

**CITY OF FULLERTON  
PARKS AND RECREATION COMMISSION  
MEETING MINUTES**

City Council Chamber  
Monday, August 11, 2008  
6:30 p.m.

**CALL TO ORDER**

Chair Russell called the meeting to order at 6:30 p.m.

**FLAG SALUTE**

Commissioner Stanford led the flag salute.

**ROLL CALL**

Present: Shawna Adam, Sueling Chen, Kathleen Dasney, Craig Russell, Kathleen Shanfield, Nancy Spencer and Scott Stanford

Absent: None

Staff: Parks and Recreation Director Joe Felz, Parks and Recreation Managers Grace Carroll Lowe, Alice Loya, Dannielle Mauk, Judy Peterson; Parks Project Manager Hugo Curiel; Landscape Superintendent Dennis Quinlivan; Building and Facilities Superintendent Lyman Otley; Hye Jin Lee, Civil Engineer

**PUBLIC COMMENT**

None.

**CONSENT ITEMS (Items 1 - 3)**

Chair Russell requested a motion to approve the Consent Calendar items. Commissioner Stanford **MADE A MOTION** and Vice-Chair Dasney **SECONDED** the motion to approve the Consent Calendar items as written.

AYES: Adam, Chen, Dasney, Russell, Shanfield, Spencer, Stanford  
NOES: None  
ABSENT: None

The **MOTION PASSED** unanimously.

**1. MINUTES OF THE JULY 14, 2008 COMMISSION MEETING**

Recommendation to approve the Minutes of the July 14, 2008 Commission Meeting.

**2. LANDSCAPE DIVISION MONTHLY REPORT FOR JULY 2008**

Recommendation to receive and file the Landscape Division July 2008 Monthly Report.

Commissioner Spencer asked about the cassia trees that died at the Museum Plaza, and Landscape Superintendent Dennis Quinlivan attributed the deaths to possibly water from the fountains and damage from children; however all three trees had been replaced, and the other trees were doing fine. Having just come back from vacation, he couldn't report on the status of the succulents at the Police Department when Commissioner Spencer asked about them; however, Superintendent Quinlivan said the concrete portion nearby had been redone and it was expected that the succulent area would be looking "a lot better."

Vice Chair Dasney asked about the burnt-looking grass at the Muckenthaler Cultural Center, and Superintendent Quinlivan said that area is contracted out and not Maintenance's responsibility. She then asked about the slopes near the tot lot at the Sports Complex, and he replied that that area had been replanted after fencing was installed to prevent children from running down and ruining the slope. However, as it appeared the problem was more wide-spread, he said he would check out the area.

Director Felz addressed the problem with the Muckenthaler's grass, saying the contractor might have overreacted when asked not to overwater, hence the brown grass. However, he indicated the watering schedule had been adjusted and the lawn was improving. Superintendent Quinlivan also indicated Maintenance's Water Division had requested reducing watering without damaging the turf.

### **3. BUILDING AND FACILITIES DIVISION MONTHLY REPORTS FOR JULY 2008**

Recommendation to receive and file the Building and Facilities Division July 2008 Monthly Report.

Vice Chair Dasney asked Building and Facilities Superintendent Lyman Otley whether the Independence pool was fully operational, and he affirmed this, saying it came online last Tuesday with a new pump and rebuilt motor. However, as there was some vibration in the motor, the vendor would be returning to repair this.

Vice Chair Dasney asked Superintendent Otley how he felt about the new custodial contractor, and he said they "were learning" but that Maintenance would get them "up to speed."

REGULAR BUSINESS (Items 4 – 8)

### **4. LIONS SPORTS FIELD TURF ANALYSIS FOLLOW UP – NATURAL TURF VS. SYNTHETIC TURF**

Director Felz opened the Lions Sports Field Turf agenda item, saying it was returning to Commission tonight, and that staff had another look at the numbers and was providing a more "apples to apples" comparison by looking at a similar sports field like Bastanchury Sports Complex which Parks Project Manager Hugo Curiel would walk them through. He also updated the Commission on the whole Lions Field renovation process towards approval, saying there were several decisions to be made, such as the natural versus synthetic turf issue, by mid-November, and would then go before City Council for final

approval of the “65% plans.” He explained this would keep the project on track for an expected completion date less than two years from now. Director Felz noted that after the turf issue was reviewed, the architectural theme process for the whole park would be discussed. He further noted that the Commission’s recommendations tonight would be designed into the project, which would then be presented to Council for its approval.

Parks Project Manager Hugo Curiel said he would be providing a presentation similar to the one at the previous Commission meeting. However, the information would be more concise with changes reflecting the new information collected during the review period.

Manager Curiel said the Power Point presentation would cover materials, safety, health and environmental considerations as well as maintenance and turf costs. He said the type of materials presented last month remained essentially the same, with a life expectancy of about 12 years for artificial turf, and natural turf replaced as needed. The safety issues and the G-max ratings were also the same. Regarding health concerns, staff visited artificial turf fields, and read research on lead content in artificial turf but did not find any evidence of problems related to this. Director Felz added that the Federal Consumer Product Safety Commission just approved synthetic turf based on their own independent studies.

Regarding environmental considerations, Manager Curiel said changes were made to the staff report because irrigation of synthetic turf was not recommended by current users who said irrigation wasn’t necessary and didn’t reduce the heat level as suggested by the manufacturer. Striping of synthetic turf could be either permanent or temporary, said Manager Curiel, but this could be discussed at a later time. Another factor to consider with synthetic turf was increased playability and flexibility because there was less downtime from turf renovation or severe rains.

Manager Curiel said the turf costs had changed because staff was able to get costs from the surrounding cities rather than a national average and figures from the National Synthetic Turf Council. Hence, total costs for artificial turf over 12 years were estimated at just under three million dollars, of which maintenance would be \$1.2 or \$1.3 million. Natural turf over 12 years would be \$3.2 million including maintenance which would be \$2.4 million. Manager Curiel noted that the annual costs between artificial and natural turf were comparable. He then opened the meeting up to questions.

Commissioner Adam asked if there would be confusion due to striping for both softball and football. Manager Curiel said there would be some overlap of field striping at the edges but he didn’t believe there would be any real confusion or problems. However, he said it would be good to look at this more thoroughly.

Commissioner Adam asked if color striping would be considered, and Manager Curiel said one could even have three different sports as at Chino Hills although there might be a little confusion with three fields overlapping. Chair Russell said he had the same question, hence, his request for a layout. He thought the only area of confusion might be the right field foul line but thought this could be worked out. He asked if some permanent lines could be colored over when the other sport was playing and re-painted later. Manager Curiel replied he didn’t have a definite answer for this but felt confident that this could be done.

Chair Russell asked what the downside was of temporary striping, and Manager Curiel said the ghost lines are apparent for a while, but there are solutions that can remove them.

Vice Chair Dasney requested clarification of the costs from the last meeting versus this meeting, noting that the costs for natural turf were previously listed as about \$400,000 less than synthetic, but now natural turf was much more. She asked for the reason for the large increase in natural turf costs.

Manager Curiel said that originally, costs were estimated from the current maintenance costs at Lions Field, but that that would not be the standard for the new field. He said that this time, staff looked at Bastanchury Field and used those higher standard maintenance costs on a pro rata basis to figure Lions Field costs.

Vice Chair Dasney asked if synthetic turf's costs dropped because of the decision not to include water with the synthetic turf, and Manager Curiel confirmed this, saying water might be used once a week just to clean the surface. He also explained that the 12 year figure included annual cost increases.

Commissioner Adam questioned details on the maintenance costs and equipment requirements for synthetic turf. Manager Curiel said that other than the ballast vacuuming and cleaning every three years, the equipment is included with the purchase of the turf. He said Chino Hills and Huntington Beach said they only need to do the ballast vacuuming every two or three years.

Commissioner Adam asked whether the City would need to buy a "mule" to pull the equipment, and Manager Curiel said that was a good question, but he believed that was part of the equipment included in the \$85,000 synthetic turf maintenance costs. He said regular maintenance seems to consist of redistributing the ballast materials in high traffic areas.

Commissioner Chen asked about the life expectancy of natural turf, and Manager Curiel said he didn't have the answer although it would vary on how the field was used by the teams and whether the turf was allowed to recover. He asked Superintendent Quinlivan to respond, who stated the costs would start at the 40 yard line and both fields would incur wear in the middle at a cost of about \$30,000 yearly, based on their experience with the Fullerton Sports Complex.

Commissioner Chen wanted to know if after 12 years, one had to start all over and replace natural turf or if this was only the case with synthetic turf. Superintendent Quinlivan said that natural turf was a "living organism" subject to varying conditions; however, depending on how well it is maintained, natural turf could last almost indefinitely.

Director Felz stated that life span projections of 12 to 15 years for synthetic turf are only estimates because synthetic turf is so new and that he was unaware of any examples of synthetic turf wearing out. However, replacing the turf will not be as costly as installation of the original because the base will not have to be replaced. Superintendent Quinlivan said natural turf will have ongoing costs and downtime, such as irrigation, fertilization, and renovation in Spring and Fall. Director Felz also noted that "capacity building" or extra field time due to lack of downtime was not included in the figures for synthetic turf fields,

but because Fullerton needs more fields but there is no more space, the synthetic turf can, in essence, buy more field time. On the other hand, he said that there needed to be more control over the synthetic turf and users.

Commissioner Shanfield wanted to know what Chino Hills and Huntington Beach felt about their synthetic turf. Manager Curiel stated both cities were pleased with the turf and Fullerton staff's evaluation noted that heat did not seem to be a real issue. When Commissioner Shanfield asked if the two cities mentioned any "cons," he replied that although food spills should be avoided, the turf was not damaged and there did not seem to be any vandalism, but the turf did heat up a little further inland. He said the synthetic turf users were "lovin' it" and were pleased to be able to use the fields more. He said actually walking on it and seeing it did change his opinion of synthetic turf, and he wasn't so worried about having to care for it too much.

Commissioner Stanford stated he was previously concerned with the higher cost of synthetic turf versus natural turf which now was not an issue with the new cost figures. However, he was still concerned about accessibility for the public when the fields weren't being used by the league, and whether the space would be available without concerns of damage.

Director Felz responded that a field user policy was an issue that the sports field committee would have to review, not just in terms of suitability of synthetic turf for open public use, but the fact that current fields are generally more available to the leagues than to the general public. When Commissioner Spencer asked if the fields were locked when not in use by the leagues, Director Felz said they were locked but they were still accessible if someone really wanted to get in. However, he said the City would like to have more of a balance in who uses the fields, i.e., more drop-in use.

Commissioner Stanford agreed that was important, and that another major concern was water usage because natural turf needed so much more water. He noted that natural turf could suffer if there were water restrictions in the future, plus rain and subsequent muddy conditions really tore up natural turf, and when dried, created unsafe conditions for the players.

Chair Russell invited the field users to speak. Steve Cone, representing Fullerton Pop Warner, thought the 12 to 15 year estimated life span of synthetic turf might actually be higher, noting that the high schools use the fields more than a football or softball league, hence, synthetic turf might last longer. Director Felz agreed it was "guess work at this point," but that this was the current industry standard given.

Chair Russell noted the Servite High School fields were in very good shape and were about four years old, and he and Steve Cone agreed Mater Dei's fields, which were a little older, "look pristine" although many sports are played on those fields.

Regarding softball activities, Manager Lowe stated Ruben Castillo of Fullerton Hills Softball, who couldn't attend tonight, was initially ambivalent, but is now "perfectly happy going with artificial turf." Mr. Cone asked if softball only needed the striping for the foul lines, and staff confirmed this. Manager Lowe noted that Huntington Beach has permanent striping sewn in and Chino Hills has painted lines, and that she preferred the latter because it kept one's options open and because the painting could be removed.

Chair Russell asked if there would be any natural grass anywhere in the facility or if the project would consist only of artificial turf. Manager Curiel indicated that staff has considered the possibility of incorporating natural turf in appropriate areas. Chair Russell said he liked the idea of some natural turf outside of the fields as it would be more comfortable for the users.

Chair Russell asked for Commission discussion. Commissioner Shanford said she researched natural turf versus artificial turf and there was not a significant difference, and she recommended synthetic turf, noting that she might install it in her own backyard for conservation reasons.

Commissioner Spencer indicated that the City must look to the future due to water conservation, thus, she would support the synthetic turf.

Commissioner Adam said perhaps in 12 years time Commission might vote to go back to natural turf, but she very much supported synthetic turf. However, she would prefer the permanent stitching due to the time needed for lining the fields although she did like hearing that the temporary lines last a while. Manager Curiel said that was something the Department could explore further with other cities.

Commissioner Chen stated she would prefer natural turf but also recognized that maintenance was difficult, especially with heavy usage. She said she liked synthetic turf because it provided for less downtime and could be used more; thus, she would also vote for the synthetic turf as the costs were comparable. However, she expressed a desire to have natural turf on non-field areas. Manager Curiel assured her staff would be looking into the mixed turf applications.

Vice Chair Dasney stated she also preferred natural turf, but she would vote for synthetic turf, given the cost estimates provided. She said, ultimately, the lack of downtime, weather resistance, and greater field usage with synthetic turf was what caused her to really consider synthetic turf. She added that water conservation was also an important factor. However, she had concerns that maintaining the synthetic turf may be more difficult than presented, and she asked whether fire might still be a concern. Nonetheless, based on the presentation, she would vote for synthetic turf.

Commissioner Adam said she had concerns about vandalism and spray painting, and how that would be removed. Manager Curiel said he didn't have a definite answer but believed there would be a solvent that could remove paint, especially as the surface was not porous, but had a sheen to it. He added that he had visited a field in a Bassett industrial area and spoke with security guards who said vandalism wasn't a concern but the heat might be because they were farther inland.

Chair Russell indicated he traditionally preferred natural turf, but football was unique in the type of wear and tear it put on fields, especially during a bad rainy season. And, unlike other sports with rainouts, football makeup games were more difficult to arrange. He also believed Fullerton High School would have synthetic turf one day, and that perhaps they could share their synthetic fields. He also expressed appreciation for the new more accurate cost comparisons, saying that natural turf maintenance might be even more expensive than estimated for Lions Field because it would get more hard use than

Bastanchury Sports Complex. He said voting for synthetic turf was a “no brainer.” He then called for the vote.

Commissioner Stanford MADE A MOTION to recommend synthetic turf and Commissioner Adam SECONDED the motion.

AYES: Adam, Chen, Dasney, Russell, Shanfield, Spencer, Stanford  
NOES: None  
ABSENT: None

The MOTION PASSED unanimously.

Chair Russell thanked the other commissioners for revisiting the turf issue, saying it was an easier vote due to the new information. Director Felz agreed it was a learning experience for everyone, and thanked the league representatives “Jimbo” Wright and Steve Cone, as well as Landscape Superintendent Quinlivan and Lead Engineer Hye-Jin Lee.

Director Felz said one other significant decision to be made in the next several weeks regarding Lions Field would be the design or architecture of the facilities including two buildings. The project architects have been asked to develop three distinct looks reflective of Fullerton. He said the strategy has been to involve football and softball as well as Fullerton Heritage. After going through the informal Lions Field user group and arriving at a consensus, Parks and Recreation staff would bring a recommendation to the Redevelopment Design Review Committee (RDRC), which is also a funding source for the project. He asked the Commission if they had a strong desire to review the architectural features, or if, in the interests of streamlining the process, this review could go to the informal user group, then to the RDRC, and then to Council for its vote.

Commissioner Shanfield emphasized the need to move forward on this project and asked if Commission review would slow it down. Director Felz admitted that with the fast track process, it would make things tight. However, he said if there was interest, there could be Commission representation at the user group committee, taking Brown Act violations into consideration, or they could attend the RDRC meetings, requesting materials in advance.

Vice Chair Dasney confirmed with Director Felz that the commissioners could be notified when presentations were being made as long as more than three commissioners did not attend. Commissioner Shanfield asked if they could discuss on-line who was attending to ensure not more than three commissioners attended, and Director Felz said that would be acceptable. He said staff would provide a date in the next few weeks, and assured Commission that Fullerton Heritage would be and had been involved every step of the way. Commissioner Spencer said if Fullerton Heritage was involved, she would not be concerned, and Vice Chair Dasney agreed.

Commissioner Spencer asked about the perimeter landscaping at Lions Field, and Director Felz said the landscape architecture firm, EDAW, would be handling this.

Chair Russell said that continued fast tracking was important, and the other commissioners agreed.

Commissioner Spencer asked how the Hillcrest Park Advisory Board was involved in the Lions Field project as Lions Field was part of Hillcrest Park. Director Felz stated that Lions Field was the first issue Fullerton Heritage and staff discussed, with Fullerton Heritage representing the boundary between Hillcrest Park and Lions Field. He said Fullerton Heritage will review the three proposed design options for Lions Field vis a vis that of Hillcrest Park, and make recommendations on whether the design should match Hillcrest Park's, diverge from it or be a combination thereof. He assured the Commission that Fullerton Heritage had been there every step of the way.

Vice Chair Dasney inquired about Director Felz' comment on Ad Hoc Committee appointments for September or October, and he said he was referring to the Lemon Park Master Plan and murals ad hoc committees. She then asked about the status of the Hillcrest Park Master Plan Committee appointments, but it was agreed he would report on this during his Director's Update.

## **5. NO SMOKING POLICY FOR PARKS AND PARK FACILITIES**

Director Felz commented that staff had wrapped up several months of work on the no-smoking in parks policy and he thanked the Commission for their review and input on a serious and complex issue. He said staff had tried to keep their recommendation as simple as possible and in keeping with State law, and that staff was requesting a recommendation that could then be taken to City Council for its vote. He then introduced Administrative Manager Alice Loya who provided a Power Point presentation.

Manager Loya provided a review of what the Commission had looked at, noting that the original requests came from residents and non-profit organizations interested in developing non-smoking policies in the parks and park facilities. She said staff reviewed policies in other surrounding Orange County and Los Angeles cities and considered enforceability, consistency, citations and existing State policies, particularly those banning smoking within 25 feet of tot lots or within 20 feet of a public building, entrance or window, and no smoking on State property. Regardless of the policies developed by the City, those policies would stand.

Chair Russell asked if there were any no-smoking signs at Ladera Vista school fields. Manager Loya said the district was aware of the no-smoking policy, but agreed the average citizen didn't know about it. Director Felz said there were signs posted at the entrance of the schools, but Chair Russell pointed out that field users would not see those signs.

Vice Chair Dasney said the question would be whether the City or the school would be responsible for posting no-smoking signs on the school fields, and Director Felz and Manager Loya said that as it was district property, the district would have jurisdiction. Chair Russell said this issue had not been discussed, and Manager Loya said it was included in the materials but it had probably not been spelled out.

Chair Russell asked if the no-smoking policy applied to teachers as well, and manager Loya said she didn't know if it applied to college districts but there was state code prohibiting smoking on public school property. Chair Russell said that at Fullerton College, there is a total ban on student smoking but workers are allowed because the union protested. Commissioner Adam stated that school teachers are allowed to smoke



on the sidewalks off the campus. Vice Chair Dasney said the workers at the school district also stand on the sidewalk smoking.

Manager Loya stated the original goal of a proposed policy was to limit secondhand smoke; however, the commission had asked for the additional goals of limited exceptions and an understandable policy. From Commission meeting discussions and staff work, a proposed policy was developed which, in addition to State law, would create no-smoking areas in all City parks where regular program activities occur and in high-fire severity zones. It was hoped that by now, the State Fire Marshall would have finalized his high-fire severity zone map, but they hadn't.

The proposed policy would include no-smoking at athletic fields, the swim complex, high-fire severity zones, and recreational trails, but with some exceptions as designated by the City Manager or his designee.

Commissioner Chen questioned designated areas that would be exceptions. Manager Loya said there had to be flexibility to make changes as the park facilities changed over the years.

Chair Russell questioned the extent of the City Manager's power on this policy, asking about the hypothetical situation where the City Manager was an anti-smoking zealot and decided to place bans everywhere.

Director Felz stated the clause is fairly standard and would have to be within reason, however this was open to change. Manager Loya stated the exceptions would have to be at a specific location. Chair Russell said he still wanted assurances that there were counter measures available if the City Manager's decisions were too extreme, and asked why Commission or Council couldn't review and make any changes. Director Felz said there could be a 90-day response period if there were concerns.

Commissioner Adam requested that this language be removed, and Director Felz said this could be done. Commissioner Shanfield indicated the commission would like to have that decision-making power.

Manager Loya then provided an overview of Lions Field and the no-smoking areas, noting that these were extensive because the property was mostly athletic fields or a high-fire severity zone, thus relegating smokers to the parking lot, 20 feet away from public buildings. She added that Lemon Field, Bastanchury Park, Sports Complex and school/City joint-use fields would be similarly identified with smoking in the City parking lot.

Chair Russell expressed concern about banning smoking around sports facilities even when those fields aren't being used, as a smoking parent would have to move to the parking lot and wouldn't be able to see the game, even if there was no danger of secondhand smoke. He said this was where he differed from Commissioner Shanfield, and provided the example of Acacia Park during the day when there were only sports played after 5 p.m.

Manager Loya provided aerials of Chapman Park, saying smokers would have to stay away from the amenities. Commissioner Spencer asked how a person would know where smoking was allowed, and Manager Loya said this would need to be explored and might

be promoted through education, signs, flyers and press releases. Director Felz said posted signage would be required although the enforceability was still questionable. Commissioner Spencer suggested big letters on the sign.

Vice Chair Dasney stated flyers indicating smoking areas could be distributed, particularly through coaches, and the information would spread. Chair Russell said it was the average resident who would have a problem knowing where non-smoking areas were when the ball fields weren't being used.

Manager Loya stated that Independence Park would have a larger smoking area and that it was unique due to the large turf area. She also showed Emery Park which is used partially as a sports field but with open turf and few amenities; similar parks are Pacific Drive, and the "astronaut" parks, Grissom, White and Chaffee.

Manager Loya noted that the exceptions would include leased property (golf course, Summit House, Meridian Club, Recreational Riders, Muckenthaler, V & H Stables, Senna Tree Company), the Fullerton Museum, Pooch Park, Hillcrest Terrace and Laguna Lake. She said staff is recommending that the Director be allowed to work with the lessees to determine where smoking and non-smoking areas should be, taking into consideration existing state law. She added that staff would also like exceptions at properties that have ad hoc committees or boards overseeing the facility, e. g., Pooch Park, so that these boards or committees would also have input into where no-smoking areas would be. Hillcrest Terrace was another area needing an exception due to the rentals, as was Laguna Lake because of shifting high-fire severity zones and the Lake which could be designated as not high-fire severity since it's a body of water.

Manager Loya then turned the meeting over to Director Felz to speak in greater detail on Laguna Lake. He said there were staff discussions which had determined that the normal 12% of the population that smokes didn't apply there as many people come to the lake specifically to smoke and fish. Thus, staff's best recommendation at this point was to provide a one-year trial for a 200-foot smoking area on the northeast end of the lake. He then invited Commission questions.

Chair Russell questioned the exceptions, e.g., Golfer's Paradise, asking if it was a public building or private one, and was told it was public even though it's a private enterprise because the improvements belong to the City and land belongs to the Army Corps. Director Felz said driving ranges and putting greens could be considered athletic facilities; however, that was why staff wanted to work with the tenants to make exceptions to the smoking ban. Chair Russell expressed surprise that the tenants' facilities would be considered athletic facilities even if those were provided with exceptions, and had concerns that only those places making money for the City were allowed to have exceptions. Director Felz explained that the golf course might be interpreted by some as an athletic facility, hence staff wanted to provide for an exception to ensure that a ban on smoking didn't occur there, and that, further, those tenants were leaseholders and should be able to dictate what happens on their property as long as they were in compliance with State law.

Commissioner Shanfield suggested those leased facilities could also be perceived as different, not only because they are private businesses but because they are also different from those no-smoking areas such as tot lots or traditional playing fields. Hence, she said

she would not have a problem with not addressing smoking on those properties. Commissioner Chen agreed that one should minimize the exceptions and if the consensus were to protect the children, there would not be a problem with smoking in those leased facilities because those users are adults who could make their own decisions. Vice Chair Dasney said it would satisfy her if these properties were lumped under leased properties, and, therefore, not applicable. Director Felz said minimizing exceptions was staff's intent, and that if this proposal to make exceptions for leaseholders was muddying the issue, they could just not include this in the recommendations.

Manager Loya said some leaseholders such as the YMCA and Boys and Girls Club don't allow smoking due to the nature of their business, and even Golfer's Paradise has smoking and non-smoking areas. Commissioner Stanford noted that most people are unaware that, for example, Summit House or the golf course are leased through the City, so perhaps addressing exceptions with lease holders was not necessary. Director Felz said it was simpler and cleaner to state that leased properties are exempt, thus removing any possible challenges as to how athletic fields are defined. Manager Loya said this exception would be authorized by the City Manager/designee through direction of Commission and Council and would not have to be written into the ordinance. There was discussion as to how the exception would be documented, and Director Felz said it would be recorded in the Council minutes as approved by Council with an administrative policy, and a 120-day Commission/Council review could also be written into the policy.

Commissioner Chen asked if a reference to youth could be included in the ordinance to ensure the target youth population would be protected. Director Felz responded that the way in which the ordinance was written would protect the youth as well.

Commissioner Shanfield asked who was the driving the force on the non-smoking policy as most community members didn't seem to care. Director Felz said there were a passionate few including a school group that came to Commission and staff receives complaints from park or facility users. She asked if the language proposed would be the most acceptable to Council, and Director Felz said that was not predictable. When she asked when this would go to Council, he said it would depend on the Commission's actions. He told her that Council would receive all the related information and documents provided through the Commission.

Chair Russell stated there were two or three issues, and that two were simple, in his opinion. The simple ones were that any public land or parks in high fire zones should be no-smoking and that no discussion was necessary. The second issue was trails, most of which were also in high-fire zones and probably should also be all no-smoking because starting and stopping smoking while walking on a trail didn't appear logical or feasible. However, he said, Commission had gone back and forth on smoking in parks, and this portion of the policy was "a mess" with exceptions, perhaps due to trying to "avoid the hard vote." As each commissioner seemed to have a specific opinion on whether smoking should be banned or not, he suggested Commission should vote on a blanket ban without all the exceptions.

Commissioner Adam indicated that assigning smoking and non-smoking areas in parks would have to, in essence, be outlined in chalk to clarify where these areas were. Director Felz said the basic, common sense message would be that one could not smoke in the park except in the parking lot or perimeter areas. However, he said there was no easy

recommendation. Vice-Chair Dasney said Option B “gets the job done and it accommodates the smokers,” and that the Commission needed to move on.

Chair Russell stated the problem is that that forces someone like himself to not be able to support Option B as he does not support banning smoking in parks. He would support the ban on smoking on trails and high-fire zones. He wanted to support a policy to protect children from secondhand smoke at a field, yet in looking at the aerials of proposed no-smoking areas, children or others were not present 80% of the time. Director Felz said it came down to enforceability. Vice Chair Dasney suggested utilizing signage like school zones which could state no smoking when children were present.

Chair Russell indicated he would like to separate the parks from trails and high fire areas. Commissioner Shanfield agreed she would like to make a motion banning smoking on trails and high fire zones. Vice Chair Dasney said she would like to first try a motion to approve the ordinance as presented, and see what kind of vote they would get.

As Commissioner Shanfield was first, she MADE A MOTION to ban smoking on all trails and in high fire zones, and Commissioner Adam SECONDED the motion. He called for any discussion, and Commissioner Spencer asked who would enforce the policy. Director Felz said an ordinance would become municipal law and would, therefore, be enforceable by the Police Department, although as mentioned since Day One, it would be largely unenforceable and handled on a complaint basis. Commissioner Spencer asked what would happen if someone refused to put out his cigarette, and Director Felz said one could then call the police, and it would be up to the police to respond. Chair Russell asked if the smoker would just have to put out the cigarette or if there was a fine. Manager Loya stated a fine would be imposed as it was considered an infraction which she estimated at \$100.

Chair Russell then called for the vote.

AYES: Adam, Chen, Dasney, Russell, Shanfield, Spencer, Stanford  
NOES: None  
ABSENT: None

The MOTION PASSED unanimously.

Vice-Chair Dasney MADE A MOTION to approve the ordinance as presented, and Commissioner Shanfield SECONDED the motion. Hearing no discussion, Chair Russell called for the vote.

AYES: Dasney, Shanfield  
NOES: Adam, Russell, Spencer, Stanford  
ABSTAIN: Chen

The MOTION DID NOT PASS. In abstaining, Commissioner Chen stated she could have voted for the motion if the word “youth” had been added in reference to athletic fields in the proposed ordinance.

Commissioner Spencer asked whether staff had surveyed other cities, and Director Felz said they had, but that they had very different park assets than Fullerton. Commissioner

Stanford asked if everything else could just be left as is, with the State parameters. Director Felz said that the Department was now obligated to take what the Commission had voted on, and craft, under Commission's direction, an ordinance for Council to review. He summarized it as follows: "Commission is unanimously supporting eliminating smoking within all the soon-to-be named high-fire severity zones as designated by the California Fire Code, and all recreational trails in Fullerton." He confirmed that Commission did not support an ordinance that would ban smoking within 25 feet of a public athletic field or batting cage, and Janet Evans Swim Complex. He noted that Items 2, 3, and 4 of the proposed ordinance were routine and would be included in reference to the high-fire severity zones and trails.

Director Felz received consensus from Commission that a clause could be included in the proposed ordinance that the City Manager and/or his designee could designate areas as non-smoking with a 120-day review period for Commission. He said the recommendation voted by Commission would go to City Council and staff would also provide Council with a description of the Commission process and what other recommendations and options were presented by staff and voted down by Commission. Director Felz stated that he could not predict how Council would vote on this matter but agreed to notify the commissioners when the item would go to Council. When Commissioner Adam asked, Director Felz said the commissioners would be allowed to speak at Council on this matter as private citizens as they had already voted on the matter with an official recommendation.

## **6. REPORT ON CITY COUNCIL AGENDA ITEMS**

Director Felz provided a summary of Council agenda items. Regarding the Cal State Fullerton HUD grant application, he said that as is standard practice, all applications from another agency involving City grants would go to City Council for approval. He said this is three-year funding for gang prevention and is an expansion of existing, successful programs for Gilbert and Maple community centers and Independence Park. Commissioner Adam asked if any buildings would be part of this grant, and Director Felz said this would be purely programming monies of \$140,000 for three years except for a portable computer station and van. Staff will learn in late fall if the application is funded.

Director Felz said Recreation Manager Judy Peterson handled the volunteer recognition of the summer program and other volunteers at City Council nicely. Amendment Two to the County of Orange Office on Aging Agreement was approved as a routine matter.

## **7. DIRECTOR'S UPDATE**

Director Felz said the traditional summer programs are wrapping up next week, and after a week's break, the fall programs will begin. He said the Summer Concert series will end in two weeks but the Market will be extended well into Fall.

He then updated the commissioners on capital projects, saying the building is now on Gilbert Park, opening up within three or four weeks. With Richman Park, the site work had begun and that building was expected to be completed in September.

The master plan with Tri-City Park was moving forward, and on track, and would return to Commission when members would be appointed to the committee. With the Community Center plan, staff was developing a request for proposal for a "construction management at-risk" process similar to the process used at Lions Fields.

City Council made five direct appointments to the Hillcrest Park Master Plan Committee last week, and on September 19<sup>th</sup>, two at-large members would be appointed, after which the Committee could begin its review of the master plan.

Director Felz introduced Parks Project Specialist Doug Pickard, saying he came with a lot of City and private sector experience and would be involved with a lot of capital and special projects.

Commissioner Dasney requested the name of the five appointments, and Director Felz said the appointments included Chris Heusser, Wes Morgan, and Kay Miller and provided brief descriptions of those appointees. Director Felz said he would send the names of the other appointees to the commissioners. However, he noted that the City Clerk is coordinating the appointments and that Parks and Recreation would be notified after a decision was made.

## **8. COMMISSIONER COMMENTS**

Commissioner Adam commended Mrs. Meyer's class for taking time from their summer to collect, aggregate and present the data on smoking, and completing the project, even if the outcome might not be what they wanted. It was very relevant for these students to be involved with such a process from beginning to end, she said. She also found it interesting that out of 375 respondents, 132 were not residents of Fullerton.

Commissioner Chen thanked her fellow commissioners, saying she enjoyed the beauty of a democracy where they could all agree to disagree, particularly as she was an immigrant. She said the commissioners could still be peaceful in their discussions, and be unified in representing diverse opinions from the community.

Vice Chair Dasney commented on the *Register* article on family campfires and commended staff for the excellent program. She requested additional information regarding another *Register* article on a vegetation and tree fire "off of Avalon," and asked if it was near Golfer's Paradise or the Brea Dam, as it was possibly relevant to fire zones. Director Felz said he had read the article also, said the Fire Department would normally notify him if an incident was on park land, but would follow up and report on this.

Vice Chair Dasney asked about the arrest of someone suspected of drug dealing. Director Felz provided a summary, saying a man was arrested for selling methamphetamine adjacent to Valencia Park through a citizen report. He said that staff was trained to observe and report incidents like this although there was a fine line for the staff not to act as police, especially in dangerous situations.

Vice Chair Dasney also asked about the homeless situation near the Armory, and Director Felz said he would be involved in a follow-up meeting with the City Manager after he returned from vacation. He noted that there was a previous meeting that the City Manager had with the County, which operates the Armory, in which he expressed the City's dissatisfaction with the manner in which the Armory was operated and its impact on the surrounding area. He said the follow-up meeting will be the County's response to the City's concerns, with a plan addressing these concerns prior to re-opening the Armory in

September. He confirmed with Vice Chair Dasney that he would provide an update as soon as he had more information.

Commissioner Dasney asked about the September Commission meeting and whether the Council/Commission meeting September 26<sup>th</sup> might impact it, and Director Felz said they were planning on meeting as usual, and Chair Russell confirmed this.

The meeting was adjourned at 9:00 pm.

Respectfully submitted,

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Joe Felz, Secretary

JF/pf