



PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 27, 2004

ITEM NUMBER: 8a

SUBJECT: TEMPORARY PORTABLE LIGHT POLICY DISCUSSION

DATE: OCTOBER 12, 2004

FROM: ADMINISTRATIVE SERVICES DEPARTMENT / RECREATION DIVISION

PRESENTATION BY: JANA RANSOM, RECREATION MANAGER

FOR FURTHER INFORMATION CONTACT: RUTH RAHEB - (714) 754- 5653

RECOMMENDATION

That the Parks and Recreation Commission discuss the Temporary Lights Policy and Hearing process to determine if the Commission should re-hear the issue of temporary, portable lights at Kaiser School, and if so, should AYSO 97 be allowed to use the lights in the interim.

BACKGROUND

On May 26, 2004, the Parks and Recreation Commission adopted the Temporary Portable Lighting Policy (Attachment A) as an addition to the Athletic Field Use and Allocation Policy. Due to the limited number of fields with lights, this policy addresses those conditions under which youth sport groups can request and use temporary, portable lights for practice or games.

During a public hearing held at the Parks and Recreation Commission meeting on September 22, 2004, Commissioners approved requests for Temporary Portable Lighting applications for use by AYSO 97 and Orange Coast United Soccer Club.

Since this hearing, staff and Parks and Recreation Commissioner Mark Harris have received two letters from homeowners near Kaiser School who indicated that they did not receive due notice of the hearing. These homeowners indicated that they would have attended the public hearing to provide testimony to the impact the use of lights had upon their neighborhood, had they received notification as directed in the Temporary Lighting Policy.

ANALYSIS

The Temporary Portable Lighting Policy established guidelines that specify the process for requesting temporary portable lights for City and District sports fields and how it will reflect the established Good Neighbor Policy. All community based youth or adult sports groups who desire to request and are approved to use temporary, portable lights for sports fields should follow the procedures outlined in the Temporary Portable Light Request Form/Checklist (Attachment B).

An organization must submit a request in writing to the Recreation Manager two months prior to the requested use accompanied by a letter from the principal. The request must then be presented to the Parks and Recreation Commission for public hearing and approval or denial.

The Policy also calls for the residents within a two block radius of the site where the lights are proposed to be used be given a flyer to let them know about the upcoming public hearing thirty days in advance. The groups applying to the Parks and Recreation Commission to use the temporary lights are required to do the noticing.

It should be noted that the legal (Brown Act) requirements for a public hearing were met: the Recreation Division staff filed a Public Hearing notice in the Daily Pilot and posted it on the City's television channel (among other media sources).

It now appears as if AYSO 97 was less than thorough in their noticing the neighbors of the hearing. It should be noted that AYSO 97 has signed a statement to the effect that they did distribute a flyer to homes around Kaiser School. As it was, you may recall, both groups were "dinged" by the Commission for failing to get the notices out in a timely manner per the policy (their start dates were changed from October 1, 2004 to October 15, 2004).

As it appears that at least a whole street did not get notified per the policy guidelines, and even though the LEGAL requirements were met, that the good neighbor practice of noticing the neighborhood was not. Therefore, the question for discussion is should the Commission re-hear the issue of lights at Kaiser, and if so, should AYSO 97 be allowed to use the lights in the interim.

ALTERNATIVES CONSIDERED

Staff suggests that the Parks and Recreation Commission consider the following:

1. Move to re-hear the issue of temporary, portable lights at Kaiser School.
2. Take no action on the issue of temporary, portable lights at Kaiser School.
3. Direct staff to make changes in the Temporary, Portable Light Policy.
 - a. Change noticing requirement to be a flyer, approved by Recreation Division Manager or designee, to be copied and distributed by City at requestor's expense by mail to all addresses within two blocks of the field(s) where temporary lights are requested four (4) weeks in advance of Commission meeting at which public hearing will take place.
 - b. Require requests for temporary lights to be submitted with field requests (first week of May for requests beginning in Fall).
 - c. Deny at staff level all requests that do not meet timelines described in policy.
 - d. Require requestors to meet with staff on site to identify location of lights when in use and where they will be secured when not in use.
 - e. Require approval subsequent to site meeting from school principal and NMUSD administration.
 - f. Revise language indicating that "strikes" will be given for use of lights without approval, not for failure to follow policy. Failure to follow policy results in denial of request or delay of hearing due to noticing requirements (resulting in delay of onset of use).

LEGAL REVIEW

Legal requirements were met but the "good neighbor practice of noticing of everyone in the surrounding neighborhood" as required in the Temporary Portable Lights Policy may not have been met.

CONCLUSION

Staff recommends that the Parks and Recreation Commission discuss the Temporary Portable Light Policy and direct staff to revise the policy to ensure noticing elements are auditable, and to discuss the possibility of re-hearing the request for use of temporary, portable lights at Kaiser School by AYSO 97. If the Parks and Recreation Commission decides in favor of rehearing this issue, Commission is further requested to determine if AYSO 97 may use lights as approved September 22, 2004 in the interim.

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Attachments: A [Temporary Portable Lighting Policy](#)
 B [Temporary Portable Light Request Form/Checklist](#)