

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
APRIL 13, 2010**

The Special City Council Meeting of the City of Manhattan Beach, California, was held on the 13th day of April 13, 2010, at the hour of 6:40 p.m., discussion began in the Joslyn Community Center Auditorium, 1601 Valley Drive in said City.

PLEDGE TO FLAG

Mayor Ward led the pledge of allegiance.

ROLL CALL

Present: City Council: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Staff: Interim City Manager Thompson, Parks and Recreation Director Gill, Public Works Director Arndt, Maintenance Supervisor Price, Recreation Services Manager Al-Oboudi, City Engineer Finton and Traffic Engineer Zandvliet.

Absent: None.

Clerk: Tamura (6:40 p.m. – 9:00 p.m.)
Thompson (9:00 p.m. – 9:51 p.m.)

SCHEDULED

04/13/10-1. Consideration of Proposed Uses of the Dune at Sand Dune Park

Interim City Manager Richard Thompson introduced the subject item and Public Works Director Jim Arndt and Parks and Recreation Director Richard Gill provided a PowerPoint presentation.

Mayor Ward thanked the students from the UCLA extension landscape architect program for their effort in completing the design options for the park.

Public Works Director Arndt commented that at the City Council meeting of January 19, 2010, the Council directed staff to assess the structural integrity of the Dune with direction to reopen the Dune in some capacity; to identify specific programs that do not include exercising that favor use by children; to review the parking and traffic in the area; and to prepare an Ordinance that would ban exercise on the Dune. He stated that Professional Services Industries (PSI) of Long Beach, California was hired in February of 2010 to study the integrity of the Dune. He indicated that the slope was found to be stable, if not subjected to forces such as seismic activity or pedestrian traffic.

Public Works Director Arndt indicated that there are 7 options that have been identified for the Dune. He commented that options 1, 2 and 3 would not allow for reopening of the Dune. He commented that they were included to help establish costs for fencing, planting and rebalancing the sand on the Dune. He indicated that option 4 would incorporate a raised wooden pathway along the Dune, and options 5, 6 and 7 would include limited use of the Dune. He stated that the impact of a child at 80 pounds on the Dune is less than that of an adult, and it is now proposed that children have unlimited access to the Dune. He indicated that limited use is defined as two replenishments of sand per year. He commented that option 5 is to restore the shape of the existing Dune and reopen it for limited use. He said that option 5 also includes installing a tubular steel fence. He indicated that option 6 would involve planting the top 60 percent of the Dune and leaving the bottom 90 feet for use. He said that a retaining wall would

be placed at the 90 foot mark. He said that option 7 would be the same as option 6 but would also include planting the upper part of the Dune. He indicated that staff is recommending to implement option 5. He commented that the operational costs to the City for maintaining the Dune before it was closed were \$125,000.00 with no revenue being generated. He said that any limited type of use would result in less of an impact than the previous use before it was closed.

Parks and Recreation Director Gill said that staff feels option 5 to restore the Dune is the most viable because of its low construction costs and low amount of maintenance. He commented that option 5 could include use of the Dune for children under 12 only and it would have a very low impact. He indicated that allowing use of the Dune by adults results in greater erosion and requires a method to control the number of people. He stated that staff is proposing a reservation system to limit the number of people on the Dune at any one time. He stated that use of the Dune during summers is greater than over the winters, and the use during mornings between 7:00 a.m. to 11:00 a.m. and evenings between 4:00 p.m. and 8:00 p.m. is greater than during the middle of the day. He indicated that the peak use on Saturdays is between 7:30 a.m. and 11:30 a.m. He said that staff is suggesting scheduling 20 reservations per hour with a half hour span in between the hour slots during the peak hours. He stated that the Dune is proposed to remain closed on Sundays. He said that 20 reservations would be permitted per hour during the peak times, with a half hour in between the reservations. He commented that scheduling a half hour in between reservations would help the traffic problem by allowing time for one group of people to leave before the next group arrives for their reservation. He stated that reservations in winter would be permitted during daylight hours only.

Parks and Recreation Director Gill commented that a maximum of two sand replenishments would be permitted per year. He indicated that staff is suggesting allowing no more activity on the Dune until the next fiscal year after the second sand replenishment. He said that the proposal would cost approximately \$113,000.00 to implement and generate approximately \$43,000 in annual revenue. He stated that people could go on the City's website 7 days in advance to pay on line to make a reservation and print out a pass to access the Dune. He indicated that a membership card would be required before a reservation is made in order for people to provide emergency contact information and in order for the City to track any violators. He commented that license plate numbers could also be provided to allow for tracking of parking and traffic violations. He said that there would be 20 reservation slots allocated for adults per hour, and children would be permitted at any time. He commented that it would be difficult to control the number of people that would access the Dune at any one time with using a permit process rather than a reservation system. He said that option 5, as proposed, would restore the Dune; would include installation of a fence to control people from coming onto the Dune from the top and the sides; would allow for limited use of the Dune during the day; would allow for unlimited use by children; would implement a reservation system; and would include a maximum of two replenishments a year. He said that if the Council is interested in not allowing exercising on the Dune, the City Attorney has prepared a draft Ordinance prohibiting jogging and allowing only for walking on the Dune.

In response to a question from Mayor Pro Tem Montgomery, Parks and Recreation Director Gill said that an adult would be considered as anyone 13 and older. He indicated that people would be able to make reservations for consecutive days if they wished if the time slots are available.

Councilmember Cohen asked whether allowing people to make consecutive reservations would potentially limit the number of people who would have an opportunity to use the Dune. She suggested that individuals be limited to a certain number of reservations. She indicated that she would not want anyone who wishes to use the Dune to be denied the opportunity.

In response to a question from Councilmember Powell, Parks and Recreation Director Gill said that generally the City's parks open at 6:00 a.m. and close at 10:00 p.m.

Councilmember Cohen said that she is concerned with the draft Ordinance that staff has provided to the Council that would prohibit exercise on the Dune. She commented that the recommendation is to allow people to walk on the Dune is inconsistent with prohibiting exercise. She said it would be better to simply define what is permitted rather than prohibiting exercise.

Interim City Manager Thompson commented that staff does not feel it would be necessary to adopt the draft Ordinance if the Council approves the recommended proposal. He said that staff wanted to bring the draft Ordinance to the Council in response to their request at the last meeting.

In response to a question from Mayor Pro Tem Montgomery, Parks and Recreation Director Gill said that Proposition A allows for the park to be refurbished with money from the County with the stipulation that all County residents be treated equally, and it does not allow different fees to be charged for City residents and County residents.

In response to a question from Mayor Pro Tem Montgomery, Parks and Recreation Director Gill said that the agreement with the County is in perpetuity.

AUDIENCE PARTICIPATION

Patricia Ware, Manhattan Beach, said that the soil engineer found that any foot traffic on the Dune would cause downward movement of sand, and replenishing the sand is not the same as maintaining structural integrity. She said that the proposal would steal the community park from the neighborhood in order for the City to make money. She indicated that foot traffic should be prohibited on the Dune or it should be allowed only by children.

Marcus Mac, 500 Block of 35th Street, said that he is for keeping the park open. He stated that overuse and abuse of the Dune has always been a problem. He said that he would support allowing use of the Dune by children only and not implementing a reservation system for adults. He commented that none of the attempts to mitigate the overuse of the Dune by adults have worked.

Bo Dean, 500 Block 31st Street, said that the problem is a result of too many people utilizing the Dune that are coming from other areas. He suggested closing the park arbitrarily one or two days a week unannounced and people will not come to the park from a further distance.

Bob Patterson, 500 Block of Marine Avenue, said that the Dune is a treasure that few communities have. He said that he is in favor of keeping it open for general use.

Steve Krum, 3000 Block of Alma Avenue, said that it would be criminal to close the Dune for anything but for full use for exercise. He stated that childhood obesity is a great problem, and it would be criminal to restrict the use of the park. He commented that they have attempted to simulate incline training but have been unable to replicate the same workout as can be achieved by using the Dune.

Steve Whitsitt, 400 Block of 28th Street, said that saving the Dune should mean restoring and protecting it by letting it heal itself. He said that there are many other bike paths and miles of sandy Dunes along the shoreline that are available for exercise.

Jason Clark, Manhattan Beach, indicated that there are many different methods of exercising other than using the Dune. He said that the traffic, the noise and the pollution in the area resulting from people visiting the Dune impact his family. He commented that the impacts will only become worse if use of the Dune is permitted.

Loralie Ogden, 400 Block of 32nd Street, asked whether the park would be closed at the times when reservations are not allowed. She also said that she is concerned with the impact of people driving around the area while they are waiting for their reservation. She suggested allowing use of the park by children.

Elise Johnson, 1900 Block of Lynngrove Drive, said that she wants the Dune to remain open for exercise. She said that the possibility of utilizing a permit system has not been explored sufficiently. She stated that the number of people who utilize the Dune would drop with a permit system. She requested that the park remain open for exercising.

Angela Park Sheldon, 1200 Block of Tennyson Street, indicated that she supports allowing exercising on the Dune. She commented that it is a great place to socialize and exercise with friends. She indicated that the park is barely used most of the time. She said that reducing the use during peak hours would help to lessen the impact on the Dune. She also suggested that the possibility of establishing a permit system be considered further. She pointed out that residents have responded to the closure to demand exercise in unprecedented numbers, and over 650 residents have asked for access to have the ability to exercise on the Dune.

Victoria Peters, 400 Block of 28th Street, said that if the Dune is opened to children only, it should be for kids who are 8 years old and under. She indicated that the neighborhood has been ruined by the large number of people who use the Dune.

Diana Holt Autrey, Manhattan Beach, stated that she has seen the changes at the park. She asked about supervision of her children with them being allowed to go on the Dune when she is not. She stated that a reservation system would be very exclusive. She commented that a permit system rather than a reservation system would be more accommodating to people who wish to use the Dune.

Dave Wachtfogel, 30th Street, said that adults who use the Dune have found other venues for exercise while it has been closed. He commented, however, that children have lost a very important recreational asset that is irreplaceable for them with the Dune being closed over the past six months. He suggested giving the Dune back to the children. He said that he would resent having to make a reservation and paying a fee for use of the Dune which he pays to help maintain and which he and his children helped to build.

Jerry Hankins, 33rd Street, stated that his understanding is that it was agreed that the problems with the Dune were a result of it being used as an adult exercise facility. He commented that he was surprised that staff is suggesting that it still be used for exercise. He said that the neighborhood cannot support such use. He said that parking still would be impacted even with a reservation system.

Jeff Frederick, 100 Block of Gull Street, indicated that the main issue is the number of people on the Dune at any time. He said that regulating usage during peak times would solve the problems of overuse.

Dexter Taylor, 400 Block of 32nd Street, said that the Dune should be used by children and the problem is that the park is being used by adults. He said that a park for kids would be a great asset for the City.

Roy Nwaiser, Los Angeles, said that other types of exercise do not compare to using the Dune. He pointed out that people who come to the City to utilize the park also bring in revenue to local businesses. He said that only allowing 20 people per hour to use the Dune would be elitist. He commented that there would be people that wish to utilize the Dune that would not be able to afford paying a fee. He said that some people do not have computers or have limited access and would not be able to conveniently make reservations. He said that the use should not be restricted.

Dylan Caponi, 29th Street, said that he is speaking on behalf of Kerri Walsh. He indicated that Ms. Walsh asks that the Council attempt to find a compromise to minimize the impacts to the neighborhood and keep the Dune open. He said that Ms. Walsh also indicates that it is a special place for the community and families to enjoy the challenge of exercising there, and she hopes that a compromise can be reached for the Dune to remain open. He commented that she also indicates that she would not mind paying a fee in order to be able to utilize the Dune.

Eric Steller, 30th Street, said that all of the steps that have been taken to mitigate the impacts from people utilizing the Dune have not worked. He indicated that the park was built for children, and the impacts are a result of all of the athletes that utilize the Dune. He said that the adjacent neighbors do not want to close the park but rather want relief from traffic and safety concerns for their children.

Joanne Edgerton, Hermosa Beach, said that she supports allowing people to exercise and would request that the park be reopened. She indicated that it is important for people to have access to public spaces for physical activity. She said that there are people who use the Dune for exercise that are unemployed and are unable to afford a gym membership.

Lillian Light, 2800 Block of Pine Avenue, said that her grandchildren like to use the Dune. She said that children who use the Dune need to be accompanied by an adult. She said that she would support implementing a permit process.

Lisa Zadoyan, 9th Street, said that option 5 as proposed satisfies her requests, and she feels the reservation system is an excellent idea. She commented that better enforcement needs to be done for the area to help minimize problems to the neighbors.

Susan Jones, 1300 Block of Park View Avenue, requested that the Dune remain open.

Gary McAulay, 400 Block of 3rd Street, said that the Dune is the last remnant of a vast sand dune system that was leveled to create the City, and it is a fragile ecosystem. He indicated that he does not feel the Dune is somehow essential in order to combat obesity, as the City has bike paths, running trails, pools, and the beach where people can exercise. He said that the Dune is a unique feature of the City and its history and is a treasure that needs to be preserved.

James Deutsch, Hermosa Beach, indicated that he uses the Dune. He commented that he feels the Dune should be open to the public as the beaches are open. He said that people who bought homes in the area had an assumption that there would be a change from being a small community. He indicated that he does believe the Council should consider controls to help mitigate impacts to the neighbors but that the Dune should remain open to the public.

Robert Hess, 500 Block of 33rd Street, said that the park has been viewed emotionally rather than as a return on the investment. He asked whether spending \$117,000 annually to operate the Dune as an exercise facility is the best use of money. He said that the money could be given to the school district to save teachers' jobs.

Faith Lyons, 500 Block of 33rd Street, said that a reservation system would allow for exercise on the Dune, which is against the direction given by the Council at the meeting in January. She said that the commitments and goals set by the Council members include maintenance of the small town atmosphere, quality of life, and respect for the environment in the City. She suggested that the Dune be used by children only and that exercising for adults not be permitted.

Patrick Dexter, 200 Block of 30th Street, said that there is nothing more fun for children than running down the sand Dune. He commented that six out of the seven proposals would restrict use of the Dune. He indicated that the proposal would ban exercising and seems hypocritical with the recent action of the City's school district supporting good health by banning junk food in schools.

Dana Brawer, Manhattan Beach said that she feels the park is a great asset to the community and should remain open. She said that she would support implementing a reservation system which would limit usage of the Dune and help to mitigate any impacts.

Scott Anderson, Pine Avenue, suggested that volunteers help to replenish the Dune by using buckets to move sand back into the areas where it is depleted.

Shawn Michaels, Playa del Rey, said that requiring a scanned membership card with a one time fee which would eliminate the need to have someone to monitor passes from a reservation system. He commented that there could be a gate off of Bell Avenue to allow access for only people with membership cards. He also suggested having concession stands to generate revenue.

Wil Arvizo, 400 Block of 23rd Street, said that no one would want to live in the area next to the Dune with it being utilized to the degree that it was previously. He said that if a reservation system is implemented, it should be limited as to the number of times that any one person can use the Dune. He said that he also feels allowing children to use the park is a good idea.

Linda Nadler, 500 Block of 29th Street, stated that the City Council has received all of the information and now needs to come to a decision regarding the park. She said that she would support reopening the Dune for some limited use, but it is a park and should not be used as a gym or training facility.

Chris O'Brien, Manhattan Beach, said that the Dune has changed for the worse as it has been utilized by too many people. He pointed out that there are many other areas where people can exercise other than the Dune. He suggested that it be used by children only. He stated that decisions regarding the use of the City's parks should not be dictated by money being received from the County.

Mark Wilson, Manhattan Beach, said that the traffic in the area is a great safety concern. He indicated that he feels the City should maintain its small town atmosphere.

Marni Harp, Manhattan Beach, said that she supports option 5. She said that it should not matter how often the same people use reservations provided they respect the neighborhood. She commented that use of the park is an issue that involves all City residents rather than only the few who live near the Dune. She said that it is important for children to have a place where they can exercise with their family.

Marina Fine, 800 Block of 10th Street, said that the people who are opposed to the park remaining open do not want other people in the area and do not want to consider solutions for allowing use of the park. She pointed out that over 600 signatures have been obtained in support of the park remaining open.

Sandy Franchini, 500 Block of 33rd Street, said that the Council is not obligated to provide adults with an area to exercise. She indicated, however, that there is an obligation to allow children to use the Dune. She said that it has been a pleasure watching the vegetation grow while the park has been closed, but there is a loss without children playing on the Dune.

Chuck Trucker, 1100 Block of Chestnut Avenue, said that shutting the Dune would not save \$100,000.00 per year. He commented that none of the Dune is in its natural ecologic state and has all been altered with foreign trees and plants. He said that restoring the Dune to its natural state would mean planting it with the same type of shrubs that were in the area originally. He commented that he does support keeping the Dune open.

Nancy Dirado, 500 Block of 31st Street, said that they were gratified when they originally moved to the area that it was a family oriented park. She said that there were problems with the sharp increase in use beginning in about 1999. She said that a park should be a place to play and exercise.

Mickey Fine, 800 Block of 10th Street, said that there are a group of neighboring residents in favor of closing the Dune that do not want other people in the area. He said that the park should not be closed simply because adjacent residents do not want others around. He said that it should remain open with minimal restrictions.

Gary Osterhout, 500 Block of 31st Street, said that he is in favor of limited access to the Dune with no use for adults but with full access for children. He commented that he feels a reservation system would provide no significant benefit. He said that any fence that is constructed should be low profile. He suggested that if a reservation system is implemented that the process of taking tickets be as unobtrusive as possible. He also suggested growing the grass at the base area of the Dune; removing the excess signage; installing a station where children can wash off their feet; periodically assessing the extent that the park is being used by the adjacent neighbors; developing a playground program; and providing an adequate shelter to protect children from harsh weather.

Jane Tournat, 500 Block of 31st Street, said that it is not the City's responsibility to provide a workout facility, but it is the responsibility of the City to provide a safe and peaceful neighborhood for the residents. She indicated that it is also the responsibility of the City to spend money responsibly and provide for its schools.

James Wasser, Manhattan Beach, said that the vast majority of residents are not in favor of restricting usage of the Dune, and it should be put to a vote for the City. He said that the only viable option that the Coastal Commission would support would be for unrestricted usage. He said that all parks, beaches and recreational facilities are used for recreation and exercise, and the use for one park should not be restricted. He stated that the small minority of people who break the rules should be penalized rather than all of the people who use the park.

Frank Minero, 500 Block of 36th Street, said that the impact to the adjacent neighborhood has not been addressed. He suggested that street parking in the adjacent area be permitted for residents only. He commented that he would support use of the Dune being restricted for children only.

Chris Godfrey, 400 Block of 36th Place, said that he misses using the Dune since it has been closed. He stated that use of the Dune should be free and open for use by the public.

Mark Kemple, Manhattan Beach, said that the City ruled in January that the Dune would not be permitted for use as an exercise facility. He said that he was quite surprised by the current recommendation of staff that the Dune be used exclusively as a paid workout facility under a reservation system. He commented that having paid use as a workout facility is contradictory

to having a public open park. He indicated that they want a park that is public and open for equal use to everyone with a walk path, botanical garden or children's park rather than having its use be restricted.

Bill Hory, 1300 Block of Manhattan Beach Boulevard, stated that he feels limiting the Dune to 20 people per hour and charging a fee for each use would be overly restrictive. He commented that parents should be allowed on the Dune to inspire children to exercise.

Nina Tarnay, 400 Block of 32nd Street, said that since the Dune has been closed, children have been able to play along the adjacent streets. She said that the park should be opened as a play area for children, which is the intended purpose for the park. She indicated that large numbers of people will come to the park to exercise if access is not restricted. She stated that she would support allowing use of the Dune as a play area for children.

Ken Landsuran, 600 Block of 31st Street, said that he would like more flexibility for adults to use of the sand Dune than would be provided with a reservation system.

Tom Tournat, 500 Block of 31st Street, said that he empathizes with everyone who wishes to keep the Dune open for exercising. He commented, however, that the most important thing is to protect the children who live in the area. He commented his child was almost hit by a car three times on 30th Street. He commented that someone could be killed as a result of the traffic problems in the area.

Joseph Sciabbarrasi, 500 Block of 35th Street, said that there is a great safety concern for children with cars racing down the streets in the area. He said that he is in favor of implementing a reservation system and keeping the Dune open to children only. He requested that traffic and safety rules be enforced.

Mickey Knickerbocker, 500 Block of 31st Street, said that the Council's obligation to preserve safety is greater than their obligation to preserve the rights of people to have an exercise facility. She said that the council has been put on notice by the adjacent neighbors that there is a danger and that steps need to be taken to mitigate the safety issues. She said that she would like for the park to be repurposed.

Wendy Watanabe Winter, 500 Block of 33rd Street, said that the reservation system would allow the park to be used as an exercise area. She said that it should be designated as a neighborhood park for children. She pointed out that the City's Traffic Engineer has indicated in the report that reopening the Dune as a neighborhood pocket park would resolve the traffic and parking concerns. She commented that the Dune should be designated as a neighborhood park and not used as a workout facility.

Kathleen Spillane, 35th Street, said that there has not been enforcement of traffic and speeding violations in the area. She said that the park area is actually very small. She said that she would be in favor of use of the park for children.

RECESS AND RECONVENE

At 8:40 p.m. the Council recessed and reconvened at 9:00 p.m. with all Councilmembers present.

Interim City Manager Thompson pointed out that the Dune is only one portion of the park and the restrictions that would be imposed on the Dune itself would not apply to the remainder of the park.

In response to a question from Councilmember Cohen, Interim City Manager Thompson said that there would be a staff person to monitor the Dune and to check people in with reservations. He commented that there would be only one pedestrian passageway onto the Dune and that would be located at the bottom.

Interim City Manager Thompson said that there would be 30 minutes between the reservations which would allow for one group of people to leave the Dune before the next group of people would arrive for their reservation. He said that staff does not believe that people would circle for half an hour waiting for their reservation. He stated that it is the City's Traffic Engineer's opinion that allowing up to 50 people at a time on the Dune would not result in traffic congestion or parking problems within the adjacent neighborhood.

Councilmember Cohen said that she would want further details on the basis for the conclusion that a reservation system allowing for 20 people per hour for six hours a day would result in ample parking and minimal traffic within the adjacent neighborhood.

Traffic Engineer Eric Zandvliet indicated that implementing option 5 would equate to 220 cars per day during peak hours, which would not have a significant impact on the street system. He said that a reservation system would result in a maximum of 20 cars at a time and the staggered system would allow time for the cars to clear for one group of people using the Dune before the next group arrives. He indicated that staff believes that 20 reservations would easily fit into the parking capacity on Bell Avenue. He indicated that currently 40 percent of the parking is full on Bell Avenue with the park closed during peak hours. He indicated that the parking within the adjacent neighborhood currently is also approximately 40 percent full with the Dune closed.

In response to a question from Councilmember Powell, Traffic Engineer Zandvliet said that it would be difficult to direct visitors to the Dune to park at the parking structure on Rosecrans Avenue and Highland Avenue because there is available free street parking between the Dune and the parking structure.

Mayor Pro Tem Montgomery pointed out that there would be no incentive for someone with a reservation for using the Dune to leave their parking space after their allotted time without metered parking on Bell Avenue. He also asked about considering the possibility of installing traffic humps in the alleys and streets adjacent to the park.

Traffic Engineer Zandvliet said that installing traffic humps would not change the speed of traffic on the adjacent streets, as they do not have the effect of slowing cars that are traveling below 30 miles per hour.

Mayor Ward indicated that the Council appears to be in agreement that they support restoring the Dune and installing a fence. He said that there also appears to be support by the Council for allowing unlimited use of the Dune by children.

Councilmember Cohen indicated that two of the residents who spoke pointed out that the direction provided by the Council at the previous meeting was that the Dune was not to be used as a workout facility. She pointed out that the Council did not vote or reach any conclusions at the last meeting. She said that the Council also provided direction at the last meeting that they wanted to provide for a passive use of the Dune including adults and children that would be supported by the soil report. She commented that they heard predominantly from the residents in the adjacent neighborhood at the meeting in January, and the Council has acted responsively to their concerns. She stated that the greater community has now awakened to the threat of losing a cherished place in the City. She said that it would be irresponsible for the Council to not listen to the entire community. She said that staff has crafted a solution for use of the Dune by the public while maintaining the peace, safety and general welfare of the neighborhood residents. She commented that she feels the only alternative that can protect both the adjacent

neighbors and allow the use and enjoyment of the Dune by the public is a reservation system. She said that a permit system would not prevent people from coming into the neighborhood hoping to use the Dune, and only a reservation system would discourage people from coming to use the Dune unless they have a reserved time slot. She commented that she also feels having staggered times for the reservations would prevent the cueing of cars.

Councilmember Cohen indicated that it is not practical to move the sand seven times per year with diesel trucks. She indicated, however, she is willing to allow for sand to be moved two times a year in order to accommodate use of the Dune. She said that the permit process would identify everyone who uses the Dune and would provide for accountability of those who create a nuisance. She said that she is debatable as to whether people should be charged for use of the Dune. She indicated that she feels the cost to reopen the Dune is reasonable. She said that it is reasonable to charge a use fee for a facility that is not a necessity.

Councilmember Powell indicated that he feels the proposal by staff is a reasonable solution. He commented that he would not want to close the park without first exhausting every reasonable option. He said that adjacent neighbors should not be subjected to excess usage, noise, pollution and traffic resulting from people using the park, and he hopes that the proposal would accomplish that goal. He stated that the interests of the neighborhood should be balanced with the interests of the community. He commented that he wants to be certain that the problem regarding overuse of the Dune for exercising does not move to the adjacent stairs. He said that there needs to be a zero tolerance policy and strict enforcement of the rules. He indicated that once the reservation system is enforced, people will find other workout locations. He stated that the original intent for use of the park was as a low intensity neighborhood pocket park, and he believes this plan would meet that intent.

Councilmember Powell suggested requiring people who wish to make a reservation to first come to City Hall and provide their license number for a criminal background check. He would also support requiring people to sign a set of rules regarding the use of the park, and any abuse of the rules would suspend their privileges permanently. He commented that he would also support allowing a person to make a single reservation at a time and then going to the end of the list before making another so that they do not take up all of the available time slots. He stated that he would like to include that children would be admitted to the Dune at no cost and that they would have first priority for use of the Dune. He also commented that he would like to consider prioritizing use of the Dune for seniors. He stated that adults can supervise their children in the area at the base of the Dune. He suggested possibly placing cones around an area of the lower portion of the Dune to be designated for children who need closer supervision. He stated that he would like for adequate trash and recycling bins to be provided that would be emptied as often as possible. He commented that he would like bicycle racks to be installed in order to encourage users to ride their bikes rather than drive. He said that he would like for the hours of the dune to begin later and end earlier during winter months.

Interim City Manager Thompson said that his understanding from the discussion is that there is support by the Council to restore the Dune; to install a fence; to allow use of the Dune only during daylight hours; to allow unlimited use of the Dune by children which would not apply toward the number of reservations; to allow use of the Dune by children with no charge; and to allow only two replenishments per year.

Mayor Ward said that the reservation system would reduce the number of people who would use the Dune. He commented that he feels charging a fee would be a greater inconvenience to the community than it would be a benefit to the City with the amount of revenue that would be generated.

Councilmember Powell pointed out that charging a nominal fee would not raise a significant amount of revenue; however, it would reduce the number of people who come to the park from outside of the area.

Councilmember Tell indicated that charging a fee also would also provide a consequence for making a reservation and then not utilizing it, which would help to ensure that the reserved spots are not hoarded.

Councilmember Cohen said that the number of reservations that an individual may make should be limited either by imposing a fee or by only allowing a certain number within a period of time in order to allow everyone who wishes to have an opportunity to enjoy the use of the Dune.

Mayor Pro Tem Montgomery also said he would have a concern that there would be no consequence for people reserving a large number of slots and then not utilizing them without a fee being imposed. He suggested charging a fee for an annual permit and then allowing people to make reservations on line for use of the Dune.

Interim City Manager Thompson pointed out that the City is charged \$2.00 by their internet contractor every time their Internet system is used. He said that staff will look into requiring an annual permit fee and also establishing a reservation system for use of the Dune.

Mayor Pro Tem Montgomery said that he would support later opening hours and earlier closing hours for the Dune during the winter. He indicated that he also would support closing the Dune on Sundays. He suggested having a block of time one day of the week where the Dune could be used by children only.

Councilmember Tell stated that he would support the Dune opening at 8:00 a.m. and closing at 7:00 p.m.

Councilmember Cohen pointed out that children can have access to the Dune at all hours during the day. She commented that parents who are worried about closely supervising their children should restrict them from going onto the Dune. She said that parents would be able to sit on the base of the Dune and watch them.

Councilmember Powell suggested that cones be placed along a small portion of the base of the Dune to provide an area for very young children to be more closely supervised by parents.

Interim City Manager Thompson said that his understanding is that there is support on the Council for hours of the Dune between 8:00 a.m. and 7:00 pm. He said that the Dune would close earlier during winter months.

Councilmember Tell asked that the program be reviewed by the Council after it has been put in place for a few months.

Interim City Manager Thompson said that the Council would be provided with a status report regarding the proposal sometime in the fall.

Councilmember Powell suggested that erosion on the Dune be monitored so that usage can be restricted further before the point at which more than two replenishments would become necessary.

Councilmember Tell suggested that a base line traffic count be taken while the park is closed in order to help understand the traffic impact of people coming to use the Dune once the reservation system is in place.

The Council agreed that they would support a traffic count currently while the park is closed.

Mayor Pro Tem Montgomery suggested studying the possibility of adding traffic humps on the north side of the park toward Rosecrans Avenue on major streets and alleys.

In response to a question from Mayor Pro Tem Montgomery, Parks and Recreation Director Gill indicated that someone who was found to be in violation of being on the Dune without a reservation could lose their privilege for the rest of the year.

Mayor Ward said that he does not support speed humps, as they are not found to be effective under speeds of 30 miles per hour. He indicated, however, that he would be willing to explore the possibility if it is supported by the other members of the Council.

There was agreement by the Council for exploring the possibility of adding speed humps.

Mayor Ward said that he feels the efforts of staff and the Council will start the process of returning the use of Sand Dune Park to the children as it was originally intended. He also indicated that a reservation system would tremendously reduce the number of people who use the Dune.

AUDIENCE PARTICIPATION

None.

ADJOURNMENT

At 9:45 p.m. the meeting was duly adjourned with the City Council adjourning to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, April 20, 2010, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Sarah Boeschen
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk