

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

OCTOBER 4, 2004

The City Council of the City of Costa Mesa, California, met in regular session October 4, 2004, 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 Cowan, and a moment of solemn expression led by Pastor Bill Gartner, Harbor Christian Fellowship.

ROLL CALL

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

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
Assistant City Manager Steve
Hayman
Transportation Services Manager
Peter Naghavi
Finance Director Marc Puckett
Senior Planner Kim Brandt
Technical Services Commander
Sheralee Ford
Deputy City Clerk Julie Folcik

MINUTES
October 4, 2004

On motion by Council Member Steel, seconded by Council Member Scheafer, and carried 5-0, the minutes of the regular meeting of September 20, 2004, and special meeting of September 27, 2004, were approved as distributed.

ORDINANCES AND
RESOLUTIONS

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

PRESENTATION
Employee of the Month

Mayor Monahan congratulated Perry Valantine on being named Employee of the Month for October, 2004, and stated that Mr. Valantine's work pays testament to the commitment to integrity and professionalism with which he has met every challenge. He thanked Mr. Valantine for 31 years of dedication to the City Council, the Planning Commission and especially the residents of Costa Mesa.

PRESENTATION
"International Walk to
School Day"

Council Member Cowan read a proclamation declaring October 6, 2004, "International Walk to School Day", and encouraged citizens to teach children about pedestrian safety and the health and environmental risks related to physical inactivity and air pollution. She presented the document to Recreation Manager Jana Ransom, Planning Commissioner Katrina Foley, and Mette Segerblom, Sonora School Parent Teacher Association President.

PROCLAMATIONS	Mayor Monahan announced that the following proclamations had been presented by the City: Constitution Week, September 17 through 23, 2004; National Breast Cancer Awareness Month, October, 2004; Make a Difference Day, October 23, 2004; Lawsuit Abuse Awareness Week, October through 9, 2004; and Lupus Awareness Month, October, 2004.
PUBLIC COMMENT Costa Mesa Pollution	Martin Millard, Costa Mesa, addressed the quality of air in west side Costa Mesa where two businesses, considered to be major polluters in Orange County, are located. He suggested that the bluff area could be transformed by approving cleaner industrial uses, and that the industrial uses should be cut back from the current 14 percent to 7 percent. Mr. Millard reported that Newport Beach has 2 percent industrial, and Huntington Beach has 8 percent.
Pedestrian Safety	Rich Reiser, Newport Beach, reiterated his request that the Costa Mesa Police Department protect pedestrians on the sidewalk and in crosswalks. He related several incidents which motivated him to lobby for pedestrian safety, and encouraged Council to hire additional Police officers. Mr. Reiser addressed the following locations where pedestrians are at risk: Placentia Avenue south of 19 th Street; Monrovia Avenue and 19 th Street; Pomona Avenue and 19 th Street; Newport Boulevard/Harbor Boulevard/19 th Street; and 19 th Street and Newport Boulevard to 17 th Street.
City Attorney Office Complaints	Brian Evans, Newport Beach, reiterated complaints regarding the City Attorney's office. Regarding questions posed by Mr. Evans for exculpatory evidence, Mayor Pro Tem Mansoor replied that he is satisfied with the previous response provided by the City Attorney's office.
Costa Mesa Skate Park	Adam Pope, Costa Mesa, asked why BMX bikes would not be allowed in the new skate park. Mayor Monahan indicated that staff would respond to the question.
WROC Report	Judi Berry, Costa Mesa, reported that the Westside Redevelopment and Oversight Committee (WROC) will present their proposed plan to the Redevelopment Agency on October 11, 2004, and urged residents to attend. Mayor Monahan clarified that the meeting will be held at 6:30 p.m., in the Council Chambers, and the Planning Commission will hold their meeting that evening in Conference Room 1A.
Car Towing	Richard Cohen, Costa Mesa, complained that his car was towed when he left it overnight in the Harbor Shopping Center. He accused the tow truck drivers of "hovering around" and did not understand why his car was targeted. The Acting City Attorney indicated that Federal law may have preempted the authority of the cities in regulating private property. Council Member Cowan pointed out that signs are posted in the parking lot that cars left overnight will be towed.
Refakes Comments	Beth Refakes, Costa Mesa, asked the status of the Fairview Park encroachments, and the Public Services Director replied that the deadline to rectify those encroachments is October 19, 2004. Mayor Monahan responded to Ms. Refakes' query regarding results of the investigation into the Orange County Humane Society by stating that it is ongoing. In regards to "International Walk to School Day", Ms. Refakes reported that it would not be safe to walk children to school on the east side of Costa Mesa because of speeding traffic.

Joint Use Agreement	Mike Berry, Costa Mesa, referring to the City's Joint Use Agreement with the Newport-Mesa Unified School District, indicated that the problems are not with the agreement but with the special conditions granted to Newport Beach through a similar agreement which excludes Costa Mesa from using many of their sports fields.
Legal Issues	Igal Israel, Costa Mesa, provided his cell phone number, 714-240-9505, for citizens who "might have a problem with this governing body." He addressed several comments to the Acting City Attorney, and commented on the publication of ordinances.
Hogan-Shereshevsky Comments	Anne Hogan-Shereshevsky, Costa Mesa, encouraged residents to register to vote. She announced that a candidate forum for City Council candidates will be held at the Costa Mesa Senior Center on Thursday, October 7, 2004, and will begin at noon. She again asked Council to ban fireworks. Ms. Hogan-Shereshevsky advised that recently five issues which involve density have attracted many residents to speak at Council meetings, and asked that Council consider the needs of those in the community. She complained about a convoluted detour on Placentia Avenue which had delayed her the previous weekend, and asked that the City provide more explicit directions. Council Member Cowan asked the Public Services Director to review detour signage.
Request for Housing Assistance	During the public hearing on Traffic Impact Fees, a disabled widow asked the Mayor for housing assistance. The City Manager explained that staff had provided her with a number of referrals to local agencies which provide homeless services. He volunteered to assist her in contacting the appropriate agency.
CONSENT CALENDAR	The following item was removed from the Consent Calendar: Item No. 6, Agreement with Environmental Health & Safety Resources for technical workplace safety consulting services.
MOTION/Approved Except Item No. 6	On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 5-0, the remaining Consent Calendar items were approved as recommended.
READING FOLDER	The following Reading Folder items were received and processed:
Claims	Claims received by the Deputy City Clerk: Gregorio Garcia, Mark and Kristen Howerton; Cheryl Kepler; Linda Martinez; Mike McDaniel, Mercury Insurance (on behalf of Stacy K. Farinich); and Elenore and Larry Newton.
Alcoholic Beverage Control License	Request for Alcoholic Beverage Control License from Carnivore Grill (formerly Joey's Italian Eatery) for an original Type 41 ABC license (on-sale beer and wine for a bona fide eating place).
Follow-Up Report	Response to a request from Sandra Genis at the Council meeting of September 7, 2004, for more information regarding the Liaison Committee meeting held on August 31, 2004.
WARRANTS	The following warrants were approved:
Approved Warrant 2024	Warrant Resolution 2024, funding City operating expenses for \$991,719.24.
Approved Warrant 12025/Payroll 420 and 419A	Warrant Resolution 2025 funding Payroll No. 420 for \$1,913,708.13, Payroll No. 419A for \$718.54 and City operating expenses for \$995,224.86, including payroll deductions.

ADMINISTRATIVE
ACTIONS/Awarded
Bid Item 1075, Animal
Control Vehicle, to
Downtown Ford Sales

Bids received for Bid Item No. 1075, Purchase of One New Animal Control Vehicle, are on file in the City Clerk's office. The contract was awarded to Downtown Ford Sales, 252 North 16th Street, Sacramento, for \$34,508.06, including a two percent discount of \$704.25 for payment within 20 days, for one new 2005 Ford F-250 4 x 2 Series truck with attached animal control truck body built by Pacific Truck Equipment.

Determined Good
Faith Demonstrated
for Home Ranch Deve-
lopment Agreement
DA-00-02

Regarding Annual Review of Home Ranch Development Agreement DA-00-01, for property at 1201 South Coast Drive, for Paul Freeman, authorized agent for C. J. Segerstrom and Sons, 3315 Fairview Road, Costa Mesa. Environmental Determination: Exempt: Council determined that the applicant and the City have demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-01; and staff was directed to limit future reviews to outstanding development agreement obligations only.

Accepted Work for
Newport Bike Trail
Landscaping and
Irrigation, Project No.
04-03, by America
West Landscape

Newport Bike Trail Landscaping and Irrigation, Adjacent to the Orange County Fairgrounds, Project No. 04-03, was completed to the satisfaction of the Public Services Director on August 31, 2004, by America West Landscape, Inc., 12328 Woodruff Avenue, Downey. The work was accepted; the Deputy City Clerk was authorized to file a Notice of Completion; authorization was given to release retention monies 35 days thereafter; the Labor and Material bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 6 months thereafter.

Agreement with
Environmental Health
for Safety Services

Item No. 6 on the Consent Calendar was presented: Agreement with Environmental Health & Safety Resources for technical workplace safety consulting services.

Martin Millard, Costa Mesa, asked about the purpose of this item, and connected the question with his earlier comments regarding toxic substances on the west side. The City Manager replied that the contract relates to workplace safety, and explained that rather than employing someone on a full time basis, the City has chosen to use the services of a consultant.

MOTION/Approved
Agreement

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, the agreement was approved with Environmental Health & Safety Resources, Post Office Box 18538, Long Beach, for \$36,000.00 per year, for technical workplace safety consulting services, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

PUBLIC HEARING
Temporary Signs on
Sports Fields

The Deputy City Clerk presented a continued hearing from the meeting of September 20, 2004, of an ordinance amending Title 13 of the Costa Mesa Municipal Code regarding the use of temporary signs for City-sponsored events on public baseball and softball fields. The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Senior Planner reviewed the Agenda Report dated September 23, 2004.

Terry Shaw, Costa Mesa, recommended that the ordinance stipulate that banners shall be taken down every evening.

Martin Millard, Costa Mesa, suggested that each field be considered separately, noting that Paularino School is close to residences in the area. He thought that "neighborhood blight" would accompany the signs, and agreed that they should be

removed every evening. He added that banner content should be closely monitored.

Sam Clark, Costa Mesa, concurred that banners should be removed each evening.

Beth Refakes, Costa Mesa, asked Council to ensure that banners did not create visual blight in neighborhoods, and noted that banners are everywhere in the City. She proposed that banners either be disallowed or be removed on a daily basis.

Mike Berry, Costa Mesa, agreed that the City is overrun with banners which are now overflowing into residential areas. He thought that staffing in the Code Enforcement Division should be increased if new codes are to be enforced.

Igal Israel, Costa Mesa, observed that Costa Mesa is unique, and objected to the government regulating all facets of life. He indicated that there are more important issues to contemplate, and noted that the banners represent sponsorship for the children who are involved in sports.

There being no other speakers, the Mayor closed the public hearing.

Council Member Scheafer addressed Section 13-118.2(c)(2), "Banner Composition: Banner copy and/or logos shall be limited to one side of the banner, and the banner shall be made of durable white cloth, bunting, plastic, or similar material", stating that there is a safety issue with the all-white background, and suggesting that the section be modified. Council Member Cowan observed that the City's field ambassadors and Recreation staff monitor the fields on a regular basis and will be able to correct infractions. The Recreation Manager confirmed with Council Member Cowan that enforcement will be an added responsibility of the field ambassadors, not Code Enforcement.

MOTION/Gave Ordinance 04-11 First Reading

A motion was made by Mayor Monahan, seconded by Council Member Scheafer, and carried 3-2, Mayor Pro Tem Mansoor and Council Member Steel voting no, to give first reading to Ordinance 04-11, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY SIGNS FOR CITY-SPONSORED EVENTS ON PUBLIC PROPERTY AND BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS as amended, deleting references to "only white banners". Second reading and adoption are scheduled for the meeting of October 18, 2004.

Council Member Steel opposed the motion because he supported removing the banners daily. He thought that there should be a convenient manner in which to accomplish this. Mayor Pro Tem Mansoor opposed the motion, reporting that the City of Fountain Valley requires banners to be taken down daily yet they do not have a problem with them "flapping in the wind" which was a consideration should the banners not be fastened securely. He added that daily removal of the banners in Fountain Valley, as well as in the City of Cypress, did not affect their ability to attract sponsors.

PUBLIC HEARING
2004 LLEBG

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider a resolution authorizing

application for and acceptance of 2004 Local Law Enforcement Block Grant (LLEBG) allocation of \$25,634.00; and LLEBG Citizens Advisory Committee recommendation to allocate the LLEBG proceeds and matching funds for the purchase of property lockers (\$5,765.00); weapons rack for arsenal (\$10,300.00); and upgrade audio/visual equipment, Detective Bureau interview rooms (\$12,417.00); and Budget Adjustment No. 05-019 appropriating \$25,634.00 of the 2004 LLEBG funds, and appropriating \$2,848.00 in matching funds from the 2004 Citizens Options for Public Safety, for a total appropriation of \$28,482.00. The Affidavit of Publication is on file in the City Clerk's office. The Technical Services Commander summarized the Agenda Report dated September 8, 2004.

There being no speakers, the Mayor closed the public hearing.

MOTION/Adopted
Resolution 04-58;
Approved Budget
Adjustment No. 05-019

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, Resolution 04-58 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, YEAR 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT ALLOCATION; and Budget Adjustment No. 05-019 was approved.

PUBLIC HEARING
Traffic Impact Fee
Program

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider annual review of Citywide Traffic Impact Fee Program: Resolution to continue the citywide traffic impact fee of \$177.00 per Average Daily Trip (ADT) on an interim basis; continue the incentive program for new residential, commercial, and industrial developments in Costa Mesa by assessing traffic impact fees on an incremental basis for the first 100 trips; suspend the trip fee incentive program for developments in the Newport Boulevard Specific Plan area; and approve the annual accounting of the Citywide traffic impact fee program. The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Transportation Services Manager reviewed the Agenda Report dated September 14, 2004, and responded to questions from Council.

Igal Israel, Costa Mesa, addressing the Newport Boulevard Specific Plan, asked why properties on Newport Boulevard overlooking the freeway are being rezoned residential, and suggested that Council review the original intent of the Plan which is to revitalize the boulevard.

Terry Shaw, Costa Mesa, supported suspension of the trip fee incentive program for developments in the Newport Boulevard Specific Plan area.

Sandra Genis, Costa Mesa, supported eliminating most of the exceptions so that every business carries their own weight. She noted that trip fees are the same for automobiles and trucks, and stated that many communities find it more realistic to view a truck as two passenger vehicles.

There being no other speakers, the Mayor closed the public hearing.

MOTION/Adopted
Resolution 04-59

On motion by Council Member Cowan, seconded by Mayor Monahan, and carried 5-0, Resolution 04-59 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC

IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS, approving recommendations from staff and the Traffic Impact Fee Ad Hoc Committee, and staff was directed to revise next year's Traffic Impact Fee based on the new City Transportation Model and recently completed improvements, downgrades, and cost estimates.

PUBLIC HEARING
Non-exclusive
Franchise for Solid
Waste Haulers

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider a regulation for non-exclusive franchises for solid waste haulers operating in the City of Costa Mesa, and adding Section 8-87 implementing a Sanitation Franchise Fee in their conduct of residential and commercial/industrial solid waste handling services. The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Finance Director and City Manager summarized the Agenda Report dated September 23, 2004, and responded to questions from Council. The Finance Director clarified that the potential fee will be charged to the solid waste hauler. Council Member Steel suggested the discussion take place regarding trash hauling which would clarify and simplify the situation after the November election and the new Council is seated.

Judi Berry, Costa Mesa, suggested that the City institute a different scale for commercial/industrial pickup than for homeowner pickup.

Martin Millard, Costa Mesa, reported that Costa Mesa Disposal, the hauler for residential trash on a no bid basis since 1955, are raising their fees, and commented that the trash bill is included in the resident tax bills.

Kelly Astor, representing CR&R, Inc., the parent company of the current franchisee, reported that 95 percent of the residential population in Orange County is served by exclusive franchise, as well as a very high percentage state wide. He questioned if the City has the legal right to impose a franchise fee on a franchise to which it is not a party, and suggested bifurcating the ordinance which would separate the residential and commercial.

Beth Refakes, Costa Mesa, was concerned about a likely increase in fees to the residents, and supported separate fees for commercial and residential.

Terry Shaw, Costa Mesa, opposed a franchise fee.

Igal Israel, Costa Mesa, advised that the additional fee would bring revenue to the City but would be paid for by the taxpayers. He suggested outsourcing the operation.

Dan Worthington, Director of the Costa Mesa Sanitary District, defined franchise as a voluntary action with specific terms for a specified time period. He commented that residential trash collection has fixed rates, separate annual billings, is a monopoly, and rates cannot be changed without a public hearing, and is therefore a utility. He believed that the City is proposing a utility tax without voter approval, and asked that the Costa Mesa Sanitary District franchise fee be removed from the ordinance so that 21,000 homes do not receive a utility tax on their trash collection bills.

There being no other speakers, the Mayor closed the public hearing.

Council Member Steel thought that the trash collection system was confusing since it is divided between the City and the Sanitary District. He suggested a combining of the two systems with the operations to be the responsibility of the City.

MOTION/Gave Ordinance 04-12 First Reading

A motion was made by Council Member Cowan, seconded by Mayor Monahan, and carried 3-2, Mayor Pro Tem Mansoor and Council Member Steel voting no, to give first reading to Ordinance 04-12, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A SOLID WASTE HAULING FRANCHISE FEE. Second reading and adoption are scheduled for the meeting of October 18, 2004.

Mayor Pro Tem Mansoor opposed the motion because he believed that the City should attempt to make reasonable cuts in the budget prior to raising taxes and fees to residents. Council Member Cowan supported the ordinance and voiced appreciation for the time that staff and the waste haulers have devoted in order to arrive at a solution. She explained that the City does not currently have a program in place which helps to recover the cost of the wear and tear of the commercial haulers on the City's public right-of-way. Council Member Scheafer also expressed his appreciation to staff and the waste haulers for creating this ordinance.

RECESS

The Mayor declared a recess at 8:15 p.m., and reconvened the meeting at 8:30 p.m.

OLD BUSINESS
Conflict of Interest Code

The Deputy City Clerk presented from the meeting of September 20, 2004, second reading and adoption of Ordinance 04-10, revising the list of designated positions for the City's Conflict of Interest Code.

MOTION/Adopted Ordinance 04-10

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 5-0, Ordinance 04-10 was given second reading and adopted: 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.

NEW BUSINESS
John Wayne Airport Operations

There being no objection, Mayor Monahan invited Airport Director Alan Murphy to make his presentation on John Wayne Airport Operations. The Development Services Director reviewed the Agenda Report dated September 27, 2004, and introduced Mr. Murphy.

Airport Director Murphy made a slide presentation which addressed the airport's regulatory environment as stipulated in the 1985 agreement between the County of Orange, the owner and proprietor of JWA, the City of Newport Beach, and two community groups, including the Airport Working Group. He mentioned the following limitations: 73 daily departures which are noise regulated, 8.4 million passengers per year, 14 passenger loading gates, the size of the terminal area, as well as interior square footage available for lease, 8,400 parking spaces, etc. He added that the curfew agreement is still in place and stipulates that commercial airplanes do not depart before 7:00 a.m. and after 10:00 p.m., arrivals are allowed until 11:00 p.m., and Sunday departures begin at 8:00 a.m. Mr. Murphy added that amendment

of the existing agreement increased the daily departures by 12, the passenger levels to 10.3 million annually, and the number of loading gates to 20. He reported that the Federal Aviation Agency directs the flight patterns but the pilot has the ability to make changes in order to deal with emergency situations. Mr. Murphy stated that based on statistics as of June, 2004, JWA is the 23rd busiest airport in the county for total operation which includes commercial and passenger flights, the 41st busiest for passenger service, and he addressed noise monitoring issues.

Mr. Murphy reported that over the past 10 years, the total number of operations has decreased with the largest decrease in general aviation, which directly impacts the City's flight patterns. He referred to flight information which is available on their website, www.ocair.com, stated that additional information is available 24 hours at (949) 252-5185, and reviewed planned improvements to terminal facilities and parking structures. He responded to questions from Council by advising that tax dollars are not involved in airport expenses which are financed through user fees, revenue bonds, and FAA grant money; in the general aviation noise ordinance, the noise level restrictions are the same as those for commercial aircraft, and general aviation is regulated on an individual flight-by-flight basis; that future discussions will be held regarding cities which may not be a formal party to the agreement, but will be ensured an active roll in the process in order to address their issues and views; and that JWA is amenable to providing land for a site to assist with fueling operations for Airborne Law Enforcement (A.B.L.E.) units.

Council Member Cowan asked if there is a link from the City's web page to the JWA web page, and the City Manager replied that if it is not available and is technically feasible, a link will be provided.

Mike Berry, Costa Mesa, asked Mr. Murphy to comment regarding the cities of Newport Beach and Irvine recently announcing an alliance to address common interests, from which Costa Mesa was excluded, and one area mentioned was increased management of JWA; and how does the installation of Centerline at JWA affect their planning. Mr. Murphy replied the airport personnel are working closely with Orange County Transportation Authority on planning for Centerline which has been included in their planning process; and acknowledged that he was not aware of the abovementioned alliance.

Jim Jones, Costa Mesa, a frequent flyer, asked what level of service is required at the airport before an additional runway is added. Mr. Murphy agreed that the runway capacity is a limiting factor of JWA but indicated that there are no plans for an additional runway.

Heather Somers, Costa Mesa, was concerned that the settlement agreement from the 1990's is not being followed by JWA, the airlines, or the FAA. She asked the City to be specific in its correspondence directed to the FAA relative to the guidelines for flight patterns, and complained about flights which take off and land late at night. She felt that Costa Mesa should be included in airport discussions, and objected to the World War II airplanes which fly over her home. Mr. Murphy replied that it is JWA and the County's responsibility to ensure that the limits of the agreement are not exceeded, and explained that certain geological conditions will affect flight direction. He offered to follow-up on Ms. Somer's concerns.

Beth Refakes, Costa Mesa, objected to the vintage aircraft which fly over her home, and was concerned about proposed JWA expansion. She observed that airport noise has increased over the last 10 years. Mr. Murphy informed Ms. Refakes that between 7:00 a.m. and 8:00 a.m., an airplane departs approximately every 2 to 3 minutes. Ms. Refakes questioned the security of the control towers at the airport, and agreed with previous observations that any discussion between the County of Orange and the cities of Newport Beach and Irvine regarding the sphere of influence should include Costa Mesa. Mr. Murphy reiterated his previous assertion that noise levels have been decreasing,

Robert Graham, Costa Mesa, asked if the airport plans to transport passengers on Boeing 767 aircraft and are they a quieter plane. Mr. Murphy replied that there is a space issue but the carriers could operate the smaller version of the aircraft which is the 200 Series.

Judi Berry, Costa Mesa, mentioned that she had heard aircraft in the morning as early as 6:00 a.m., and indicated that she feels safe flying in World War II aircraft in which she travels often. Mr. Murphy replied that the airport is open 24 hours a day for operation but there is a tighter noise level restriction during the off-hours.

Mike Berry, Costa Mesa, asked Mr. Murphy to inform residents of flights which violate the rules. The City Manager suggested that airport information relative to violations could be published on the City's website.

Sandra Genis, Costa Mesa, thought that a more appropriate venue for this presentation would have been a Council study session, and suggested that this be considered for future presentations. Mayor Monahan replied that one of the reasons that the presentation was placed on a regular agenda is because of its importance to the entire community. Ms. Genis, although not a supporter of an international airport at El Toro, was concerned about a report in Orange County Weekly about corruption regarding the transfer of land, and urged the City to ensure that everything is "on the up and up."

Council Member Steel commented on two actions he had taken which directly affected JWA, one was the appointment of Dennis DeMaio, who is now the supervisor of Airport Security, to the Planning Commission, and second was his negative vote on the 2002 revised settlement expansion agreement.

Council Member Scheafer asked if the Long Beach Airport had a website which provided flight information similar to that offered by JWA. Mr. Murphy responded that Long Beach does not currently have the information available but the JWA map can be enlarged to include Long Beach.

NEW BUSINESS City Employee Poll Worker Program

The Deputy City Clerk presented the City Employee Poll Worker Program. The Assistant City Manager announced that the City is an early voting site from October 5 through 22, 2004, 8:00 a.m. to 5:00 p.m., and reviewed the Agenda Report dated September 22, 2004.

Council Member Steel exited the Council Chambers at 9:50 p.m.

Mike Berry, Costa Mesa, called the Poll Worker Program an "obvious conflict of interest", and stated that City employees would

be working in the polling area while residents are electing their bosses. Mayor Pro Tem Mansoor explained that the County is extremely short of poll workers, and the program would be at no additional cost to the City.

MOTION/Approved
Program

On motion by Council Member Cowan, seconded by Mayor Pro Tem Mansoor, and carried 4-0, Council Member Steel absent, the program was approved, and the City Manager was authorized to implement a policy authorizing City employees to serve as volunteer poll workers throughout the City of Costa Mesa for the November 2, 2004, General Election.

Council Member Scheafer asked staff to determine if the Registrar of Voters would offer a training program at the Costa Mesa Senior Center for the new eSlate voting machines. The Deputy City Clerk advised that the Registrar has a very active outreach program.

Council Member Steel returned to the Chambers at 9:55 p.m.

NEW BUSINESS
Fairview Park Review

The Deputy City Clerk presented a request from Council Member Cowan for Fairview Park review. Council Member Cowan presented her request that the Parks and Recreation Commission and staff enter into discussions regarding the licensing of model glider pilots in order to provide better protection for the Harbor Soaring Society and the City; to investigate smoking restrictions in Fairview Park, as well Canyon Park, which are designated native and wilderness areas and have recently become fire hazards; and to reconsider a lower parking lot using an environmentally friendly porous materials for the surface.

Council Member Steel asked who would take responsibility for Talbert Park when the contract with the County expired in 2005. The City Manager replied that the City would not become responsible for Talbert Park. Council Member Steel suggested a lower parking lot for senior citizens and disabled persons with the access off Victoria Street or 19th Street. The City Manager commented that the abovementioned access would involve property which is not currently owned by the City.

Jan Vandersloot, Newport Beach, originally had opposed the lower parking lot due to the potential urbanization of this natural park but indicated that he understood the logic for the lot and asked if Council would consider a tradeoff. He thought that if the lower parking lot is added then the parking lot which is planned for construction to the right of the main entrance could be eliminated.

Paul Bunney, Costa Mesa, encouraged consideration of the lower parking lot which he believed would provide greater access to all Costa Mesa residents. He thought that the other two issues should also be reviewed.

A Tustin resident, a member of the Harbor Soaring Society, indicated that there is a constant struggle with newcomers who want to fly their craft but are not aware of the rules. He supported a registration process with the City to ensure that the proper liability insurance is carried, and encouraged assigning the Harbor Soaring Society as the operating agent.

Judi Berry, supported review of the lower parking lot.

Troy Peterson, Costa Mesa, President of the Harbor Soaring Society, supported review of the proposed glider pilot licensing by

the Parks and Recreation Commission. He believed that this proposal is a positive step towards the education of pilots and will ensure that they carry liability insurance.

Bob Graham, Costa Mesa, addressed neighbors who are “denied access to the park” stating that Huntington Beach residents have better access. He showed a map illustrating the number of residents who are unable to enter the park near their homes.

Sam Clark, Costa Mesa, favored a lower parking lot but thought that a permeable surface as suggested by Council Member Cowan would be difficult for handicapped persons and persons in wheelchairs to navigate.

Sandra Genis, Costa Mesa, encouraged handicap access to the lower portion of Fairview Park. She supported elimination of the remaining part of the upper lot north of the entrance, thought that there was more debris from fast food wrappers, beer bottles, etc., than smokers, and urged the City to work with the Harbor Soaring Society in the regulation of gliders.

James Jones, Costa Mesa, did not think that the lower parking lot would solve the problem, and observed that Fairview Park is a low use facility that currently has more parking than the next two largest parks combined. He commented that the lower area is actually a nature preserve with wetlands and sand dunes.

Terry Shaw, Costa Mesa, concurred with Dr. Vandersloot’s suggestion to substitute the upper for the lower parking lot, and thought that the proposed smoking ban and glider regulations were “overkill”.

Carl Felix, Costa Mesa, complained about the lower parking lot by his residence.

MOTION/Referred
Licensing to Parks and
Recreation Commis-
sion

A motion was made by Mayor Monahan, seconded by Council Member Steel, to refer consideration of licensing of model glider pilots to the Parks and Recreation Commission for public input and recommendation; and directed staff to meet with representatives of the Harbor Soaring Society; conduct surveys at the site to interview operators and determine the approximate number of “independent” operators utilizing the facility; obtain information from other cities/agencies in Southern California that provide similar types of facilities to the public; and conduct a community meeting, if necessary.

Mayor Pro Tem Mansoor opposed a lower parking lot, and noted that the subject had already been discussed. He advised that an ordinance exists banning gas powered model airplanes and opposed over-regulation.

The motion carried 4-1, Mayor Pro Tem Mansoor voting no.

MOTION/To Refer
Lower Parking Lot
Failed to Carry

A motion was made by Council Member Cowan, seconded by Council Member Scheafer, to refer consideration of the lower parking lot to the Parks, and Recreation Commission. The motion failed to carry 3-2, Mayor Monahan, Mayor Pro Tem Mansoor, and Council Member Steel voting no.

Mayor Monahan concurred with the Mayor Pro Tem Mansoor that the issue of the lower parking lot had been previous discussed.

MOTION/To Refer
Upper Parking Lot
Died

A motion made by Mayor Monahan to refer the upper parking planned for construction to the right of the main entrance to the Parks and Recreation Commission died for lack of a second.

CITY MANAGER'S
REPORT

The City Manager announced that the second annual Lounge Chair Theater will be held on Saturday, October 16, 2004, in Fairview Park.

COUNCIL
COMMENTS
I-405 Expansion

Mayor Pro Tem Mansoor advised that a public meeting will be held on October 27, 2004, 5:00 to 7:00 p.m. at the Neighborhood Community Center, regarding the major investment study for the I-405 expansion between the 605 and the 73 freeways.

ADJOURNMENT

The Mayor declared the meeting adjourned at 10:35 p.m.

