



BB

City of Costa Mesa, Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park

Shall the Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park, which prohibits the development of Athletic Fields at Fairview Park unless approved by a vote of the people, and permits implementation of Passive Recreational Uses at Fairview Park including those identified in the Fairview Park Master Plan (such as playgrounds, picnic areas, bike trails, bus access ways, and viewing areas), be adopted?

What your vote means

YES	NO
<p>A “Yes” vote is a vote to approve the Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park Without Voter Approval, which prohibits the construction of any new athletic fields at Fairview Park without voter approval and allows passive recreational uses to occur without voter approval.</p>	<p>A “No” vote is a vote not to approve the Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park Without Voter Approval.</p>

For and against

FOR	AGAINST
<p>James Righeimer Mayor Pro Tem, City of Costa Mesa</p> <p>Gary Monahan Councilmember, City of Costa Mesa</p> <p>Gordon Bowley President, Costa Mesa United</p> <p>Ethan Temianka Vice President, Mesa Water</p> <p>Janet Krochman Certified Public Accountant Costa Mesa Senior Commission</p>	<p>Dr. Richard Mehren Former Chair, Fairview Park Citizens Advisory Committee President, Fairview Park Preservation Alliance</p> <p>Sandra Genis Land Planner Costa Mesa City Council Member</p> <p>Katrina Foley Costa Mesa City Council Member Former Trustee, Newport-Mesa Unified School District Business Attorney</p> <p>Wendy Leece Former Costa Mesa City Council Member Former Trustee, Newport-Mesa Unified School District</p> <p>Jay Humphrey Former Costa Mesa Council Member and Vice Mayor</p>



Ballot Measures-BB

Full Text of Measure BB City of Costa Mesa

ORDINANCE NO. 2016 – 06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, KNOWN AS THE COSTA MESA MEASURE PROHIBITING ATHLETIC FIELDS AT FAIRVIEW PARK WITHOUT VOTER APPROVAL

WHEREAS, an initiative known as An Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval (the “Initiative”) has been submitted to the voters pursuant to Elections Code Section 9215; and

WHEREAS, the Initiative, if adopted would, among other things, (a) prohibit the City from installing restrooms, facilities, pathways, and other improvements that may be necessary to ensure that Fairview Park (the “Park”) is fully accessible to the disabled community in compliance with the Americans With Disabilities Act (“ADA”); (b) prevent new community and educational programs and events from occurring at the Park; (c) preclude the City from altering the Park’s hours of operation; (d) likely cause the loss of over \$800,000 in grant funds from OCTA which were to be used to improve the Park’s bicycle paths and the overall connectivity of such paths within the City; and finally, (e) prevent the City from implementing certain improvements such as playgrounds, picnic areas, parking lots, bus access ways, and viewing areas which are included in the Fairview Park Master Plan, without voter approval; and

WHEREAS, the City Council has determined that adoption of the Initiative is not in the best interests of the community and desires to submit a directly competing measure to the voters for consideration pursuant to Elections Code Section 9222; and

WHEREAS, the City Council has submitted the following measure (the “Measure”) to the voters for said purpose; and

WHEREAS, the Measure, if adopted, would prohibit the construction of any athletic fields at Fairview Park without prior voter approval; and

WHEREAS, if adopted, the Measure would also allow for passive recreational uses to occur at the Park without voter approval so long as such uses are in compliance with State and Local Law; and

WHEREAS, the Measure, if adopted, would carry out the community’s desire to prohibit athletic fields at the Park, while at the same time allowing for the implementation of the Fairview Park Master Plan, the installation of ADA compliant trails and other facilities that will ensure the Park is accessible to all Costa Mesa residents, creation of additional educational and community programs, and implementation of other passive uses at the Park without voter approval.

THE PEOPLE OF THE CITY OF COSTA MESA DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Name.

This ballot measure shall be known and may be cited as the “Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park” and shall be referred to herein as the “Measure.”

SECTION 2: Purpose.

The purpose of this Measure is to directly compete with the Initiative, which proposes an amendment to the Municipal Code. The Measure, if adopted, would prohibit the construction or development of Athletic Fields, as defined herein, at Fairview Park without voter approval, and would allow Passive Recreational Uses, as defined herein, to occur at the Park without voter approval.

This Measure is intended to comprehensively regulate the same subject as the Initiative – that is, the uses and activities allowed at Fairview Park. If a majority of voters approve both the Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval and the Measure Prohibiting Athletic Fields at Fairview Park Without Voter Approval, the ballot measure with the higher percentage of the vote will control. Therefore, if both measures are approved and the Measure Prohibiting Athletic Fields at Fairview Park Without Voter Approval receives a higher percentage of the vote than the Initiative, none of the changes or additions proposed by the Initiative will be implemented.

SECTION 3. Definitions.

The term “Athletic Field” shall mean a piece or part of a piece of property that is developed, constructed, or otherwise improved for the purpose of facilitating organized outdoor team sports, including but not limited to lacrosse fields, baseball fields, soccer fields, football fields, or volleyball courts, basketball courts, courts for tennis and other racquet sports, golf facilities, and tracks for motorized vehicles such as go-carts, but expressly not including pathways or trails which might have multiple purposes including bicycling, walking or running.

The term “Passive Recreational Uses” shall mean uses generally permitted by the City’s Zoning Code in Institutional and Recreational Zoning Districts, and typically occurring in parks, except Athletic Fields, and shall include but not be limited to pathways, playgrounds, bicycle trails, viewing areas, and other similar improvements related to environmental, scenic, or recreational purposes.

SECTION 4. Athletic Fields Prohibited Without Voter Approval

By this Measure, the People of the City of Costa Mesa hereby amend the Municipal Code to prohibit the construction, development, or installation of all Athletic Fields at Fairview Park without prior voter approval. All Passive Recreational Uses, including but not limited to those listed in the Fairview Park Master Plan shall be permitted without a vote of the people, subject to State and Local law.

SECTION 5. Rejection of An Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval

By this Measure, the People of the City of Costa Mesa hereby reject each and every change and addition to the Municipal Code proposed by the Initiative.



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SECTION 6. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. Effective Date

This ordinance shall take effect according to law ten days after certification of the election at which it is adopted.

Impartial Analysis City of Costa Mesa Measure BB

The stated purpose of the Costa Mesa Measure Prohibiting Athletic Fields at Fairview Park without Voter Approval (the "Measure") is to carry out the community's desire to prohibit athletic fields at Fairview Park, while at the same time allowing for: (1) the implementation of the Fairview Park Master Plan; (2) the installation of ADA compliant trails and other facilities to ensure the Park is accessible to all Costa Mesa residents; (3) the City to utilize over \$800,000 in grants from OCTA to improve bicycle pathways at the Park, and (4) the implementation of passive recreational uses at the Park without voter approval.

If adopted, the Measure would prohibit the construction of any Athletic Fields at Fairview Park without voter approval. The term "Athletic Fields" is defined by the Measure as a piece or part of a piece of property that is developed, constructed, or otherwise improved for the purpose of facilitating organized outdoor team sports, including but not limited to lacrosse fields, baseball fields, soccer fields, football fields, volleyball courts, basketball courts, courts for tennis and other racquet sports, golf facilities, and tracks for motorized vehicles such as go-carts, but expressly not including pathways or trails which might have multiple purposes including bicycling, walking or running.

If adopted, the Measure would allow for passive recreational uses to occur at the Park without voter approval. The term "Passive Recreational Uses" is defined by the Measure as uses generally permitted by the City's Zoning Code in Institutional and Recreational Zoning Districts, and typically occurring in parks, except Athletic Fields, and shall include but not be limited to pathways, playgrounds, bicycle trails, viewing areas, and other similar improvements related to environmental, scenic, or recreational purposes.

This Measure comprehensively regulates the same subject as the initiative known as "An Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval" (the "Initiative"). It directly competes with, and specifically rejects the changes to the Municipal Code proposed by the Initiative. If a majority of voters approve both the Initiative and the Measure, the one with the higher percentage of the vote will control. If both measures are approved and the Measure receives a higher percentage of the vote than the Initiative, none of the changes or additions proposed by the Initiative will be implemented.

The above statement is an impartial analysis of Measure BB. If you desire a copy of the ordinance or measure, please call the elections official's office at 714-754-5225 and a copy will be mailed at no cost to you.



Ballot Measures-BB

Argument in Favor of Measure BB

Measure **BB** prevents development of athletic fields at Fairview Park without a citywide vote.

Fairview Park's nature trails, model train rides, and protected habitat of vernal pools with endangered species are protected with Measure **BB**.

The community has made it clear that Fairview Park must remain natural and passive. Measure **BB** guarantees it.

Measure **BB** upholds the Fairview Park Master Plan, the work of dozens of residents meeting for years to establish a vision for the 210 acre park.

Measure **BB** prevents developers from carving off chunks of land for condo's or homes because you will have the right to vote on it.

Measure **BB** allows for limited improvements to Fairview Park for new facilities (like restrooms) giving park access for the handicapped. These facilities are essential to allow compliance with the Americans With Disabilities Act.

Costa Mesans want the handicapped to enjoy the open space – Measure **BB** makes it possible and prevents ADA access lawsuits.

If Measure **BB** is successful \$800,000 in grant money from the Orange County Transportation Authority will flow to Costa Mesa for Fairview Park bicycle trail improvements.

Measure **BB** was placed on the ballot to give residents a choice about Fairview Park's use. It allows:

- Playgrounds
- Picnic Areas
- Bike Trails
- Environmental Improvements
- Habitat Viewing Areas
- Educational Events
- Community Events
- Adjustment to Fairview Park's hours

Measure **BB** opens up Fairview Park to large segments of the community that want safe and passive recreation.

The other measure puts handcuffs on the city's ability to make Fairview a park for everyone, not just a few naturalists trying to stop public access.

If you want \$800,000 from the County, the handicapped to enjoy it, no ADA lawsuits, and the right to vote on athletic fields at Fairview Park – Vote Yes on **BB**.

s/ James Righeimer
Mayor Pro Tem, City of Costa Mesa

s/ Gary Monahan
Councilmember, City of Costa Mesa

s/ Gordon Bowley
President, Costa Mesa United

s/ Ethan Temianka
Vice President, Mesa Water

s/ Janet Krochman
Certified Public Accountant
Costa Mesa Senior Commission

Rebuttal to Argument in Favor of Measure BB

Measure BB is a politically driven initiative that does just two things:

- Lets you vote on athletic fields for "organized outdoor team sports" at Fairview Park;
- Prevents you from voting on any other significant changes at Fairview Park, a right provided by the citizens' Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval ("Citizens Initiative").

The Citizens Initiative received over 7,000 signatures to get on the ballot; Measure BB made the ballot by a 3-2 vote of the City Council.

MEASURE BB DOES NOTHING TO PROTECT TRAILS, model trains or endangered species at Fairview Park.

MEASURE BB DOES NOTHING TO KEEP FAIRVIEW PARK NATURAL. Measure BB places no limits on alteration of Fairview Park except for athletic fields for "organized, outdoor team sports" NO LIMITS on grading or paving.

MEASURE BB DOES NOT UPHOLD THE FAIRVIEW PARK MASTER PLAN; permitted uses are "not limited to those... in the Fairview Park Master Plan."

MEASURE BB DOES NOTHING TO PROVIDE HANDICAPPED ACCESS to Fairview Park, but the Citizens Initiative provides for compliance with ADA and all other Federal laws.

Measure BB permits "All Passive Recreational Uses" (Section 4) defined as those "typically in parks." But Fairview Park is not a "typical park." It is a natural beauty, Only the Citizens Initiative will keep it that way.

Measure BB allows uses permitted in Costa Mesa's Institutional and Recreational Zones such as libraries, public offices, police/fire stations, country clubs, and day care facilities.

Don't be deceived.

Vote NO on Measure BB!

s/ Sandra Genis
Land Planner
Costa Mesa City Council Member

s/ John Stephens
Attorney

s/ Jason Webster
Sales Representative

s/ Jack Ross
Former Member Costa Mesa Chamber of Commerce Board of Directors and Executive Committee

s/ Alex Reich
Software Engineer



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Argument Against Measure BB

Rebuttal to Argument Against Measure BB

Vote No on Measure BB

Measure BB does little to protect Fairview Park. Only the citizens' Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval, also on this ballot, provides real protection for Fairview Park.

Measure BB puts no limits on grading or paving at Fairview Park.

Measure BB prohibits athletic fields for "organized outdoor team sports" at Fairview Park without a vote of the people, but opens the door to much more intense uses. And there's no limit on facilities for individual sports— or indoor sports.

Measure BB allows up to twenty five percent of the park to be developed with buildings. Do we want Fairview Park more highly developed than Lions Park?

Under Measure BB, use of Fairview Park is "not limited" to uses listed in the Fairview Park Master Plan. Use of Fairview Park would "not be limited" to paths, playgrounds, bike trails, viewing areas or other, yet to be identified improvements for environmental, scenic, or recreational purposes.

The city scraped and graded a Federally protected wetland which provided habitat for an endangered species. The city dumped tons of dirt in a canyon providing habitat for endangered birds. The city dumped truckloads of gravel in a vernal marsh.

What else do they want to dump in Fairview Park?

The politicians who came up with Measure BB want free rein to continue to degrade and destroy Fairview Park's resources without restraint by Costa Mesa voters.

Measure BB has one purpose: To dupe you into voting no on the citizens' Initiative Requiring Changes in Use at Fairview Park be Subject to Voter Approval, which really protects the park. Politicians want to keep control without accountability to the public.

Don't be fooled!

Vote No on Measure BB.

Learn more at <http://www.fairviewparkalliance.org/>

Facebook at <https://www.facebook.com/groups/1626485264275535>

s/ Dr. Richard Mehren
Former Chair, Fairview Park Citizens Advisory Committee
President, Fairview Park Preservation Alliance

s/ Sandra Genis
Land Planner
Costa Mesa City Council Member

s/ Katrina Foley
Costa Mesa City Council Member
Former Trustee, Newport-Mesa Unified School District
Business Attorney

s/ Wendy Leece
Former Costa Mesa City Council Member
Former Trustee, Newport-Mesa Unified School District

s/ Jay Humphrey
Former Costa Mesa Council Member and Vice Mayor

Measure **BB** is simple, vote Yes and you get to vote on the future changes to Fairview Park. If future politicians want to add sports fields – Measure **BB** gives you the right to vote on it.

Measure **BB** reflects the collective work of preservationists, youth sports advocates, senior citizens, and naturalists, and taxpayers that want to retain Fairview Park's natural state.

Yes on Measure **BB** allows us to make the improvements that allow handicapped to use Fairview Park. Why do those opposing Measure **BB** want to keep the handicapped out?

Measure **BB** protects Fairview Park for everyone.

Measure **BB** guarantees that no sports fields will ever be built – unless the public votes for them.

Opponents of Measure **BB** make wild claims about mass grading, vernal pools (aka mud puddles), and endangered species habitat as though Fairview Park is Yosemite. It's not.

Fairview Park is a quiet coastal sage open space area that is an important passive recreational asset for Costa Mesa. Measure **BB** keeps it that way.

The tired old arguments from Measure **BB**'s opponents have no basis in fact.

They want to scare you with threats of development. Hundreds of hours of citizen involvement have gone into the Fairview Master Plan that is embodied in Measure **BB** and prevents development.

Who do you trust, the citizens that want protect Fairview Park by giving you a vote on any changes, or the few that want to limit access even to the handicapped?

Vote Yes on Measure **BB**.

s/ James Righeimer
Mayor Pro Tem, City of Costa Mesa

s/ Gary Monahan
Councilmember, City of Costa Mesa

s/ Gordon Bowley
President, Costa Mesa United

s/ Janet Krochman
Certified Public Accountant
Costa Mesa Resident