

CITY COUNCIL
CITY OF COSTA MESA

COUNCIL CHAMBERS
CITY HALL
77 FAIR DRIVE

OCTOBER 4, 2005
REGULAR MEETING

Mayor Mansoor called the Regular Meeting of the City of Costa Mesa, California to order at 5:00 p.m. and requested the City Clerk to call the roll.

PRESENT: COUNCIL MEMBERS: ALLAN R. MANSOOR, MAYOR
GARY C. MONAHAN, MAYOR PRO TEM
ERIC R. BEVER
LINDA W. DIXON
KATRINA A. FOLEY

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: ALLAN L. ROEDER, CITY MANAGER
KIMBERLY HALL BARLOW, CITY ATTORNEY
JULIE FOLCIK, DEPUTY CITY CLERK
DONALD LAMM, DEVELOPMENT SERVICES DIRECTOR
WILLIAM MORRIS, PUBLIC SERVICES DIRECTOR

PUBLIC COMMENTS: There were no public comments.

CLOSED SESSION: The Mayor declared the City Council recessed into Closed Session at 5:05 p.m., to consider the following:

1. Public Employment—Public Employee Discipline/Dismissal/Release: Housing Rehabilitation Coordinator, pursuant to Government Code Section 54957.
2. Conference with Legal Counsel – Existing Litigation: Dunne vs City of Costa Mesa, Case No. 04CC06183, pursuant to Government Code Section 54956.9(a).

AFTER RECESS: The Mayor reconvened the meeting, with all Council Members being present, at 5:30 p.m.

AGENDA REVIEW STUDY SESSION: The Mayor announced that the agenda review study session would be conducted in Conference Room 1A on the first floor of City Hall and would commence immediately. No action was taken on any matter.

AFTER RECESS: The Mayor reconvened the Regular Meeting of the City Council at 6:00 p.m.

PLEDGE OF ALLEGIANCE: Mayor Mansoor led the assembly in the Pledge of Allegiance to the Flag.

MOMENT OF SOLEMN EXPRESSION: The Mayor requested a moment of silence in remembrance and honor of those persons serving our Country, both locally and abroad.

ROLL CALL: The Mayor requested the City Clerk to call the roll:

PRESENT: COUNCIL MEMBERS: ALLAN R. MANSOOR, MAYOR
GARY C. MONAHAN, MAYOR PRO TEM
ERIC R. BEVER
LINDA W. DIXON
KATRINA FOLEY

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: ALLAN L. ROEDER, CITY MANAGER
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WILLIAM MORRIS, PUBLIC SERVICES DIRECTOR

CLOSED SESSION REPORT: City Attorney Kimberly Barlow announced that relating to:

1. Public Employment—Public Employee Discipline/Dismissal/Release, the matter was being continued to October 18, 2005, to allow the employee to submit additional information.
2. Dunne vs. City of Costa Mesa, the City Council determined to defend the officers involved who requested defense.

PRESENTATIONS

1. Mayor's Award—David Davis: Fire Chief Jim Ellis, on behalf of David Davis and his family who could not be present this evening, accepted the Mayor's Award for his heroic actions in saving the life of his sister from a drowning incident. The Chief explained that David was an exceptional hero, since he suffers from autism and acted spontaneously to save his sister.
2. Employees of the Month: The Mayor recognized Bart Mejia, Parks Project Manager, Public Services, who was present in the audience, Tom Banks, Senior Engineer, Public Services, and Mike Guevara, Assistant Engineer, Public Services, for their work on the Fairview Slope Project. The Mayor noted that residents in the area of the project nominated the employees based on their work and dedication.
3. Operation Interdependence: The Mayor introduced Kathy Dalby of Operation Interdependence who explained their organization was the civilian to military care package delivery system to the men and women serving on the war front in Iraq. She requested citizens to write personal letters to the military personnel serving in Iraq, thanking them and expressing appreciation for their dedicated service to our Country, for inclusion in the care packages they mail each month. Ms. Dalby advised the letters could be mailed to 345 Fisher Avenue, Costa Mesa, CA 92626 or emailed to kdalby7777@yahoo.com. For more information, citizens could go to their website at www.oidelivers.org. At the conclusion of her presentation, an informational DVD was shown, giving a list of suggested donated items for inclusion in the care packages and showing pictures of volunteers preparing care packages and writing letters.

PUBLIC COMMENTS

1. Martin Mallard, Costa Mesa, advised that a recent newspaper article pointed out that Costa Mesa has eight failing schools, three more than last year and that most of the surrounding cities have none, except Santa Ana; expressed the opinion that with all the free government programs and giveaways, Costa Mesa has become a haven for illegal aliens which has impacted the schools; and encouraged the City Council to enforce local laws.

2. Tim Geddes, Huntington Beach, advised that on October 17th, the Huntington Beach City Council will consider a conditional use permit to allow a desalinization facility which will necessitate a 40-foot pipeline being installed in Pacific Coast Highway, north on Newland Avenue, and east on Adams Avenue through Costa Mesa to its final destination; pointed out the impacts on Costa Mesa, major road closures, traffic, etc; and suggested that the City Council may want to track the project.

In response to Mayor Pro Tem Monahan, Public Services Director Bill Morris advised that several months ago, the City reviewed the environmental impact report (EIR) on the project and made substantive comments to the City of Huntington Beach; and advised that he would provide an update in writing to the City Council. In response to Mayor Mansoor, City Manager Roeder stated the City Council had not taken a formal action on the project and as Mr. Morris stated, the City had made extensive comments on the EIR.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Foley: With respect to the Huntington Beach desalinization project, inquired if it would have an impact on newly improved Costa Mesa streets and how long would City streets be impacted. Public Services Director Bill Morris stated that the routing will not impact recently constructed streets and the City can control the impact through its permitting process; since it had been a number of months ago since he reviewed the project, he advised he would review the matter and report back.

Council Member Bever: Complimented Community Development Director Don Lamm and staff, in particular Senior Planner Claire Flynn, for their work on the Westside Overlay Plan and the Bristol Street Overlay Plan; the draft Plans were released last week.

Mayor Pro Tem Monahan:

1. Echoed Council Member Bever comments and encouraged the public to look at the Plans which the City Council would be discussing next week's Study Session.
2. Along with Council Member Foley, City Manager Roeder and Legislative and Public Affairs Manager Shultz, he would be attending the Annual League of California Cities Meeting in San Francisco at which he would cast votes on behalf of the City on several League resolutions.
3. With regrets, due to increased demands on his personal life, especially with his children, and on his business, he would be stepping down as Mayor Pro Tem; requested the City Manager to agendaize for the next City Council meeting, the selection of a new Mayor Pro Tem; thanked the Mayor and City Council for their support; and stated he looked forward to continuing to serve as a Council Member.

CONSENT CALENDAR

MOTION: On motion by Council Member Monahan, seconded by Council Member Dixon, the City Council took the following actions on the following items:

Written Communications

1. The following claims were received and processed: Vu Minh Luong and Tuyet Anh Ly; and Steve Metzger and Jennifer Stalder.

The following Alcoholic Beverage Control License was received and processed: Q Club and Café, 1525 Mesa Verde Drive East, Suites 123-125, for a stock transfer of an existing Type 41 ABC License (on-sale beer and wine for a bona fide eating place).

Minutes

2. None

Warrants

3. Adopted the following entitled Warrant Resolution:

WARRANT RESOLUTION NO. 2076: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID. (Funding City operating expenses in the amount of \$648,239.37)

4. Adopted the following entitled Warrant Resolution:

WARRANT RESOLUTION NO. 2077: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 519 ND PAYROLL REGISTER NO. 518A, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID. (Funding Payroll No. 519 in the amount of \$2,134,377.18 and Payroll No. 518A in the amount of \$30,598.11, and City operating expenses in the amount of \$615,264.94, including payroll deductions.

Administrative Actions

5. Application for Change of Control of the Cable Television Franchise:

a) Adopted the following entitled Resolution and approved and authorized the Mayor and Clerk to execute the Assignment and Assumption Agreement and Guarantee of Assignee's Obligations (Cable Television Franchise Agreement):

RESOLUTION NO. 05-71. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONDITIONALLY AUTHORIZING THE ASSIGNMENT AND ULTIMATE TRANSFER OF CONTROL OF A CABLE TELEVISION FRANCHISE BY COMCAST CORPORATION TO C-NATIVE EXCHANGE I, LLC. A WHOLLY-OWNED SUBSIDIARY OF TIME WARNER NY CABLE LLC.

b) Adopted the following entitled Resolution and approved and authorized the Mayor and Clerk to execute the Assignment and Assumption Agreement and Guarantee of Assignee's Obligations (Cable Television Franchise Agreement)::

RESOLUTION NO. 05-72. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONDITIONALLY AUTHORIZING THE ASSIGNMENT OF A CABLE TELEVISION FRANCHISE BY ADELPHIA CABLEVISION OF ORANGE COUNTY, LLC, TO TIME WARNER NY CABLE LLC, A SUBSIDIARY OF TIME WARNER CABLE, INC.

6. Awarded Bid Item No. 1085, purchase of 26 Scott self-contained breathing apparatus and the upgrade of 28 Scott Air-pak 50's, to Allstar Fire Equipment, Inc, 12328 Lower Azusa Road, Arcadia, in the amount of \$104,258.15.

MOTION CARRIED. The Mayor declared Warrant Resolution Nos. 2076 and 2077, and Resolution Nos. 05-71 and -72 duly passed and adopted.

END OF CONSENT CALENDAR

PUBLIC HEARINGS

1. PUBLIC HEARING: APPEAL OF PLANNING APPLICATION NO. PA-05-30,
1100 BRISTO STREET

(Continued from the September 20, 2005 meeting) Appeal of the Planning Commission's denial of the six-month extension of time to Planning Application No. PA-05-30, for the outdoor storage of recreational vehicles and a mini-storage facility (originally approved under PA-94-24 and PA-04-12) at the Bristol Street Mini Storage, on C1 (Local Business District) zoned property located at 1100 Bristol Street, from September 2, 2005 to March 1, 2006; Lee Jamieson, applicant, and County of Orange, owner; Environmental Determination: Categorically Exempt.

The Deputy City Clerk advised that the public hearing had been continued from September 20, 2005 meeting, reported that the Affidavits of Mailing and Publication for PA-05-30 were on file in her office, and noted that several communications in support of the Application had been received.

Mayor Pro Tem Monahan stated that the City Council received an extensive packet of information from the applicant's attorney late this afternoon and asked the City Attorney to comment. City Attorney Kimberly Hall Barlow advised that she had read the letter, but did not have the opportunity to review the legal authorities cited and would like to do so and suggested a continuance.

The Mayor asked if anyone in the audience wished to address the matter.

1. Lloyd Rasner, Corona del Mar, spoke in favor of the extension of time, noting the facility is well managed and maintained, and there was a storage facility directly across the street from this one.
2. Martin Mallard, Costa Mesa, spoke in opposition to the extension of time; stated that the storage facility lies just outside the SoBeca Overlay Zone; is in an area where businesses are being encouraged to improve their facilities; and noted that the business owner knew going in that the storage facility was to be a temporary use only.
3. Dan Scott, Costa Mesa, spoke in favor of the extension of time, noting he was a retailer with storage needs and that the facility serviced the needs of his and other businesses in the area.

Before the applicant/appellant spoke, Mayor Pro Tem Monahan reiterated the fact that late this afternoon an extensive packet of information was submitted to the City Council and the City Attorney had not had the opportunity to review it thoroughly. He suggested a continuance of the public hearing was in order.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council continued the public hearing on PA-05-30 to October 18, 2005, 7:00 p.m., and directed that any comments received this date would be part of the record.

4. Tricia McGee, spoke in favor of the extension of time; stated storage facilities in the area were needed; and noted the facilities were neat and clean.

The Mayor asked if anyone else wished to address the City Council on the matter; there was no response.

A vote was taken on the foregoing motion. MOTION UNANIMOUSLY CARRIED.

2. PUBLIC HEARING: VACATION OF EXCESS RIGHT OF WAY AT 1629 SUPERIOR
AVENUE :

The Deputy City Clerk noted that this was the date and time set for public hearing on said vacation and that the Affidavits of Publication and Mailing were on file in her office.

William Morris, Director of Public Services, briefed the Council Agenda Report dated October 4, 2005, and noted that the property owner at 1629 Superior Avenue requested the vacation of a portion of

Superior Avenue immediately adjacent to her property. Mr. Morris stated that Superior Avenue had been downgraded from 100 feet of right of way to 80 feet under the City and County Master Plan of Highways and that this portion of Superior Avenue was excess and one of the last to be vacated.

The Mayor opened the public hearing and asked if anyone wished to address the matter; there was no response.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Bever, the City Council adopted the following Resolution and authorized the Mayor and Clerk to executed Quitclaim Deed No. 3533:

RESOLUTION NO. 05-73. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ORDERING THE VACATION OF EXCESS RIGHT OF WAY AT 1629 SUPERIOR AVENUE.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, MONAHAN, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MOTION UNANIMOUSLY CARRIED. The Mayor declared Resolution No. 05-73 duly passed and adopted.

OLD BUSINESS

1. The City Clerk read the title of Ordinance No. 05-12 and noted it was introduced for first reading at the September 20, 2005 meeting.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council waived further reading and adopted Ordinance No. 05-12.

The Mayor asked if anyone in the audience wished to address the matter; there was no response.

ORDINANCE NO. 05-12: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRASH DUMPSTERS/BINS AND TRASH ENCLOSURES.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, FOLEY, AND MONAHAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MOTION CARRIED. The Mayor declared Ordinance No. 05-12 duly passed and adopted.

2. The City Clerk read the title of Ordinance No. 05-13 and noted it was introduced for first reading at the September 20, 2005 meeting.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council waived further reading and adopted Ordinance No. 05-13.

ORDINANCE NO. 05-13: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING CANOPIES ON RESIDENTIAL PROPERTIES.

Council Member Foley stated she could not support the Ordinance as proposed, since there was no provision to permit a temporary canopy to be erected in the front yard for an event, and it gave too much discretion to the issuer of the permit.

The Mayor asked if anyone in the audience wished to address the matter; there was no response.

Roll Call Vote:

AYES:	COUNCIL MEMBERS:	MANSOOR, BEVER, DIXON, AND MONAHAN
NOES:	COUNCIL MEMBERS:	FOLEY
ABSENT:	COUNCIL MEMBERS:	NONE

MOTION CARRIED. The Mayor declared Ordinance No. 05-13 duly passed and adopted.

3. Proposed Action Minutes: City Manager Allan Roeder, stated discussion of proposed Action Minutes had been discussed at a prior Study Session and Council Meeting and certain questions were raised. He advised that staff has addressed those questions in the Council Agenda staff report dated this date. Mr. Roeder pointed out that the proposal to do Action Minutes was a follow-on to the recent technology improvements made on minute taking and publication of the Council proceedings. He stated that alternatives to Action Minutes were also discussed in the staff report.

In response to Council Member Dixon, City Manager Roeder advised the public meetings would be available to Council Members and the public, both in video and audio formats, and that with Action Minutes, an item would be identified and action of the Council reflected. Under Alternatives, Minutes, No. 2, Modified Action Minutes would contain expanded discussions (summary) for public hearings.

Deputy City Clerk Julie Folcik reviewed the various Minute formats, noting that all contain the essential elements of an item, a description, persons who addressed the item, motion, vote, and any Council comments on a motion made.

In response to Council Member Dixon, the Deputy City Clerk advised that Minutes and staff reports are included in Council agenda packets, but if more information is desirable, a Council Member could view the video on the City's Website.

Mayor Mansoor suggested that the Minutes be done in a Modified Summary Minutes format and include a summary of discussion on all items discussed, as opposed to just discussion on public hearings. City Manager Roeder stated that discussion, for instance, on an Old Business item would have taken place and been recorded at a prior meeting or meetings.

Council Member Bever stated he was surprised to see a request for Action Minutes at this time, since it was less than a month ago, the City Council approved the contract for the new technology improvements (streaming video), with the understanding that it would help the Clerk's office to expedite the production of Minutes. Council Member Bever expressed concern about incomplete testimony being included in Action Minutes, and thereupon read two excerpts (submitted as attachments to staff report) on the same testimony, one written in Action Minutes format, and the other in Summary Minutes format. Council

Member Bever pointed out that the proposed Action Minutes format did not contain the five subjects addressed by the speaker and reflected in the current Summary Minutes format.

Mayor Mansoor asked if anyone in the audience wished to address the matter; there was no response.

MOTION: Council Member Bever moved to continue the use of Summary Minutes at this time and that after six months, re-evaluate the matter based on whether the Clerk can expedite the production of Minutes with use of the new technology. Council Member Mansoor seconded the motion for purpose of discussion.

Mayor Mansoor questioned the statement on Page 2 of the staff report relating to bringing the recordings back in-house and maintaining them on a computer or on DVD's following expiration of the time of maintaining them on the Web. City Manager Roeder responded that it is their intent to maintain DVD's of past meetings for Council, staff, and public access, and funding would be part of the Budget process.

Council Member Monahan spoke in favor of going to Action Minutes. He noted that staff has responded to Council's direction to look at new technology to improve accessibility and efficiency. Council Member Monahan stated he believed use of Action Minutes was a part of that.

SUBSTITUTE MOTION: On motion by Council Member Monahan, seconded by Council Member Dixon, the City Council approved the use of Action Minutes, with a review in six months.

Council Member Bever requested the maker of the motion to include the current method of Minutes for the reporting of Public Comments. Council Member Monahan stated he would prefer to address the matter at the six-month review.

A vote was taken on the Substitute Motion. Council Members Mansoor and Bever voted "No". MOTION CARRIED.

NEW BUSINESS

1. Request for Review of the Fairview Park Master Plan: In accordance with Section C5 of City Council Policy 500-11, request for review of the Fairview Park Master Plan, as follows:
 - a. Bike and walking trail access through the lower park area to connect Placentia Avenue to the River Trail.
 - b. Lack of parking in the lower park area to accommodate people unable or unwilling to use the upper parking lot to gain access to Talbert Park and the proposed wetlands area.
 - c. Trail access between the upper bird Street area and the new pedestrian/bike bridge over Placentia Avenue connecting the east and west sides of the park.

The Deputy City Clerk noted that communications had been received from Ali Haghjoo supporting the retention of the current Fairview Park Master Plan and another resident offering a bicycle route alternative.

William Morris, Director of Public Services, explained Council Policy 500-11, briefed the Council Agenda Report dated October 4, 2005, noted that the request had been received from Parks and Recreation Commissioner Robert Graham, and requested City Council direction to staff regarding the request.

Council Member Bever clarified that the bike and walking trail through the lower park area to connect to Placentia Avenue to the River Trail had been approved by the City Council recently. Mr. Morris stated that was correct and that the City Council had directed staff to work with the County on the matter.

Parks and Recreation Commissioner Robert Graham stated that when he looked at maps and diagrams of the different areas, the 11 acres in the Alluvial area to be designed and the 20 to 30 acres of wetlands being contracted for, it became apparent to him that the interface of the various areas, the Master Plan of Parks, and Talbert Park should be looked at to insure coordinated efforts, especially relating to bike trails. Mr. Graham noted a number of park improvements were to be made in the area and wanted to be sure they were a part of the Master Plan as well, and that with the improvements, parking would be a key issue. He did not want to see City streets impacted and wanted to be sure adequate and convenient on-site parking would be included in any improvement. Mr. Graham stated that the trail access between the upper bird streets and the new pedestrian/bike bridge over Placentia Avenue also needed to be addressed.

In response to Mayor Mansoor, Mr. Graham explained the difference between review of Item 1 above and that which was previously approved by City Council was that the trail had not been designed yet and approval of looking at monies to pave the levee was not favored by residents on Swan Drive.

In response to Council Member Foley, Robert Staples, Fairview Park Plan Administrator, stated there was no trail access from the upper bird streets to the Placentia bridge. He explained the bridge will connect the east and west side and the trail would loop around the existing train tracks and station.

Council Member Bever asked if the Canary access point being proposed would have the same ADA non-compliant issues as was the case several years ago. Mr. Staples answered in the affirmative. Council Member Dixon recalled the engineer at the time stated there was a way to make it ADA compliant. Mr. Graham concurred and stated he believed a ramp had been proposed.

The Mayor asked if anyone wished to address the City Council on the matter.

1. Martin Mallard, Costa Mesa, stated that Fairview Park was a natural park and cautioned the Council not to over-engineer the park.
2. Sam Clark, Costa Mesa, spoke in favor of reviewing the Park Master Plan; believed a parking lot was necessary; but did not want to see the park over-engineered either.
3. David Kinkade, Costa Mesa, suggested the City Council consider the issues separately; believed the multipurpose trail proposed is already in the Master Plan, but making it hard surfaced could be easily implemented as part of the ongoing engineering services contract; review of the parking lots should include impacts on the riparian project, impact on the picnic area, compatibility of automobiles in a sensitive habitat, traffic hazards of vehicles entering and exiting Placentia Avenue, and lack of restrooms and drinking fountains; and he would like to see access to the park from Canary Drive, but the slope is a vertical dirt strip and contains large water pipes.
4. Cindy Brenneman, Costa Mesa, agreed with the previous speaker's comments, spoke in opposition to review of the Park Master Plan, expressed disfavor of making Canary Street accessible to park users and urged the planting of materials on the vertical slope.
5. Bill Reichler, Costa Mesa, favored leaving the existing Park Master Plan in place; stated that perhaps a bike trail on the levee was flawed, but he supported a bike trail at Point A; did not want a parking lot in the lower park and suggested a shuttle service on certain days to the lower park so that seniors and citizens with disabilities could enjoy it.
6. Steve Devey, Costa Mesa, expressed support for the existing Park Master Plan, believed that any changes could be accomplished through a compromise between the Park and Recreation Commission and park users, and applauded everyone involved in making Fairview Park a premiere park.
7. Beth Refakes, east side Costa Mesa resident, expressed support for keeping Fairview Park a passive park, did not want to have a parking lot in the lower section, and expressed concern about access from Canary Street, noting park visitors would create parking problems for residents living on that street.

The Mayor asked if anyone else wished to address the City Council on the matter; there was no response.

The Mayor then expressed appreciation to Robert Graham for his efforts in bringing the proposal forward, but stated he was not inclined to review the Fairview Park Master Plan at this time.

Council Member Dixon expressed concern about ADA-approved parking at Talbert and Fairview Parks and stated she believed eventually the City will have to address the issue; stated an additional 60 parking spaces in the lower portion of the Fairview Park was very desirable; was not certain that access to the Park from Canary Street was appropriate, but access somewhere from that side of the Park should be addressed; and encouraged the City Council's support of the request for review of the Fairview Park Master Plan.

In response to Mayor Mansoor, City Attorney Barlow stated there is no ADA requirement to provide access to all sections of a natural habitat park, noting some National Parks as examples, and that only reasonable access to park was required. In response to Council Member Dixon, Ms. Barlow stated that a number of factors would be considered to determine reasonable access, how much access was provided, the cost, and the impact on the natural facilities of a park, and that a discussion with Mr. Morris, Mr. Staples, and the engineer would be appropriate to clarify accessibility issues in the Master Plan.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Monahan, the City Council moved that the Fairview Park Master Plan should remain as is, to deny the review request, and to return all submitted materials submitted to the applicant.

Council Member Foley stated she could not support a parking lot in the lower section of the Park because she believed it would change the Park from passive to active and people would then promote the use of sports fields in that area. Council Member Foley commented that Item No. 1 in Mr. Kinkade's comments relating to the bike trail was being looked at presently, and that access to the park from Canary Street was not favored by the residents of the street and could create parking problems. She noted, however, there was no access to the Park from the east side of town without going on major arterials and that some access would eventually be needed.

In response to Council Member Dixon, Public Services Director Morris stated that a shuttle service down the levee falls within the purview of the Orange County Flood Control District, since they are the owners. Council Member Dixon requested Mr. Morris to discuss the matter with the District.

Council Member Bever pointed out there does not seem to be much community interest in reviewing the Master Plan, noting the correspondence he has received.

Council Member Foley questioned if there had been any discussions about parking at the south end of the Park, closer to 19th Street. Public Services Director Morris responded that the Master Plan provides for additional parking on the south end of the Park at the end of Pacific Avenue to accommodate ten cars and at the main entrance of the Park opposite the existing parking lot to accommodate 35 cars. Mr. Morris pointed out that a smaller width trail with switchbacks, which would have the effect of flattening out the slope, was in the Master Plan and would provide access in the lower section of the Park.

A vote was taken on the foregoing motion. Council Member Dixon voted "No." MOTION CARRIED.

MOTION: On motion by Council Member Foley, seconded by Council Member Dixon, the City Council directed the Parks and Recreation Commission and the Planning Commission to review the existing Master Plan of Bikeways, solicit public input, and submit recommendations to the City Council.

Council Member Monahan pointed out the motion related to a non-agendized matter, and, therefore, was inappropriate. The City Attorney concurred. City Manager Roeder advised he would prepare a staff report clarifying the tasks and direction and agendize the matter for a future meeting.

Council Member Foley withdrew her motion.

REPORTS

City Attorney: None

City Manager: City Manager Roeder complimented the following Engine 84 Fire personnel, as well as the Fire personnel remaining on duty in the City backing them up, for their efforts in the Topanga and Burbank fires this past weekend: Captain Coates, Fire Engineer Gagne, and Fire Fighters Bibler and Homer, later relieved by Captain Ohde, Fire Engineer Dyer, and Fire Fighters Jones and deFluiter.

ADJOURNMENT: The Mayor declared the meeting adjourned at 8:10 p.m. and noted the next Regular Meeting would be held October 18, 2005.

Respectfully submitted,

JULIE FOLCIK, DEPUTY CITY CLERK

ALLAN R. MANSOOR, MAYOR