

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

FEBRUARY 18, 2003

The City Council of the City of Costa Mesa, California, met in regular session February 18, 2003, 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 by Council Member Cowan, and an opening prayer by Council Member Monahan.

ROLL CALL

Council Members Present: Mayor Karen Robinson
Mayor Pro Tem Chris Steel
Council Member Libby Cowan
Council Member Gary Monahan
Council Member Allan Mansoor

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Acting City Attorney Tom Wood
Development Services Director
Donald Lamm
Public Services Director William Morris
Finance Director Marc Puckett
Fairview Park Plan Administrator
Ron Molendyk
Transportation Services Manager
Peter Naghavi
Police Sergeant Robert Durham
Deputy City Clerk Julie Folcik

MINUTES
January 21, and
February 3, 2003

On motion by Council Member Monahan, seconded by Mayor Pro Tem Steel, and carried 5-0, the minutes of the regular meetings of January 21, and February 3, 2003, were approved as amended.

ORDINANCES AND
RESOLUTIONS

A motion was made by Council Member Cowan, seconded by Mayor Robinson, and carried 5-0, to read all ordinances and resolutions by title only.

PUBLIC COMMENTS
Sid Soffer

Brian Evans, Post Office Box 15070, Newport Beach, presented a brief summary of information he has previously given to Council regarding Sid Soffer, and requested all relevant documents be released to him from the City Attorney's Office.

Kohl's Department
Store

Doug Sutton, 2739 Canary Drive, Costa Mesa, discussed the Kohl's Department Store, which is being proposed to the Planning Commission, stating it is not needed at this location.

Long Beach Airport
Expansion

Rex Ricks, 7451 Warner Avenue, No. E352, Huntington Beach, discussed the expansion of the Long Beach Airport, and the noise problem due to the increase in flights.

SBC

Joseph Pak, 1442 Edinger Avenue, Tustin, representing SBC, stated he is looking forward to working with the community of Costa Mesa.

publishing and mailing are on file in the City Clerk's Office. Communications were received in opposition from the following Costa Mesa residents: Vivian Molho, 2320 Cliff Drive; Mark Rathsaak, 1671 Tustin Avenue; Grant McNiff, 1671 Tustin Avenue; and Martin Chip and Kelli Stassel, 450 Cambridge Circle. A request for continuance of the public hearing was received from the property owner, Jennifer Simonian.

Celeste Ames, 1851 Tustin Avenue, No. C2, Costa Mesa, stated she does not believe this business should be allowed in the neighborhood due to the excess of traffic, dumping of large trash items, as well as large trucks which are used to move items into the mini-storage.

MOTION/Continued
to March 3, 2003

A motion was made by Mayor Pro Tem Steel, seconded by Council Member Monahan, and carried 5-0, to continue the public hearing to the meeting of March 3, 2003.

OLD BUSINESS
Ordinance 03-1,
Public Improvements

The Deputy City Clerk presented from the meeting of February 3, 2003, second reading and adoption of Ordinance 03-1, requiring public improvements for approval of subdivision and parcel maps. The Public Services Director reviewed the Agenda Report.

MOTION/Adopted
Ordinance 03-1

On motion by Council Member Cowan, seconded by Mayor Pro Tem Steel and carried 5-0, Ordinance 03-1 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE TO REQUIRE PUBLIC IMPROVEMENTS FOR APPROVAL OF SUBDIVISION AND PARCEL MAPS.

OLD BUSINESS
Final Design Fairview
Park Master Plan

The Deputy City Clerk presented from the meeting of November 18, 2002, Parks and Recreation Commission action on the final design for Fairview Park Master Plan for Areas A, C, and D:

Delete landscaping shown on the Plan north of the Fairview Channel, and work with the Harbor Soaring Society to meet their needs while preserving the environmental integrity of the area.

Reroute the proposed trail around the vernal pool instead of through the pool.

Parks and Recreation Commission recommendation to reconsider and reinstate the "lower area" parking lot within the Fairview Park Master Plan.

Communications were received from: Dr. Jan Vandersloot, 2221 East 16th Street, Newport Beach; Dr. J. B. Litvak, 2895 Velasco Lane, Costa Mesa; and Sandra Genis, 1586 Myrtlewood Street, Costa Mesa. The Fairview Park Plan Administrator reviewed the Agenda Report, and he, the Public Services Director, and the Acting City Attorney responded to questions from Council.

Rick Hume, Vice President, David Evans and Associates, 23382 Mill Creek Drive, Suite 225, Laguna Hills, Landscape Architect, presented the refinements that have been made to the plan recently, and responded to questions from Council.

Council Member Cowan discussed the reasons for her appeal, and advised of her meeting with several residents who expressed their concerns regarding the plan submitted to the Parks and

Recreation Commission on January 22, 2003. She stated her biggest concern was to make sure the park is accessible to everyone in the community.

Tony Bomkamp, Glenn Lukos & Associates, 23712 Birtcher Drive, Lake Forest, Senior Biologist, responded to a question from Council Member Monahan, stating that based on his experience in terms of the biological resources, there would not be a significant impact.

Tim Cromwell, 2029 Swan Drive, Costa Mesa, expressed he did not know when this issue is going to end, and advised that they were told that all the training hills that are used by the nearby schools would be completely changed due to the addition of a road for the "lower parking" area.

Judith Gielow, 469 East 18th Street, Costa Mesa, discussed her issues with community input, and following the process to change the Master Plan, stating the critical issue is trying to save the grant money without losing the integrity of Fairview Park's Master Plan, which includes the process for changing the plan. Ms. Gielow stated she would not like to see a road down the bluff from parking lots on the upper level to a parking lot on the lower level, and asked that the open space be preserved as much as possible, while intruding as little as possible into areas A and C, and greatly impacting Swan Drive.

Karl Ahlf, 157 East 23rd Street, No. A, Costa Mesa, expressed he would like to see some trees, and a trail added to area D, as well as improvement of the model railroad. He also informed that there is a big hole in the fence between Fairview Park and Estancia High School that needs to be repaired.

Erin Sloan, 243 Pacific Avenue, Costa Mesa, thanked Council Member Cowan for her consideration of the disabled being able to access Fairview Park, as he recalled that at the meeting of September 18, 2002, on a vote of 5-0, it was agreed to delete the "lower area" parking lot in the Fairview Park Master Plan.

Doug Sutton, 2739 Canary Drive, Costa Mesa, did not believe it is appropriate, and considering the budget constraints, that anything should be done to Fairview Park until the budget is balanced, and fiscal priorities are set for the future. He stated the City's Police, infrastructure, and educational needs far outweigh any changes at Fairview Park.

Gilbert Collins, 3159 Sharon Lane, Costa Mesa, agreed that the "lower parking" area should be reinstated, as it provides the best situation for all those who are physically limited, and it would eliminate the need for an expansion of the upper parking lot, and a road down the slope, explaining that a road would disturb the topography of the small canyon which runs east and west down there. He further suggested an entrance at Placentia Avenue, in the lower portion, and a traffic signal so a right or left turn can be made at that location.

Mike Berry, 2064 Meadow View Lane, Costa Mesa, requested Council not approve the "lower parking" area, as it would cause further congestion of cars, instead of keeping a natural park.

Bruce Lamb, 1931 Swan Drive, Costa Mesa, also objected to the "lower parking" area, and suggested more parking in the upper level where the signal already exists.

Robert Graham, 3260 Dakota Avenue, Costa Mesa, expressed he would not like to see the landscaping deleted north of the Fairview Channel, and would like to see the "lower parking" area added so there will be no one parking on Swan Drive causing further problems.

Sandra Genis, 1586 Myrtlewood Street, Costa Mesa, commented that some of the enhancements are good ones, but some are not and gave the example of the "lower parking" area. She also believes that there is not enough information on the observation areas, urging that there should be a full environmental review.

A Costa Mesa resident complained that three minutes was not enough time for he and his neighbors to discuss the changes that are proposed in the Fairview Park Master Plan, and asked where the money is going to come from to follow through with the changes.

Jim Kerins, 3075 Molokai Place, Costa Mesa, did not want to see the "lower parking" area added, as it is natural open space. He explained that Fairview Park is a place to take his children for the sense of discovery and exploration that he knew as a child growing up there.

Janet Remington, 1164 Boise Way, Costa Mesa, stated she campaigned for the park to remain as it is, and received a lot of community support for it, adding that there is no money available for the changes.

Cindy Brennehan, 1856 Elba Circle, Costa Mesa, explained that there is grant money available through Mesa Consolidated Water District for restoration of parks to their natural state, suggesting that it should be looked into. She expressed she is not in favor of the "lower parking" area being added.

Council Member Mansoor stated he has always wanted Fairview Park to be kept as undeveloped as possible. He felt the road going down to the "lower parking" area would change Fairview Park stating that although there has not been an environmental review as yet, it would be a major impact.

**MOTION/Approved
Rerouting of Trail**

A motion was made by Council Member Cowan, seconded by Council Member Monahan, and carried 5-0, to approve the rerouting of the proposed trail around the vernal pool instead of through it.

**Motion to Accept Plan
Died**

A motion was made by Council Member Cowan to accept the plan as shown without the design of Area B, north of the Fairview Channel, and identify that the work done with the Harbor Soaring Society meets their needs while preserving the environmental integrity of the area. The motion died for lack of a second.

**Motion for Lower Area
Park Lot Died**

A motion was made by Council Member Cowan to put in a lower area parking lot directly off Placentia Avenue, protecting the integrity of the bluff, to decrease the size of the lot to 30 spaces, with 15 designated as handicapped parking. The motion died for lack of a second.



**MOTION/Gave
Direction to Staff**

A motion was made by Council Member Monahan, seconded by Mayor Robinson, and carried 5-0, to direct staff to work with the Harbor Soaring Society on a proposal that will meet their needs while preserving the environmental integrity of the area.

**MOTION/Gave Further
Direction to Staff**

A motion was made by Council Member Monahan, seconded by Mayor Pro Tem Steel, and carried 4-1, Council Member Cowan voting no, to direct staff to move the plan forward, as recommended, and that any changes from the original environmental documentation subject to environmental review at the time they are brought forward.

RECESS

The Mayor declared a recess at 8:20 p.m., and reconvened the meeting at 8:35 p.m.

**OLD BUSINESS
Seegerstrom Home
Ranch Education Grant**

The Deputy City Clerk presented from the meeting of February 3, 2003, rehearing of Seegerstrom Home Ranch Education Grant as requested by Mayor Robinson. The Acting City Attorney reviewed the Agenda Report, and responded to questions from Council.

Mayor Robinson listed her reasons for appeal of the Council's action as it related to the terms of the money and the foundations: 1) Council's involvement in executing the Development Agreement which calls for the Seegerstroms to make a \$2,000,000.00 grant to be used for educational purposes divided amongst City schools. She explained that it puts Council's hand in the formation of the foundations. 2) The grant money is public money, as it was given, due to the efforts of Council Member Cowan, and members of the community, in exchange for benefits on the north end of the City. She stated that the public has a right to know how that money is spent, and that decisions should not be made outside of the public's view.

Mayor Pro Tem Steel commented that the foundations that exist currently, one at Newport Harbor High School, and one at Corona Del Mar High School, are not subject to the Brown Act, and seems to be working very well.

Mayor Robinson explained that the money for those foundations is different because it is not derived from a Development Agreement.

Doug Sutton, 2739 Canary Drive, Costa Mesa, confirmed it was wrong for Council to assign fund management to the Seegerstroms, and Council should not select foundation board members, that requiring open meetings is a good idea, but felt that the Brown Act is too restrictive, costly, and not necessary. Mr. Sutton further stated there was no need for two foundations as the school's needs are the same, to improve academic performance, and felt that one foundation could do everything that is needed more harmoniously.

Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, agreed with the comments made by Mayor Robinson that the Ralph M. Brown Act should apply to "keep the people's business in front of the people", and to participate in. Mr. Millard also agreed that one foundation makes sense because two foundations would divide the City.

Jon Humphrey, 1620 Sandalwood Drive, Costa Mesa, stated that the Brown Act would guarantee that the grant is handled properly and in an open public forum.