

LIVERMORE AREA RECREATION AND PARK DISTRICT

MINUTES

REGULAR MEETING

WEDNESDAY, OCTOBER 27, 2010

**ROBERT LIVERMORE COMMUNITY CENTER
4444 EAST AVENUE, LIVERMORE, CALIFORNIA
7:00 P.M.
CRESTA BLANCA BALLROOM**

DIRECTORS PRESENT: Director Faltings, Director Kamena, Director Goodman, Director Wilson and President Furst

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Tim Barry, Jim Brandenburg, Michael Kyle, John Lawrence, Gretchen Sommers

1. CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

President Furst called the meeting to order at 7:00 p.m. All Directors were present except Director Kamena.

2. PUBLIC FORUM

President Furst opened public comment.

1) Mike Nagel, representing the Livermore Granada Boosters, invited public participation in the first annual Race to the Flagpole, on November 13; the race starts and finishes at Carnegie Park. He described the event, explaining that it is a fundraising event, with proceeds benefitting their scholarship program.

2) Bob Sanchez, representing the Valley Rock Gym volunteer group, gave a status report on the group's efforts to make the rock gym meet its budget. He distributed a financial report on the gym's first quarter of operations this fiscal year. Mr. Sanchez reviewed the report, saying that the rock gym is \$625 off budget at this point, and doing very well. He talked about the group's marketing efforts and program changes that have been implemented.

President Furst closed public comment.

3. CONSENT AGENDA

3.1 BOARD MINUTES

3.1.1 Meeting of October 13, 2010.

3.2 COMMUNICATIONS

3.2.1 Letter from Rosemarie Maccario regarding unleashed dogs in parks.

3.2.2 Letter from Sheila Mack regarding unleashed dogs in parks.

3.2.3 Letter from Kathleen Azevedo regarding unleashed dogs in parks.

3.2.4 Letter from Adele Nickison regarding unleashed dogs in parks.

Moved by Director Faltings, seconded by Director Wilson, approved the Consent Agenda, passing 4-0. Director Kamena was absent.

4. CONSENT AGENDA RESOLUTIONS

None.

5. BIDS AND PUBLIC HEARINGS

None.

6. OLD BUSINESS

None.

7. NEW BUSINESS

7.1 RESOLUTION OF APPRECIATION FOR JIM BRANDENBURG

President Furst stated that the Board will present a Resolution of Appreciation commending Jim Brandenburg on the occasion of his retirement from LARPD.

General Manager Tim Barry said that LARPD staff has hoped that this day would never come, that of Senior Park Supervisor Jim Brandenburg's retirement. Mr. Barry thanked Mr. Brandenburg and his family for all of the years that he has been dedicated to LARPD.

Moved by Director Goodman, seconded by President Furst, adopted Resolution No. 2267, commending Jim Brandenburg on the occasion of his retirement from LARPD, by the following roll call vote:

AYES:	<i>Goodman, Faltings, Wilson and President Furst</i>
NOES:	<i>None</i>
ABSTENTIONS:	<i>None</i>
ABSENT:	<i>Kamena</i>

Director Goodman read the resolution to Mr. Brandenburg and presented it to him. President Furst congratulated Mr. Brandenburg.

7.2 OFF LEASH DOGS IN ROBERTSON PARK

President Furst stated that the Board will discuss the citizen request for off leash work with dogs at Robertson Park.

General Manager Barry summarized some of the key points of the staff report. He stated that LARPD has five dog parks, and that there is a District Ordinance requiring that dogs be on a leash, in full control of their owners, unless they are in a confined dog park. He said that, in response to the Livermore Pet Alliance's (LPA) request to do off leash work with their dogs in the Meadow area in Robertson Park, the Facilities Committee has met twice to discuss the issue. Mr. Barry said that District Rangers work to educate people on keeping their dogs on leash, and that they do not issue many citations, because they generally get compliance from the public. He said that national animal organizations recommend that dogs be kept on leashes. Mr. Barry reported that staff has provided several options to the Board, for addressing this issue. He said that the essential issue for staff is District liability and risk management. Mr. Barry summarized the options staff provided, as a solution to this issue. He concluded by saying that staff opinion is that park users would prefer not feeling threatened by unleashed dogs when they are using the park for other reasons. He said that staff recommends the option of not changing anything, and keeping in place the ordinance governing dogs in parks. Mr. Barry said that he has empathy with LPA, but that staff has a difference of opinion.

Director Wilson clarified that this is just for discussion tonight. She commented that LPA also approached the City Council about the matter. General Manager Barry said that the City has contacted LARPD regarding scheduling a meeting relative to this issue, since LPA has approached the City with same request.

President Furst opened public comment.

President Furst said that this is a discussion item on the agenda, but that the Board can make a motion if it likes.

- 1) Mercedes Phillips, representing the Livermore Pet Alliance, requested that vote be delayed until Director Kamena could participate; he is not here and he asked for the item to be placed on the agenda. Ms. Phillips presented her opinions on the matter, referring to LPA's rebuttal report. She asked the Board to consider letting people continue to use the park with their dogs off leash.

President Furst closed public comment.

President Furst asked what the will of the Board was, in terms of making a motion. Director Goodman said that he would like to move forward.

Moved by Director Goodman to go against the staff recommendation, and to have the District implement a 6-month pilot program, allowing dogs to be off leash in the Robertson Park Meadow area. He said that, after this trial period, the Board should be provided with information on any public feedback, and will then make a decision on how to proceed. Director Faltings seconded the motion, saying that it was for purposes of discussion, and that she reserved the right to amend.

District Legal Counsel Michael Kyle expressed concern about the format of the agenda, in terms of the Board taking formal action tonight. The agenda lists the item as "discussion only," he said. He stated that the Board can direct staff to put this topic on the meeting agenda in November. Director Goodman rescinded the motion.

Board and staff discussion included the following topics: the various District rental activities in the Meadow that would be affected; description of "training" dogs, and whether dogs should be allowed off leash strictly for training purposes and, if so, how would this be determined and how would such people be identified; pros and cons of fencing of the meadow area; people currently allow their dogs off leash; signs can be placed near the Meadow notifying the public that this is an off leash area; inception and history of LARPD dog parks; the feeling that we can come up with something workable; and concern with depleted staff and enforcement capabilities of rangers.

Director Kamena stated that he would like to make a motion about what will be discussed at the next Board meeting. He said that he would like the Board to give staff direction on what to craft for the agenda. He listed several areas of Robertson Park that he recommends should be off limits to off leash dogs, including the rodeo grounds, picnic area, sports fields, etc., and suggested that off leash dogs should not necessarily be restricted to the Meadow. He said that he supports allowing off leash dogs in the creek. He would like there to be an outline of what he would like to vote on.

General Manager Barry said that the discussions have been about dogs off leash in the Meadow area. He said that he can see that putting signs in the Meadow area can be done, but allowing off

leash dogs in other areas, such as on bike paths, is not well enough defined; enforcement may be an issue.

Directors continued the discussion and expressed the following opinions and comments: that the request from LPA has always been for the Meadow only; the desire to discuss all of the issues now; that enforcement not quite as difficult as it may seem, particularly since the MSC has significant police and ranger presence there; LARPD Rangers do not patrol outside of Sycamore Grove on a regular basis; suggestion of restricting off leash dogs from certain areas of the park; the wish to give staff direction to draft an ordinance; fencing; uncertainty about the veracity of statements in LPA report; concern about people wanting to school dogs off leash, as opposed to people not wanting to go to dog parks.

President Furst stated that all Directors seem to agree that a 6-month trial period, in the Meadow only, with signage but with no permitting process or enforcement, would be a good start. He said that, after six months, the Board can determine how to go forward. He asked if that met most people's expectations.

Director Kamena said that he does not want to miss the opportunity to have best possible policy. He said that he is okay with restricting off leash use to the Meadow, but does not want to restrict it to a purpose. He said he felt that LPA has worked to compromise with the District. He said that public safety and liability seem to be the main concern, yet this use happens all the time at all of the parks, at some time or another.

Further discussion ensued: concern that placing no restriction on training would put the District out of compliance with Livermore Municipal Code; concern about dogs being startled and people and horses being startled, causing injuries; Facilities Committee meetings have revolved around LPA's request to train and exercise their dogs in a safe area, not disturbed by other dogs.

General Manager Barry informed the Board that the process to amend a District ordinance takes at least two Board meetings and involves public notification and publishing a legal notice in the newspaper.

President Furst asked why staff has not brought this up before. General Manager Barry replied that nobody has asked about changing the ordinance. Director Kamena stated that he had brought it up, specifically. Director Goodman inquired whether the District can implement the trial period without changing the ordinance.

District Legal Counsel Kyle stated that he believes it can possibly be done on an experimental basis via motion or Board resolution. He said that he will research the matter and inform the Board and staff tomorrow or Friday. He said that the Board would be doing the right thing procedurally tonight, by putting off taking any action, with respect to a temporary change of ordinance.

Director Kamena asked about what needs to happen before the Board can vote on this pilot program, and what needs to be done to be able to vote at the next meeting.

Mr. Kyle said that he can lay out a plan if the Board desires. He said that the Board can vote at the next meeting to approve or disapprove of a temporary plan. He said that, how quickly can we formally implement the plan, depends on how we have to approach the existing ordinance. It was determined that the Board cannot vote to amend the ordinance at the next meeting, but that it can vote to proceed.

President Furst directed staff to place an action item on the November 17 meeting agenda, under New Business, that will allow the Board to discuss and take action regarding having an off leash dog area in Robertson Park. He said that he does not think a resolution is needed, as it will be a six-month trial period.

Director Kamena asked for clarification on whether the Board will be suspending the ordinance for 6 months, or suspending enforcement of it? He asked what people will be told is happening.

Mr. Kyle replied that he believed the Board wants to suspend implementation of that section of the ordinance, in and around the Meadow at Robertson Park, for a 6-month trial period.

7.3 NEW JOB DESCRIPTION AND SALARY RANGE FOR PARKS AND FACILITIES MANAGER

President Furst stated that the Board will consider approving the new job description and salary range for the full-time classification of Parks and Facilities Manager, to fill an upcoming vacancy due to retirement.

General Manager Barry said that, when Senior Recreation Supervisor Brian Tibbetts retired, the District changed the position and filled the vacancy with Fred Haldeman, in the position of Facilities Maintenance Supervisor. Some of Mr. Tibbetts' duties were assigned to Senior Park Supervisor Jim Brandenburg. Now that Mr. Brandenburg's retirement is approaching, Mr. Barry said, he would like to formalize the structure that has been in use since Mr. Tibbetts retired. Mr. Barry summarized the areas that will be under the supervision of the new position of Parks and Facilities Manager, noting that the salary level would be the same as that of Senior Park Supervisor.

Directors had no questions.

President Furst opened public comment. No public comment. President Furst closed public comment.

Moved by Director Goodman, seconded by Director Wilson, adopted Resolution No. 2268, approving the new job description and salary range for the full-time classification of Parks and Facilities Manager, by the following roll call vote:

AYES:	<i>Goodman, Wilson, Kamena, Faltings and President Furst</i>
NOES:	<i>None</i>
ABSTENTIONS:	<i>None</i>
ABSENT:	<i>None</i>

8. COMMITTEE REPORTS

President Furst reported that the Facilities Committee had met and discussed the off leash dog topic.

Director Wilson said that the Personnel Committee had met and discussed the Parks and Facilities Manager job description.

President Furst said that the Trails Committee had met and discussed Trail Segments H-2 & F.

9. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

1) Director Goodman said that he had attended the Leadership class at East Avenue Middle School and had talked about leadership to 8th graders.

2) Director Goodman said that he had purchased bocce balls, as he had promised a couple of months ago, and that he had brought them tonight. He wanted to let the public know that Bothwell Park has two bocce ball courts and that LARPD has a program to rent bocce sets.

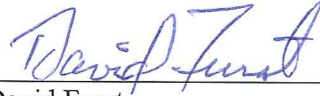
10. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

1) General Manager Barry announced that the District is planning a controlled burn in Sycamore Grove Park in November, with participation by several fire departments. The burns are executed for the benefit of natural grasses and plants in the park. He said that the public will be notified via press release and that neighbors of the park will also be notified, and signs will be posted. Mr. Barry said that Directors may be escorted into the park to view the burn if they like.

11. ADJOURNMENT

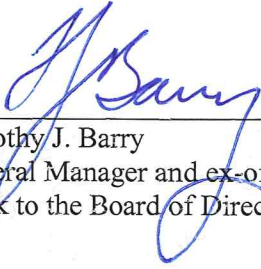
Meeting adjourned at 8:27 p.m.

APPROVED,



David Furst
President, Board of Directors

ATTEST:



Timothy J. Barry
General Manager and ex-officio
Clerk to the Board of Directors