



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 20, 2009

ITEM NUMBER: **VIII-4**

SUBJECT: POTENTIAL CONSOLIDATION OF PLANNING COMMISSION AND PARKS & RECREATION COMMISSION

DATE: OCTOBER 14, 2009

FROM: MAYOR ALLAN R. MANSOOR

PRESENTATION BY: ALLAN L. ROEDER, CITY MANAGER

**FOR FURTHER INFORMATION CONTACT: ALLAN L. ROEDER, CITY MANAGER @
(714) 754-5328**

DISCUSSION:

At the September 1, 2009 regular meeting, the City Council provided direction on filling the recently created vacancy on the Planning Commission as a result of Mr. Jim Fisler's resignation. The City Council included in the motion the prospective consideration of the consolidation of the Planning Commission and the Parks & Recreation Commission. Although staff was not requested to prepare a report for consideration of this subject, there are some facts that may be of benefit to the City Council in its deliberations.

Both the Planning Commission and the Parks & Recreation Commission are established by code with specific responsibilities assigned to each.

The Planning Commission is established under Title 13 of the municipal code involving Planning, Zoning and Development. The authorities of the Commission are set forth in Section 13-10 et seq. of the code as they pertain to land use regulation, short and long range planning, beautification, code enforcement, infrastructure and related issues. A copy of the Planning Commission's specific authorities is attached as Attachment 1.

The Parks & Recreation Commission is established under Title 12 of the municipal code. The authorities of the Commission are set forth in Section 12-71 et seq. of the code relating to park & open space acquisition and development, recreational programming including the establishment of program fees, parkways and final authority over parkway tree removals. A copy of the Parks & recreation Commission's specific authorities is attached as Attachment 2.

Based on currently assigned responsibilities, there is very little jurisdictional overlap between the two commissions. The only area where there is some potential overlap involves the Park & Recreation Commission's annual review of projects submitted for consideration in the City's annual Capital Improvement Project (CIP) budget and the Planning Commission's review of the CIP for consistency with the City's adopted General Plan. Beyond this, each commission has very specific, distinct responsibilities. The decisions of each body are subject to appeal or review by the City Council with the

exception of the Parks & Recreation Commission's actions on parkway tree removal. If consolidation of the commissions is authorized, staff will need to prepare under the direction of the City Attorney a variety of ordinance changes to effectively consolidate statutory authorities. For this reason, consolidation of the Commissions should be considered prospective to allow sufficient time for preparation of the ordinance changes, public hearings and final consideration.

From a budgetary perspective, each commission has undergone significant cost reductions during the current fiscal year. The Planning Commission budget was reduced from \$31,500 in FY 2008-09 to \$24,600 for FY 2009-10. Likewise, the Parks & Recreation Commission budget was reduced from \$8,830 in FY 2008-09 to \$5,100 in FY 2009-10. With the exception of clerical support for the taking of minutes and correspondence, staffing for each commission is provided by management personnel with no additional cost. Consequently, there will be no change in the cost of staff support at the meetings although staffing may change somewhat if the commissions are consolidated. Considering costs, excluding Board members fees (compensation provided to Commissioners), total savings would be less than \$3,500 annually. Costs related to public noticing and cable casting of meetings has not been included in the above on the presumption that these would occur irrespective of the number of commissions.



Allan L. Roeder
City Manager

DISTRIBUTION: Planning Commission
Parks & Recreation Commission
Assistant City Manager
Management Analyst – CM Office
Development Services Director
Public Services Director
Administrative Services Director
Recreation Manager
Maintenance Services Manager
Building Official

Zoning Code amendments, improvement and development agreements, annexations and any action specified in this Zoning Code. The city council shall also be responsible for the acceptance of lands and/or improvements as may be proposed for dedication to the city, except deeds of dedication and parcel maps of four (4) or fewer lots with no development agreements. The city council may impose conditions of approval.
(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-9. Redevelopment agency.

(a) *Declaration of need of agency.* It is hereby found and declared, pursuant to State Health and Safety Code Section 33101, that there is a need for a redevelopment agency in the city, as such agency was created by Section 33100, to function in the city, and the agency is hereby authorized to transact business and exercise all of the powers granted to it under the Community Redevelopment Law.

(b) *Council declared agency.* The five (5) members of the city council are hereby declared to be the members of the redevelopment agency and are empowered to exercise all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in an agency.

(c) *Term of agency members.* Membership shall be for the period each councilmember serves in office, and shall automatically terminate at the time any councilmember no longer holds the office of councilmember. Any vacancy existing on the redevelopment agency shall be filled only by a duly elected sworn and acting city councilmember.
(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-10. Planning commission.

(a) *Commission created.* Pursuant to the provisions of Section 65101 of the Planning and Zoning Law of the State Government Code, there is hereby created a planning commission which shall consist of five (5) members.

(b) *Appointment of commission.* The planning commissioners shall be appointed, and may be removed, by a majority vote of the entire city council. Additional details for the appointment procedures and member qualifications, terms and compensation may be set by city council policy.

(c) *Ex-officio member of commission.* The city engineer and city attorney or his/her designee shall attend the meetings of the planning commission and assist the commission in an advisory capacity as needed.

(d) *Absence from commission meetings without cause.* If a planning commission member is absent from three (3) consecutive regular meetings of the commission, without cause, the office of the member shall be deemed to be vacant and the term of

such member terminated. The secretary of the planning commission shall immediately inform the city council of such termination.

(e) *Absence from commission meetings for cause.* An absence due to illness or an unavoidable absence from the city and written notice thereof given to the secretary of the planning commission on or before the day of any regular meeting of the commission shall be deemed absence for cause.

(f) *Councilmember ineligibility.* No legislative body member of the city shall be eligible for membership on the planning commission.

(g) *Authority of the planning commission.*

(1) The planning commission shall have the power, except as otherwise provided by law, to act on plans for the regulation of the future growth, development and beautification of the city, in respect to:

- a. Public and private buildings and works, streets, parks, grounds and vacant lots.
- b. The future growth and development of the city in order to secure sanitation, proper service of all public utilities, shipping and transportation facilities.
- c. The location of any proposed buildings, structures, or works.

(2) The planning commission is authorized to act upon the following discretionary actions:

- a. Recommend to the city council approval, conditional approval or denial of general plan amendments, specific plans, rezones, Zoning Code amendments, development agreements, density bonuses with public financial incentives, preliminary and final master plans, and any other action specified in this Zoning Code.
- b. Recommend to the redevelopment agency approval, conditional approval or denial of redevelopment actions, or adoption and/or amendments to a redevelopment plan.
- c. Approve, conditionally approve or deny applications for conditional use permits, variances, tentative tract and parcel maps, density bonuses without public financial incentives, and any other action specified in this Zoning Code.
- d. Perform other duties necessary to carry out the provisions reserved to the planning commission in Title 10 of the Municipal Code, the provisions of this Zoning Code and the

provisions of the Planning, Zoning and Development Law of the State Government Code.

(h) *Commission bylaws authorized.* The planning commission shall have the power, except as otherwise provided by law, to adopt such bylaws as it may deem necessary to provide for:

- (1) The time and place of meeting.
- (2) The time and method of electing officers.
- (3) Such other matters relative to the organization of the planning commission and methods of administration of its duties which are not otherwise provided for by statute or ordinance.

(i) *Regular meeting of commission defined.* A regular meeting as provided by law or by rule of the planning commission or any regularly advertised public hearing shall be deemed a regular meeting.
(Ord. No. 97-11, § 2, 5-5-97; Ord. No. 01-12, § 1, 3-5-01; Ord. No. 02-4, § 1a, 3-18-02; Ord. No. 03-2, § 3, 3-3-03; Ord. No. 04-17, § 3, 1-3-05)

Sec. 13-11. Zoning administrator.

(a) The development services director or his/her designee is authorized to act as the zoning administrator according to procedures set forth in the State Government Code.

(b) The zoning administrator is authorized to approve, conditionally approve, or deny the following discretionary planning applications. The zoning administrator may forward any action to the planning commission for review.

- (1) Administrative adjustment;
- (2) Minor conditional use permit;
- (3) Lot line adjustment; and
- (4) Any action specified in this Zoning Code.
(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-12. Planning division.

The development services director or his/her designees constitute the planning division. The planning division is authorized to act on and grant approvals of development reviews and minor modifications as described in Chapter III, Planning Applications, and other duties as designated by the development services director, planning commission, city council and this Zoning Code.
(Ord. No. 97-11, § 2, 5-5-97)

ARTICLE 4. ENFORCEMENT

Sec. 13-13. Purpose.

The purpose of this article is to establish the parameters for the enforcement of this Zoning Code.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-14. Enforcement officer designated.

The development services director or his duly authorized representative is hereby empowered and it shall be his/her duty to enforce all provisions of this Zoning Code.

(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-15. Duties.

All departments, officials and public employees of the city invested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this code; and any such permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void. It shall be the duty of the development services director to enforce the provisions of this Zoning Code pertaining to the creation, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.
(Ord. No. 97-11, § 2, 5-5-97)

Sec. 13-16. Enforcement.

(a) *Criminal prosecution.* Any person, whether as principal, agent, or employee, violating the terms of this Zoning Code may be prosecuted as provided in section 1-33 of this Municipal Code.

(b) *Criminal citation.* For the purposes of this Zoning Code, a violation of the terms of this Zoning Code may be cited as either an infraction or misdemeanor pursuant to State Government Code Sections 36900 and 36901 and as provided in section 1-33 of this Municipal Code.

(c) *Civil action.* As an alternative to prosecution or citation, or as an additional action, the city attorney may, at the request of the development services director, institute an action in any court of competent jurisdiction to restrain, enjoin, or abate the condition(s) or activity(ies) found to be in violation of the provisions of this Zoning Code.
(Ord. No. 97-11, § 2, 5-5-97)

onstrated by the frequency board. Pilots shall only use radio-controlled frequencies allowed by the Federal Communications Commission.

- (4) No person shall turn on a transmitter until an unused frequency is obtained.
 - (5) Pilots shall, before every model aircraft flight, check battery voltage of the batteries in the model aircraft and the radio control device for the model aircraft, and make sure that the batteries have sufficient power for the duration of the flight.
 - (6) Pilots shall pre-flight check all new airplanes before they are flown.
 - (7) Pilots shall inspect their model aircraft to ensure that they are in safe flying condition.
 - (i) If a model aircraft lands on private property, no person shall go onto that property to retrieve the model aircraft unless that person first obtains permission from the resident or occupant to retrieve the model aircraft. If permission to retrieve a model aircraft is refused, then the pilot shall contact the Costa Mesa Police Department and request assistance in obtaining the return of the model aircraft.
 - (j) Pilots shall not engage in combat flying at the park.
 - (k) Pilots shall be responsible for any property damage or personal injury caused by the flying of their model aircrafts. In the event such injury or damage occurs, the pilot of the model aircraft shall provide, upon request, his or her name, address, telephone number and insurance information to anyone who is injured or whose property is damaged, including the city.
- (Ord. No. 07-1, § 1, 1-16-07)

Secs. 12-66—12-70. Reserved.

CHAPTER III. PARKS AND RECREATION COMMISSION

Sec. 12-71. Commission established.

There is hereby established as a part of the government of the city, a parks and recreation commission, which shall:

- (a) Consider matters that may be referred to it by the city council, the city manager, the director of administrative services, or the director of public services, and render such counsel and advice in regard thereto as may be requested by the referring authorities;

- (b) By its own motion, make such studies, investigations and hold public hearings as it may deem necessary for the formulation of parks, recreation, recreation facilities and parkways policies, or to determine the wisdom and efficacy of the policies, plans and procedures dealing with parks, recreation, recreation facilities and parkways matters, or to determine an action program to pursue in implementing the city open space plan and report its findings and recommendations to the city council, the city manager, the director of administrative services, or the director of public services;
 - (c) Recommend to the city council approval of concept plans for development and/or modification of parks, recreation, and open space facilities;
 - (d) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with the parks, recreation, recreation facilities and parkways of the city;
 - (e) Make a determination on the necessity for removal of parkway trees as provided in section 15-11(2) of this Code, and the necessity for terms and conditions for retention of trees as provided in section 15-11(3)(c) of this Code, which decisions shall be final notwithstanding section 2-303;
 - (f) Set the fees to be paid by participants in recreation programs and classes in accordance with the guidelines adopted by the city council in the Cost Recovery Program for Recreation Activities;
 - (g) May review the annual budget as presented to the city council and advise them on the current operational needs and long-range plans for capital improvement; and
 - (h) Periodically visit parks and recreation facilities in the city to review established programs and facilities, and to monitor needs in accordance with the Parks, Recreation and Open Space Master Plan.
- (Ord. No. 90-13, § 1, 9-4-90; Ord. No. 99-8, § 19, 6-7-99; Ord. No. 99-9, § 2, 6-21-99; Ord. No. 02-10, § 1, 5-20-02; Ord. No. 07-1, § 1, 1-16-07)

Sec. 12-72. Rules and regulations.

The commission shall operate under the following rules and regulations:

- (a) *Chairperson, vice-chairperson:* The election of the chairperson will precede that of the vice-chairperson nominations. Elections of officers shall take place annually to coincide as closely as possible with the appointment terms of the commissioners.

The commission, in event of a vacancy in either office, shall elect one (1) of its members for the unexpired term.

- (b) *Meetings:* The commission shall meet at City Hall, 77 Fair Drive, on the times and dates set forth by resolution of the city council. In the event the regular meeting day falls on a holiday, the regular meeting shall be held on the next business day. A regular or adjourned meeting may be adjourned to a time and place specified in the order of adjournment. Special meetings may be called at any time by the chairperson, or in the absence of the chairperson, by the vice-chairperson, by the city manager, the mayor, or by the majority of the members of the commission, by notice delivered to each available member of the commission, at least twenty-four (24) hours previous to the meeting. A regularly scheduled meeting may be cancelled or rescheduled by a majority vote of the commission, with proper notice as required by law.
- (c) *Quorum:* A majority of the members of the commission shall constitute a quorum for the transaction of business. No action shall be taken by the commission unless it is concurred in and adopted by the affirmative vote of at least a majority of the members present. The powers conferred to the commission shall be exercised by motion of resolution and recorded in the minutes. Upon request of any member of the commission a roll call of the vote shall be conducted, and the results thereof recorded in the minutes.
- (d) *Secretary:* The secretary shall be designated jointly by the director of public services and the director of administrative services. The secretary shall record the minutes of the commission and shall maintain the records of its proceedings and transactions.

(Ord. No. 90-13, § 1, 9-4-90; Ord. No. 99-8, § 20, 6-7-99; Ord. No. 02-10, § 1, 5-20-02; Ord. No. 07-1, § 1, 1-16-07)

Sec. 12-73. Procedures.

(a) All meetings of the commission shall be open to the public.

(b) Matters brought before the commission by the public, director of administrative services or director of public services of the city, or their designees, shall be considered by the commission and report its actions, findings and recommendations to the city council, the city manager, the director of administrative services, or the director of public services.

(Ord. No. 90-13, § 1, 9-4-90; Ord. No. 99-8, § 21, 6-7-99; Ord. No. 02-10, § 1, 5-20-02; Ord. No. 07-1, § 1, 1-16-07)

Sec. 12-74. Membership.

The parks and recreation commission shall consist of five (5) members appointed by a majority vote of the entire city council. The city council may, by majority vote, remove any member of the parks and recreation commission. Additional details for the appointment procedures and member qualifications, terms, and compensation may be set by city council policy.

(Ord. No. 90-13, § 1, 9-4-90; Ord. No. 97-6, § 1, 3-17-97; Ord. No. 98-7, § 1, 3-16-98; Ord. No. 00-3, § 1, 2-07-00; Ord. No. 01-8, § 1, 2-20-01; Ord. No. 02-10, § 1, 5-20-02; Ord. No. 03-2, § 2, 3-3-03; Ord. No. 04-17, § 2, 1-3-05; Ord. No. 07-1, § 1, 1-16-07)