

CITY OF COSTA MESA
FAIRVIEW PARK STEERING COMMITTEE MEETING
Wednesday, October 14, 2020
OFFICIAL MINUTES

1. CALL TO ORDER: Chair Andy Campbell called the meeting to order at 5:07 pm

2. ROLL CALL:

- a. **Members Present:** Chair, Andy Campbell; Vice Chair, Evan Rothman; Committee Member, Larry Courter; Committee Member, Steve Smith; Committee Member, Dave Erickson, Committee Member Terri Fuqua
- b. **Liaisons Present:** Parks, Arts and Community Services (PACS) Commissioner, Chair, Jim Erickson; Orange County Model Engineers (OCME), Hank Castignetti
- c. **Liaisons Absent:** Council Member Liaison Arlis Reynolds, Mayor Pro Tem John Stephens
- d. **Staff Present:** Fairview Park Administrator, Parks & Community Services, Cynthia D'Agosta; Parks & Community Services Director, Jason Minter

3. APPROVAL of the March 11, 2020 Special Meeting Minutes – Chair Andy Campbell calls for the approval of the March 11, 2020 Special Meeting Minutes; passed unanimously.

4. PUBLIC COMMENTS:

- a. **Ron Jongeling** – Wants to know why the model airplane flying has not been opened and compared Los Angeles County's restrictions. All other activities minus flying has been allowed. Question, Los Angeles County during the whole COVID thing, they opened up their fly field 3 months ago, Orange County has less infection rate and hasn't done so. Ron has seen all kinds of activities going on at the park, which include bike riding, playing ball, picnics, and yet model airplane flying is being singled out, he would like to know why that is?
- b. **Larry Courter** – Welcomed all members and is hoping to discuss mosquitos more in depth.
- c. **Luke Hohman** – Question/comment about fly field, when is it going to reopen? Chair Campbell addressed, "These public comments are for unrelated items to the agenda of the fly field and to please hold until we get to that business item."

5. COMMITTEE MEMBER AND LIAISON COMMENTS:

- a. **Chair Andy Campbell** – Thanked everyone for waiting patiently over last 6 months to have a meeting.
- b. **Terri Fuqua** – Let the public know she had not formulated her comments just yet to present, but mentioned they are safety issues.
- c. **Steve Smith** – Commented on the difficulty of keeping "Trails Closed" signage and barriers up for the interior trails. Commented that if the trails were to remain closed for any significant length of time, we should look into investing into some more permanent/semi-permanent barriers. Current cones and frames are being moved around and become trash.
- d. **Vice Chair Evan Rothman** – Welcomed everyone back and looks forward to getting back to work.
- e. **Larry Courter** – Shared an article regarding benefits of Open Spaces; it lends to people a feeling of personal good health when they are allowed to be in open spaces. Going to Fairview Park has given them a better feeling of health by visiting when feasible.
- f. **PACS Commissioner Jim Erickson** – no comment.
- g. **Dave Erickson** – no comment.
- h. **Hank Castignetti** – no comment.

6. NEW BUSINESS

A. STAFF UPDATES

- i. Fairview Park Administrator Cynthia D'Agosta introduced Parks & Community Services Director, Jason Minter.

Mr. Minter introduces himself to the committee and thanked Ms. D'Agosta and all Committee members. He mentioned as a recreation person at heart, this is not the format that he would love to meet everyone in. Is looking forward to working with the committee and Commission regarding Fairview Park. Mr. Minter's work background is familiar with Nature Preserves in the City of Torrance. He has appreciated Cynthia's time in providing a 3-4 month crash course. Mentioned that sometimes the Committee has tough decisions to face hopes to provide information from both sides to help make the experience more informative. Mr. Minter let Committee members and public know they are welcome to reach out.

1. City parks and COVID 19 current conditions & 2. Meeting guidelines during COVID conditions

Mr. Minter gave a department update regarding COVID openings. Hoped tier transitions go to lower levels rather than higher levels to get more activities reopened. Mentioned the City is still trying to limit group activities or the potential for gatherings and are reviewing State & County guidelines closely to see how we can implement updates as they come along.

Chair Campbell, thanked Mr. Minter and welcomed him to the team and moved onto the next business item, Fly Field Comprehensive Review Update.

- ii. FVP current Conditions and Observations during closure was inadvertently skipped and covered in Item 7.A., paragraph 2 below.

7. OLD BUSINESS

A. FLY FIELD COMPREHENSIVE REVIEW UPDATE

Chair Campbell opened the meeting for public comments. Chair Campbell answered public comments that were asked earlier in the meeting regarding the fly field. Provided background on the current standing from the last meeting in March regarding the HSS agreement with the City. Due to the uncertainty of how long the shutdown would be, the Committee proposed to extend the current agreement through December, to allow time for HSS to gather a proposal on how they would manage environmental safety, members of the public, unpermitted flyers, and HSS members.

Ms. D'Agosta reverted to, 6. New Business; A. Staff Updates; ii. FVP current conditions and observations during closure, and mentioned she would like to speak to signage that Committee member Steve Smith spoke about. She stated that the City has an open trails map available on the Fairview Park webpage. The current trail closures are internal ones near the Mesa, near the North of Vernal Pool 1 for bird surveys. The trails in this area are too narrow to implement COVID 19 restrictions. Agreed to look into more permanent signage if the temporary closure exceeds a longer duration. City is currently recirculating what is available.

At this time, OCME is closed through the end of the year. However, OCME received approval and regulations to maintain the tracks and equipment during their closure. Hank has done a great job monitoring, providing waivers, and ensuring they are within COVID 19 conditions.

She participated with FVP Alliance Board in Love Costa Mesa Day event on October 3rd. 15 people came out and helped do restoration at Fairview Park. Another restoration day will be held on November 14th. We hope to restore more and have another group and continue to follow COVID guidelines.

Vernal Pool restorations is continuing with Glen Lukos Associates. Sea & Sage Audubon will be speaking on the item regarding their surveys tonight. And lastly, the City Council will be having a Study Session regarding the FVP wetlands on November 10th.

i. Status and anticipated approval process schedule for 2020

Ms. D'Agosta presented a summarized evaluation regarding review of the HSS Proposal.

In June 2019, the City Council directed staff to conduct a comprehensive evaluation of the value of partnership between HSS and the City, the compatibility of all flying activity with the Master Plan for Fairview Park and Measure AA.

Cynthia described compatibility issues of flying at the park, as reported in the evaluation: park use conflicts, fly field size and location, parameters of the fly field airspace, types of planes used, field use times, enforcement of fly fields rules, City permitting process and opportunities for aeronautic and engineering education.

Community concerns that were identified in the evaluation were: safety/nuisance, park flora/fauna, flight parameters and enforcement.

At the March 11, 2020 FVP Steering Committee meeting, a motion was made to extend the use of fly field including fly field permitting and HSS agreement until December 31, 2020 ***contingent upon a formal proposal for fly field modifications from HSS by September 1, 2020*** with review for approval of the formal proposal by Fairview Park Steering Committee by December 2020.

On June 18 2020 the City Council Approved Amendment No. 1 to the HSS/City Use Agreement to extend the term of the Use Agreement between the Harbor Soaring Society (HSS) and the City Of Costa Mesa for the use of a portion of Fairview Park for six months, from July 1, 2020 through December 31, 2020; and directed staff to continue to work with HSS to complete the compatibility evaluation and modified use agreement negotiations as outlined in Amendment No. 1, within this calendar year (July 2020-December 2020), as allowed by the park re-opening COVID 19 guidelines, and within public health official guidelines and recommendations.

ii. HSS Proposal

Having no member of the public request to speak on the item (no HSS member either), Cynthia discussed the public use trends that have changed over time, since the HSS started flying at Fairview Park in the 60's 70's. Within this timeframe the City's population has grown, the public's desire for recreation in nature has increased, and fly permits in the City of Costa Mesa have decreased. Charts and graphs in the evaluation show that flying permits in the City of Costa Mesa have decreased from 2015 through 2020. Also, changes in the hobby over this time frame internationally have declined, and the AMA states that the hobby now includes almost exclusively, remote control planes, drones, fast flying, louder and larger planes – moving away from gliders and silent launchers.

Additionally, and within this time frame, Costa Mesa residents, the public, City Council, Regulatory Agencies, and the Master Plan updates, have shifted focus on enhancing restoration activities at Fairview Park.

In 2019 the U.S. Fish & Wildlife Service communicated to the City that: "Consistent with other impacts to the park since 2017, it appears the use of electronic planes is a recent development that has become progressively more destructive as the number of planes has increased and the size of the area of disturbance associated with the runway has increased in recent years. We encourage the City to take responsibility for identifying the limits of disturbance that are permitting to occur and to provide sufficient enforcement to prevent continued unauthorized access into the vernal pools."

Cynthia then explained how the primary fly field location is in the middle of the vernal pool complex which the City is restoring and is home to endangered species. There is an

original launch site at the top of the western bluff, but this is not being used much anymore, and the location has also raised an environmental concern because of the conditions of the slopes.

Based on these factors, Cynthia expressed that she still has concerns regarding further consideration of the fly field use as it stands, and the agreement between the City and the Harbor Soaring Society. She concluded that the proposal submitted by the Harbor Soaring Society does not fully address, nor offer implementable solutions for, the concerns that were raised by the committee during the evaluation period.

Any recommendation on this item will be moved to the November, Parks, Arts and Community Services Commission Meeting which has not been calendared yet due to the Thanksgiving holiday. Both recommendations (Steering committee and PACS) would move forward to the December 15th Council meeting for decision.

Chair Andy Campbell requested a motion to start discussing the motion that the Fairview Park Steering Committee agrees with the findings of the Fairview Park Administrator, Cynthia D'Agosta's report regarding the evaluation over the past year for the recreational flying activity at Fairview Park. Committee Member, Steve Smith seconded the motion. No discussions were made. Chair, Andy Campbell approved. Vice Chair Rothman approved.

MOTION/SECOND: Chair Campbell moves to agree with the findings of Fairview Park Administrator, Cynthia D'Agosta regarding the recreational flying activity at Fairview Park/Seconded by Committee member Smith.

The motion carried by the following roll call vote: Ayes: Chair Campbell, Vice Chair Rothman, Committee member Fuqua, Committee member Courter. Nays: Committee member Erikson. Motion Carried:5-1

After the motion was approved, Chair Campbell began to discuss the concerns of the HSS proposal stating he did not feel the proposal met the requests of the committee. Chair Campbell made a new motion to ensure all committee members understood the findings and information presented regarding the HSS proposal.

Committee Member Rothman commented that upon reviewing HSS's proposal, there was no elaboration regarding the implementation on incorporating youth to help show value outside of the HSS group. He also stated there was lack of any real enforcement placed in the proposal.

Parks and Community Services Director, Jason Minter asked Chair Campbell if it would be appropriate to have HSS get a chance to make a presentation or summarize their proposal prior to public comment.

Chair Campbell responded the summary of the proposal is on the agenda, as item 7a. ii. and then asked if any member of HSS or Henry Smith (HSS president) like to speak before public comment is open?

Ms. D'Agosta mentioned, the intention for 7a. ii. was to have both HSS and public comment on the proposal.

Chair Campbell stated that Henry Smith, President of HSS, was not present and so he opened up public comments; asked if any other members of HSS was present and would like to be the person presenting on the proposal.

No one from HSS raised their hand to speak.

Chair Campbell opened up to public comments.

Public speaker 1: Bettina Eastman – Member from Sea & Sage Audubon stated concerns regarding the sensitive species and felt it was not stressed enough in the proposal on ways to protect them. In the last few months, they have seen over 68 species of birds use east & west side of the bluff's as habitat. In a 1 to 3-hour period, there was over 12 species of raptors in the air and saw that multiple birds used the bluff area for foraging. Thanked the Committee's

consideration for the proposal and the glad to see the City see the seriousness for preserving the habitat for wildlife: birds, plants, and animals.

Mike Costello had his hand raised and was asked to speak. Due to looks of technical difficulties, he did not.

Public speaker 2: Luke Hohman – Is a 14-year old Costa Mesa resident who is not a current HSS member, but has been taken interest and is passionate about aeronautical engineering. He recently obtained his AMA registration and ensured certification for his plane for flying. He has put a lot of money and dedication into the hobby to pursue a career in it and would hate to see the one place that he can really fly safely not be available and lose the avenue to share the same passion with another flyer. Driving to an alternate location such as, El Toro does not make sense and would hate to see an activity he has passion for go away.

Staff tried again to allow Mike Costello to speak. No response was returned, so staff moved onto the next speaker.

Public speaker 3: Rex Stone – Has worked alongside HSS for years. He is a safety officer for the OCMA group in Silverado Canyon and also a member of other fly clubs around California and Arizona. He understands Fairview Park is sensitive and wants to lend a hand to provide a more detailed HSS proposal regarding the set of rules, guidelines, safety, processes, and restrictions to make it work for all parties involved. He hopes to see a continuance of the fly field, since many fly fields are closing all over the country.

Chair Campbell made a motion regarding Fairview Park Steering Committee agreeing with Fairview Park Administrator evaluation of the recreation fly activity. No changes were made.

Chair Campbell stated that the second motion is a finding of inadequacy with the proposal as received. The motion that was made was that the Fairview Park Steering Committee agrees with the findings of the Fairview Park Administrator reported at tonight's meeting regarding the content inadequacy of the September 30th, 2020 Harbor Soaring Society proposal. Committee Member Rothman seconded the motion.

Chair, Andy Campbell opened up the motion for discussion.

PACS Commissioner Erickson asked staff if regarding signage mentioned in the proposal. First mention was made about signage and proposed signage and whether or not it was cohort with the existing aesthetic of the park. His question for Staff was, is if there is an signage pattern, is there a written down aesthetic for the park that perhaps HSS was not aware of?

Discussion regarding signage and safety continued.

Committee member Dave Erickson reviewed the proposal and felt everything that HSS addressed everything that was needed and is afraid that if this is scrutinized down to the level of the color of the sign, the he is not sure what is going to trickle down with other user groups.

Chair Campbell would like to retract that comment to focus on the important issues of the habitat and the park.

OCME member Hank Castignetti had a question about the graph that illustrated a decline in fly permit issuance at the park over the years. He wants to know if there is just a decline in number of permits being issued or are people just blowing off permits and flying their planes anyway?

Ms. D'Agosta said the evaluation did not have the number of unpermitted flyer versus permitted, but that it has been stated numerous times that this is a diminishing hobby. As mentioned tonight again, fly fields are closing and that this is not unique to Fairview in terms of the permits declining. Committee member Fuqua questioned why HSS is having to put up with people that aren't members? She mentions that quite frankly she sees them out there every day and it isn't an HSS that problem.

Chair Campbell stated the question on the table is: how can HSS help allow flying activity in the park? What rules are there that could be changed that would help eliminate that activity? It is not necessarily their responsibility, but as a partner with the City, how can the help safely operate the fly field. They are the major stakeholder they should take part in proposing solutions.

Committee member Dave Erickson asked, how is that on HSS? It could be called for birders too who walk off trails and get real close to take pictures. Enforcement cannot be placed on HSS.

Cynthia D'Agosta clarified that HSS has the agreement with the John Wayne Airport and FAA (Federal Aviation Administration) regarding flying guidelines, the City does not. They are the ones that are contracted, as is the case on all fields; HSS is the local club that is certified by the AMA, Academy of Model Aeronautics, and by the FAA operate the field. It is on the club to follow FAA and AMA rules. What was seen as typical at other fields, in the report, they have very strict guidelines on when the field is open, when it's closed and permitting to get in. Some of them are able to be locked, we are not, we are in a special condition that requires more from the local club to be able to operate at Fairview Park and it is their responsibility as the agreement with the FAA and AMA to do that.

Committee Member Courter commented he would like HSS to look at the agreement from a user agreement perspective. He suggested to HSS that they get somebody involved who has tremendous amount of experience in protective areas and get their advice, if they have not. There are things in the agreement that are conflicting, one area it talks about how to keep a plane out of the vernal pools. Another area says they should just take care and not degrade the vernal pools too much to get their plane. Mentioned HSS should find somebody who has some understanding of the park or preserves and help take on some responsibility to perhaps police the area and prevent intruders who are not handling themselves correctly.

Mr. Minter, based on the amount of people attending the meeting and people raising their hand, that he would like to extend the meeting for another 15 minutes.

Chair Campbell made a motion to extend the meeting for agreed upon time.

MOTION/SECOND: Chair Andy Campbell moves to agree a 15-minute extension to the meeting/Seconded by Committeemember Courter.

The motion carried by the following roll call vote:

Ayes: Chair Andy Campbell, Vice Chair Rothman, Committee member Terri Fuqua, Committee member Larry Courter.

Nays: None

Motion Carried:6-0

Chair Campbell recognizes HSS President Henry Smith to present their proposal. Mr. Smith apologized for being late. Mr. Smith did not recall there being mention of any yellow signs at either ends of the fields in their proposal and mentioned that it doesn't make sense because then it will be a target for an airplane. There shouldn't be any signs at either ends of the fields. The field needs to be marked by little white round disks driven into the ground with a stake so that everyone knows where the corners are when the field is mowed. No signs are needed, there are plenty of signs out there now. Stated a quick summary of what he sees to be the primary issue of the situation and that is pilot behavior. That's why the proposal was focused on pilot behavior and pilot training because if all pilots are trained and required to attend the training and get signed off, about 99% of the problems will go away. He mentioned if pilots knew they couldn't behave badly and fly allowed heavy airplanes, they wouldn't go out and buy one and waste their money to try and fly it out there.

HSS member, Henry Smith continued his comments stating that they were told to make a proposal, but he doesn't recall hearing anything from anyone about what sort of concessions the City would like to see with the flying field. So if someone comes up with a list of concessions, they will reply to them and is open-minded to restricting operating hours, but no one has asked for that yet. He then asked, why would it be in the proposal if no one asked for it? A proposal is made based on what people want to see.

Chair Andy Campbell reminded Henry of a conversation they had over the phone to talk about what would be wanted in a proposal and to think of all the things that were raised in the evaluation and how those might be addressed by the HSS. Some of the issues people had with being buzzed over trails or hours of operation or disturbance of harassment of wildlife and habitat.

HSS member, Henry Smith responded except for the reduced hours, the pilot training and recurrent training will fix most of the problems with people being buzzed. He mentioned he's never

seen anyone harass wildlife. He then comments that he's been flying tiny airplanes that are about 6 ounces at a local park about a mile and a half from the Old Tustin Blimp Hangars. He mentions that at the Old Tustin Blimp Hangars there is a nesting pair of falcons living on top of one the hangars. Those falcons are never seen at the park unless there is an airplane flying in the park. Then the falcons go and see what people are doing and fly around with them. People are not harassing the birds. The birds are going out there to fly with them. He mentions he's been out at Fairview Park about 5 times since the lockdown and never seen a bird, nothing, but every morning when he's out there flying airplanes, the falcons and the pipit come out and flies with them. He says he is not disturbing the birds, that the birds like to fly with them. He says he's seen the same thing at Blackstar, the birds like to fly with them, not harassing any.

Chair Campbell thanked Henry Smith for his comment. He asked if there are any other comments regarding the proposal,

Vice Chair Rothman asks if there was sufficient training, and 99% of the problems would be gone, but the training can be done, sign some certificate but there's no mechanism to enforcement, there's no penalty if rules are violated. He doesn't see what the value is. He appreciates training people to make them aware of the issues but it is still left in the same position. He mentioned it's been expressed multiple times in previous meetings that people can violate the rules and there's no mechanism or hold them accountable.

HSS member Henry Smith said that currently enforcement is spelled out in the current document that governs the permit process. It has quite a bit of verbiage in it concerning how to discipline fliers. All the discipline in that document is in reference to the rangers. The reason for that is the HSS is unable to discipline anybody who is not a member. He doesn't think it's fair that HSS is asked to discipline people who don't belong to the group that the society does not have control over.

Vice Chair Rothman asked what mechanisms were in the proposal for disciplining members of the HSS?

HSS member, Henry Smith said that it is stated in the HSS bylaws. If rules are violated, one can lose the membership and permit.

PACS Commissioner Erickson said Section 8.0 on page 8 out of 10, in the proposal covers Regulations Enforcement.

Chair Campbell says the expectation of safety is critical and has been discussed in the pastas only the landing area, when in reality the planes fly over dozens of acres, over trails. It's a violation of AMA Safety Guidelines to fly over trails and this was brought up in the past meetings and in the evaluation. He then asks how are trails and fliers kept separately and what does the proposal present its status quo?

Chair Campbell ended the public comments on the topic.

Chair Campbell restated the motion to the committee if they agree with the findings of the Fairview Park Administrator reported at tonight's meeting regarding the content inadequacy of the September 30th, 2020 Harbor Soaring Society proposal. the motion was seconded by Committee Member Rothman. Motion carries 5 – 1, with Committee Member Erickson voting no.

Chair Campbell makes a motion based on the findings of the evaluations and the inadequacy of the agreement that the committee does not recommend the City extend the agreement or permitting at this time. Committee member Larry Courter seconded the motion. Chair, Andy Campbell opened for brief discussion on this topic.

Committee Member Erickson made a comment that he disagrees to moving forward without further discussion. He believes HSS has done their due diligence and provided information and then we changed the information that we want from them without acknowledging them or telling them that. Committee Member Erickson disapproves of moving forward.

Parks, Arts and Community Services (PACS) Commissioner, Chair, Jim Erickson had a clarifying question regarding the findings specifically the surveys that were done by the Audubon Society and the timing in which they were done. Were the surveys done when the park was closed due

to the COVID shutdown? Chair, Andy Campbell responded he believes some and some. Jim Erickson then responded, if the park is closed to all human activity, I would rightly assume animal activity would grow. I'll just state that for the record and do hope this doesn't set a precedent to where we start to disallow human use of the park.

Chair Campbell would like to clarify that motion is to right now there is no permitting activity currently and have a courtesy extension until December. The motion is not to move from that position, not extend the agreement and not continue permitting and then we can bring up other topics when we can next meet.

Fairview Park Administrator, Cynthia D'Agosta would like to clarify the agreement between HSS and the City was extended through December 2020. No permits have been issued because of COVID-19 and will remain in place until we are able to open the fly field. However, keep in mind the permitting process will take at least 30 days to get up and active again.

Parks and Community Services Director, Jason Minter commented as Cynthia outlined in her presentation, the next step would be going before the PACS Commission is that the intention of the Committee that the recommendation not to approve the agreement be taken to PACS for review by that commission as well. Or would you like for HSS to be able to come back with a revised proposal, in which we would be without an agreement by the time we are able to get that settled?

Chair Campbell commented the first couple motions were motions of findings, not sure if those need to go to PACS, maybe more of an action by the City. Campbell asked for Staff to address if this Committee takes no action on this item of permitting and agreements.

Parks and Community Services Director Minter mentioned if no action is taken, we will have to give the applicant an opportunity to restructure or take an item to the PACS saying no we don't intend to move forward or the recommendation from the Steering Committee that we do not move forward with any agreement because as Cynthia said the agreement right now is currently extended through December and at some point would either want to renew or officially decline.

Chair Campbell commented, my motion then would be that the agreement not be extended at this time because of the inadequacies of the proposal so should the HSS submit a proposal, but not necessarily asking to do so.

Committee Member Larry Courter requested to make a motion to add ten minutes to have public comments. Chair, Andy Campbell mentioned it is not protocol.

Chair, Andy Campbell moved to adjourn the meeting, unless there is Staff comment that would like to be added to the record.

Committee Member Larry Courter commented that he would like to welcome Jason and expressed how he took Cynthia on a field trip to Madrona Marsh to try and convince her how we should model this park and which still wants to call it preserve. Calling it the preserve would eliminate a lot of the random usages of people. Jason Minter thanked Larry Courter.

Fairview Park Administrator, Cynthia D'Agosta requested clarification on the last motion, per City Clerk's request. Chair, Andy Campbell stated the motion was retracted because of time. No vote was made on the motion.

8. STAFF COMMENTS

Jason Minter commented and stated it's a complex issue and is here to listen and learn from the Committee. They have the experience, history and were all part of the Committee when the task was put forward to evaluate the current agreement, there will be a follow-up afterwards. He mentioned at this point it is the Committee's decision and take it from there.

9. ADJOURNMENT: Chair Andy Campbell adjourned the meeting at 6:24pm