

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

NOVEMBER 18, 2002

The City Council of the City of Costa Mesa, California, met in regular session November 18, 2002, at 6:30 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor, followed by the Pledge of Allegiance to the Flag led by Council Member Robinson, and invocation by the Reverend Bill Waddell, Harbor Trinity Baptist Church.

ROLL CALL	<p>Council Members Present: Mayor Linda Dixon Mayor Pro Tem Gary Monahan Council Member Libby Cowan Council Member Karen Robinson Council Member Chris Steel</p> <p>Council Members Absent: None</p> <p>Officials Present: Administrative Services Director Steve Hayman Assistant City Attorney Tom Wood Development Services Director Donald Lamm Public Services Director William Morris Associate Planner Claire Flynn Fairview Park Plan Administrator Ron Molendyk Deputy City Clerk Julie Folcik</p>
MINUTES November 4, 2002	<p>On motion by Council Member Cowan, seconded by Council Member Robinson, and carried 5-0, the minutes of the regular meeting of November 4, 2002, were approved as amended to include remarks by Council Member Steel and Heather Somers during the Public Comment portion of the meeting.</p>
ORDINANCES AND RESOLUTIONS	<p>A motion was made by Council Member Cowan, seconded by Council Member Robinson, and carried 5-0, to read all ordinances and resolutions by title only.</p>
ANNOUNCEMENT	<p>Mayor Dixon announced that she will ask Council to continue Public Hearing No. 2, Application from Paul Wilbur appealing the Planning Commission's decision to modify conditions of approval for Planning Application PA-02-18, Orange Coast College Swap Meet, to the study session of December 9, 2002, and the regular meeting of December 16, 2002.</p>
PRESENTATION Employee of the Month	<p>Mayor Dixon congratulated Stacia Mancini, Recreation Division of the Administrative Services Department, on being named Employee of the Month for November, 2002, in recognition of her dedication to her job, and commended Ms. Mancini for her passion for meeting the recreational needs of the community and her exceptional work ethic.</p>
PUBLIC COMMENTS RV Ordinance	<p>Bill Folsom, 2700 Peterson Place, No. 45C, Costa Mesa, reported that responsible owners are committed to making the new RV ordinance work. He noted that there are several issues which he</p>

Swap meet vendors are legal residents and have a state resale number. He indicated that he was willing to support the Planning Commission recommendation to leave the swap meet open for six months, and if it does not work out, bring it back to City Council.

Sandra Genis, 1586 Myrtlewood Street, Costa Mesa, stated that to her recollection, vendors at the Orange County Marketplace are required to have individual business licenses, and thought that the OCC swap meet should require the same. Council Member Cowan requested that Ms. Genis' question be answered by staff.

**OLD BUSINESS
PERS Contract
Amendment**

The Deputy City Clerk presented from the meeting of October 21, 2002, second reading and adoption of Ordinance 02-19, authorizing an amendment to the City's PERS contract. The Administrative Services Director reviewed the Agenda Report. He confirmed for Council Member Cowan that this action does not burden the employer with any cost.

**MOTION/Adopted
Ordinance 02-19**

On motion by Council Member Robinson, seconded by Council Member Steel, and carried 5-0, Ordinance 02-19 was given second reading and adopted, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

**OLD BUSINESS
Fairview Park Master
Plan Reconfirmation
Workshops**

The Deputy City Clerk presented from the meeting of February 19, 2002, results from the Fairview Park Master Plan Reconfirmation Workshops. Communications were received from Tim Cromwell, 2029 Swan Drive, Costa Mesa, (via e-mail), expressing his desire for the park to remain a preserve with natural trails and opposing vehicle access to a lower parking lot from Placentia Avenue; and Linda Stennes (via e-mail), stating several reasons for her opposition to the lower parking lot and replacement of the dirt trails. The Fairview Park Plan Administrator summarized the Agenda Report. Council Member Cowan and Council Member Robinson took exception to the Agenda Report, specifically that reference had not been made to the letter received from the Department of Fish and Game, dated October 28, 2002. The Fairview Park Plan Administrator explained that the report had been completed prior to receipt of the letter. Council Member Robinson thought it counterproductive to approve the Fairview Park Master Plan when elements addressed by the Department of Fish and Game may not be compatible. She preferred to have all the information prior to making a decision. Council Member Cowan concurred.

Council Member Cowan suggested that the elements identified in the Fish and Game letter should be withdrawn from the Master Plan. She acknowledged her support of the reaffirmation of the plan but observed that the new information should be considered. Mayor Pro Tem Monahan agreed with the above comments, and suggested discussing these items at a study session. Discussion ensued regarding potential changes to the Master Plan.

Judith Gielow, 469 East 18th Street, Costa Mesa, stated that the Fairview Park Citizens Advisory Committee approved the plan to "get things started" with the understanding that various elements would change using a given process.

Catherine Mitchell, 2601A Santa Ana Avenue, Costa Mesa, Chairman of the Costa Mesa Bark Park Foundation, asked to work with the Fairview Park Plan Administrator regarding mitigation.

She requested that should the Bark Park in Fairview Park be denied, that another location be found.

Jan Vandersloot, 2221 East 16th Street, Newport Beach, complimented the Fairview Park Plan Administrator, and asked that the Master Plan be reaffirmed this evening. He thought that the items addressed by the Department of Fish and Game, Plan Nos. 7, 11, and 15, should be removed.

Bill Folsom, 2700 Peterson Place, Costa Mesa, proposed placing a skateboard park on the west side of Fairview Park.

James Jones, 2004 Calvert Avenue, Costa Mesa, recommended that the plan not be "piecemealed", and opposed proceeding until the Department of Fish and Game provides guidance regarding the vernal pools. He addressed several additional aspects of the park.

Jay Litvak, 2895 Velasco Lane, Costa Mesa, suggested that additional parking lots, picnic areas, and bathrooms not be added to the west side of the park, or trails on the north bluff and north side of the park, bluff access should be limited to one trail or stairway, motorized airplanes and cars should be prohibited, a skateboard park should not be built, and environmental education should be encouraged. Mr. Litvak adamantly opposed a railroad on the west side and a bridge over Placentia Avenue.

Erin Sloan, 243 Pacific Avenue, Costa Mesa, commented that special interest groups were vying for control of the park, and stated his opposition to a dog park at Fairview Park. He recommended looking at the impact of the dog owners and their animals on the area.

Sandra Genis, 1586 Myrtlewood Street, Costa Mesa, addressed aspects of the plan, noting that the proposed plan suggests creating new wetlands, and the existing wetlands could be restored with less impact. She observed that monies are available through the State of California for the restoration which should be considered. Ms. Genis stated that the Uniform Building Code would require a safety fence around a pond, should one be approved.

Herbert Hamber, 7 Celestial Drive, Irvine, Professor of Physics at University of California Irvine, member of the Harbor Soaring Society which fly electric planes, maintained that the planes provide a completely unobtrusive interaction with the park environment. He thought that electric planes may be confused with gas planes which are based on the use of combustion engines, burn gasoline, and are quite noisy.

Terry Tyson, 2298 Santa Ana Avenue, Costa Mesa, asked that the Fairview Park Master Plan be approved.

John Valentini, 12770 Newport Avenue, No. 16, Tustin, commented that Fairview Park is the only area in Orange County in which to fly model aircraft. He reported he flies both gliders and electric planes, and felt that allowing the sport accommodates a great number of needs for many individuals.

Patricia Allen, 9656 Durham Drive, Huntington Beach, Secretary-Treasurer of the Bark Park Foundation, reiterated that an additional dog park is necessary in the City.

Karl Hawley, 296 16th Place, Apt. B, Costa Mesa, President of the

Harbor Soaring Society, reported that the Society has been flying at Fairview Park for approximately 30 years, and flying electric planes for the last 20 years. He felt that electric planes are compatible with the environment.

Karl Ahlf, 197 East 23rd Street, Apt. A, Costa Mesa, addressed the additional track for the Orange County Model Engineers.

The resident at 9392 Nautilus Drive, Huntington Beach, member of the Harbor Soaring Society, clarified that only gliders and electric planes would be flown at the park, and invited Council Member Robinson to attend their activities.

Robert Graham, 3260 Dakota Avenue, Costa Mesa, commented on the lack of access to the park, suggesting that Canary Drive would be a good point for major access. He supported the lower parking lot which would also accommodate Talbert Park.

John King, 1991 Swan Drive, Costa Mesa, enjoys watching the model airplanes at the park, stating that they cannot be heard and do not interfere with wildlife. He favored the model railroad expansion but questioned the wisdom of creating an additional parking at the foot of the slope.

Mike Nisbel, 19361 Brookhurst Street, Huntington Beach, asked Council to allow the use of gliders and electric airplanes in Fairview Park. He commented that the people who participate in this sport are conscious of the environment.

Rick Frost, no address given, commented on the optimum conditions for flying at Fairview Park, noting that the planes are quiet and do not create debris.

The resident at 169 Morristown Lane, Costa Mesa, supported allowing the model airplanes to fly in Fairview Park, stating that they are restrictive about which areas of the park that they use.

Doug Sutton, 2739 Canary Drive, Costa Mesa, expressed concern regarding the yearly maintenance cost of the park, and suggested continuing this issue. He referred to the 60-car parking lot on Page 9 of the plan, stating that it is not required nor desired. He proposed adding six spaces for handicapped parking, accessed via Placentia Avenue, and hoped that the trails will be a minimum width, made of decomposed granite. Mr. Sutton proposed elimination of the pond and bark park, and asked that a subcommittee be formed to find a community leader to lead an effort to build a replica house for Fairview Park house staff, rangers, and used as an interpretive center, proposing the name, "Linda Dixon Interpretive Center."

**Motion to Approve
Died**

A motion was made by Council Member Cowan to reaffirm the Fairview Park Master Plan as recommended by the Parks and Recreation Commission and staff, with the following deletions: Item No. 7, Dog Park; Item No. 11, Botanic Garden; and Item No. 15, Pond. The motion died for lack of a second.

**MOTION/Approved
Recommendations
for Model Railroad**

A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Section A, Item No. 1, Model Railroad (east and west side): delete the tracks on the west side of Placentia Avenue and on bridge over Placentia Avenue; process application for new tracks on east side

	of Placencia Avenue; and, in cooperation with the Orange County Model Engineers, develop a master plan for the railroad facility on the east side of Placencia Avenue.
MOTION/Approved Recommendations for Museum/Multi-purpose Building	A motion was made by Council Member Cowan, seconded by Mayor Dixon, and carried 4-1, Mayor Pro Tem Monahan voting no, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 2, Museum/Multi-purpose Building (east side): leave museum designation on Master Plan; remove Huscroft House from consideration for relocation to museum site; and support multi-purpose building.
MOTION/Approved Recommendation for Parking Lot	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 3, Parking Lot (east side): proceed with improved parking lot. Council Member Robinson clarified that the referenced parking lot is in front of the train station.
MOTION/Approved Recommendation for Trails	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 4-1, Council Member Robinson voting no, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 4, Trails (east and west side): review plan to accommodate trails throughout park; include a cross-country course.
MOTION/Approved Recommendation for Nature Habitat	A motion was made by Council Member Cowan, seconded by Mayor Dixon, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Item No 5, Nature Habitat (west side): proceed with the design and implementation of Areas A, C, and D.
MOTION/Approved Recommendation for Vernal Pool	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 6, Vernal Pool (west side): proceed according to existing Master Plan.
MOTION/Deleted Dog Park	A motion was made by Council Member Cowan, seconded by Council Member Robinson, and carried 4-1, Mayor Dixon voting no, to delete Item No. 7, Dog Park (east side).
MOTION/Approved Recommendation for Interpretive Area	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 8, Interpretive Area (west side): include interpretive center and educational component.
MOTION/Deleted Parking Lot	A motion was made by Council Member Robinson, seconded by Mayor Pro Tem Monahan, and carried 3-2, Mayor Dixon and Council Member Cowan voting no, to delete Item No. 9, Parking Lot (northwest lowlands)/(west side).
MOTION/Approved Recommendation for Neighborhood Park	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 10, Neighborhood Park (west side): implement based on existing Master Plan. A motion was made by Council Member Robinson, seconded by

MOTION/Deleted Botanic Gardens	Mayor Pro Tem Monahan, and carried 5-0, to delete Item No. 11, Botanic Gardens (east side).
MOTION/Continued to December 2, 2002	A motion was made by Council Member Robinson, seconded by Council Member Cowan, and carried 5-0, to continue Item No. 12, Model Airplanes, to the meeting of December 2, 2002. The Fairview Park Plan Administrator clarified that the model airplanes included the electric model. Council Member Robinson stated that she would like hear the airplanes fly prior to making a decision. Karl Hawley, 296 16 th Place, Apt. B, Costa Mesa, President of the Harbor Soaring Society, indicated that the noise generated by electric airplanes is negligible.
MOTION/Approved Recommendation for Picnic Areas/Rest- rooms	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 4-1, Council Member Robinson voting no, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 13, Picnic Areas/Restrooms (west side): implement according to existing plan.
MOTION/Approved Recommendation for Picnic Area/Play Area/ Restroom	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 4-1, Council Member Robinson voting no, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 14, Picnic Area/Play Area/Restrooms (east side): implement according to existing plan.
MOTION/Deleted Pond	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 5-0, to delete Item 15, Pond (east side).
MOTION/Approved Recommendation for Bluff Access	A motion was made by Council Member Cowan, seconded by Mayor Dixon, and carried 3-2, Council Member Robinson and Council Member Steel voting no, to approve the Parks and Recreation Commission and Staff recommendation for Section B, Item No. 1, Bluff Access (west side): issues to be discussed with present design contract underway.
MOTION/Deleted Bicycle Moto Cross	A motion was made by Council Member Cowan, seconded by Council Member Robinson, and carried 5-0, to delete Item No. 2, Bicycle Motor Cross (west side).
MOTION/Approved Recommendation for Bluff Erosion	A motion was made by Council Member Cowan, seconded by Mayor Dixon, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 3, Bluff Erosion (west side): issues to be discussed with present design contract underway.
MOTION/Approved Recommendation for Canyon Drive	A motion was made by Council Member Cowan, seconded by Mayor Dixon, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 4, Canyon Drive (west side): review at design time for Area F.
MOTION/Approved Recommendation for Trails Grant (OCTA)	A motion was made by Council Member Cowan, seconded by Mayor Dixon, and carried 4-1, Council Member Robinson voting no, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 5, Trails Grant (OCTA)(west side): design contract presently underway. A motion was made by Council Member Robinson, seconded by

MOTION/To Delete Lower Parking Lot	Council Member Steel, to delete Item No. 6, Lower Parking Lot (west side).
SUBSTITUTE MOTION/Approved Recommendation for Lower Parking Lot	A substitute motion was made by Council Member Cowan, seconded by Mayor Dixon, and carried 4-1, Council Member Robinson voting no, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 6, Lower Parking Lot (west side): through the design of Planning areas A, C, and D, and develop alternatives for parking lot vehicular entrance to address safety issues.
MOTION/Approved Recommendation for Cross Country Trail	A motion was made by Council Member Robinson, seconded by Mayor Pro Tem Monahan, and carried 5-0, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 7, Cross Country Trail (High School) (west side): meet high school and college needs and Master Plan requirements. Council Member Robinson stepped down from the dais, declaring her intention to abstain from voting on the next item due to a conflict of interest.
MOTION/Approved Recommendation for Canary Drive Access	A motion was made by Council Member Cowan, seconded by Mayor Dixon, and carried 3-1, Council Member Steel voting no, Council Member Robinson abstaining, to approve the Parks and Recreation Commission and Staff recommendation for Item No. 8, Canary Drive Access (west side): implement per existing Master Plan with the design of Area G; Parks and Recreation Commission endorse their prior action on Canary Drive access. Council Member Cowan suggested that the items in Section C not be addressed at this time. Mayor Pro Tem Monahan asked staff to review the possibility of a skateboard park near Estancia High School.
NEW BUSINESS Conflict of Interest Code	The Deputy City Clerk presented an ordinance amending the List of Designated Employees for Conflict of Interest Code. The Assistant City Attorney reviewed the Agenda Report.
MOTION/Ordinance 02-20 Given First Reading	On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, Ordinance 02-20, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER X OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE REVISING THE LIST OF DESIGNATED POSITIONS FOR THE CITY'S CONFLICT OF INTEREST CODE, was given first reading. Second reading and adoption are scheduled for the meeting of December 2, 2002.
NEW BUSINESS Public Employee Release	Mayor Dixon announced that after the conclusion of regular business and pursuant to Section 54957 of the California Government Code, a closed session will be held regarding a public employee release.
COUNCIL COMMENTS Kline School Dumpster Grand Jury Duty	Council Member Robinson asked the Development Services Director to follow up on the yellow dumpster at the Kline School, mentioned by Beth Refakes during Public Comment. She encouraged residents to consider applying for grand jury duty, providing the telephone number (714) 834-6747 or the web address www.occourts.org.
Historical Society Lecture	Mayor Dixon invited the public to attend a lecture on the history of the Crystal Cove historic district sponsored by the Costa Mesa Historical Society on Wednesday, November 20, 2002, 7:00 p.m.