police Station and Fire Station buildings are being re-roofed, and they are still waiting for three more modular units to arrive for the new Fire Department offices.

Sports Center Manager Vierra said the Sports Center is having their "Find Tommy the Turkey" hunt and that the customers really love this event. Staff hides a "Tommy the Turkey" placard and when a customer finds it they can redeem it for a gift certificate for a turkey from Bruno's Market. He said the grand prize will be a fully prepared turkey dinner also from Bruno's Market. He reported that they are holding a 3 on 3 Lucky Draw Basketball Tournament tonight where participants draw numbers and are placed on teams. He also said that Group Exercise Coordinator Lauri Ataide is preparing for two big events this Saturday, the Winter Workout Aerob-a-thon and the Yog-a-thon. He reported that the Junior Volleyball Tournament went very well and was full to capacity. Sports Center Manager Vierra said they have hired Leslie Pressman to fill the vacant Control Cashier position and are in the recruitment process to fill the vacant Facility Attendant position.

Recreation Superintendent Vierra reminded the Commission that the Christmas Tree Lighting Ceremony will be held on Friday, December 2 beginning with the Colton School choir singing carols at 6:15 p.m. She reported on Field Sports programs and said that the Youth Soccer program has ended and we received a lot of positive comments back from the parents; the Socko League held playoffs last night; and the 5 on 5 Flag Football program is just getting underway and is full with a waitlist. She reported on Community Center events and said that 28 seniors just returned from a trip to Africa and the Senior Center's monthly luncheon was a country-western theme and all the participants had a great time; the first 5th Quarter program was held at the Youth Center and they had 115 kids in attendance; the Colton School Dance for 7th & 8th graders will be held this Friday; and Hilltop Park Center and Casanova Oak Knoll Park Center are offering specialized holiday classes and programs.

COMMISSIONER AND MILITARY LIAISON COMMENTS

Commissioner Woodward asked if staff kept a list of action items like the disc golf proposal and the Parks and Recreation Master Plan. Recreation Superintendent Vierra stated that these ongoing items will appear on an upcoming agenda and other items may take longer to come back to the Commission because staff may need to do further review and research on certain items.

Commissioner Canepa asked if there was any new information on the seawall at Del Monte Beach. Deputy Public Works Director Stafford stated there was not. Commissioner Canepa said he and his wife walked up Franklin Street to High Street from downtown and back and collected two bags of garbage. He asked if the City could limit or regulate the size of political signs posted on City property. Deputy Public Works Director Stafford said that the Mayor made a presentation to the City Council two years ago to not allow signs on City property and from a survey of 45 cities only three agreed and enforce this. Commissioner Canepa asked how long the City gives people to remove their political signs after the election is over. Deputy Public Works Director Stafford stated that the Parks Division gives them a couple of days and then they remove them.

NEXT MEETING

- The next meeting of the Parks and Recreation Commission meeting will be Thursday, January 19, 2006 at 7:00 p.m., City Council Chambers.

ADJOURNMENT

Chairperson Menendez-Herbst adjourned the meeting at 8:20 p.m.

The agenda for this meeting was posted at least 72 hours in advance of the meeting outside Few Memorial Hall of Records.

Respectfully submitted,

Kay Russo, Director
Recreation and Community Services Department

Suzanne Menendez-Herbst
Chairperson
Parks and Recreation Commission