

**REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA**

August 17, 2010

The City Council of the City of Costa Mesa, California met in a closed session on Tuesday, August 17, 2010 at 5:00 p.m. in Council Chambers of City Hall, 77 Fair Drive, Costa Mesa and in regular session at 6:00 p.m. The meeting was called to order by the Mayor.

ROLL CALL:

Council Members Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Katrina Foley
Council Member Eric R. Bever
Council Member Gary Monahan

Council Members Absent: None

Officials Present: City Manager Allan L. Roeder
City Attorney Kimberly Hall Barlow
Acting Development Services Director
Kimberly Brandt
Public Services Director Peter Naghavi
City Clerk Julie Folcik

PUBLIC COMMENTS

None.

CLOSED SESSION

1. Pursuant to Government Code Section 54957.6, conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Stephen N. Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA) and Unrepresented Employees (Executive and Confidential).
2. Conference with Real Property Negotiators – Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California and Facilities Management West, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

RECESS TO STUDY SESSION

The Council will recess to and convene an Agenda Review Study Session beginning at 5:30 p.m. in Conference Room 1-A of City Hall. The public is welcome to attend and offer comment.

Pursuant to Resolution No. 07-80, each member of the public will be given an opportunity to speak for two (2) minutes on Study Session agenda items. A maximum overall time of (15) minutes will be permitted for public comment. Note that no action may be taken by the City Council prior to the 6:00 p.m. meeting.

RECONVENE REGULAR MEETING

Mayor Mansoor called the regular meeting to order at 6:26 p.m.

PLEDGE OF ALLEGIANCE Council Member Katrina Foley

MOMENT OF SOLEMN EXPRESSION Reverend Doctor Barbara Stewart, St. John's Episcopal Church

ROLL CALL (00:02:33)

Council Members Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Katrina Foley
Council Member Eric R. Bever
Council Member Gary Monahan

Council Members Absent: None

Officials Present: City Manager Allan L. Roeder
City Attorney Kimberly Hall Barlow
Acting Development Services Director
Kimberly Brandt
Public Services Director Peter Naghavi
Assistant City Manager Thomas Hatch
Recreation Supervisor Lisa McPherson
Senior Planner Claire Flynn
City Clerk Julie Folcik

CLOSED SESSION REPORT (00:02:38)

City Attorney Kimberly Hall Barlow reported that direction was given in closed session and on the second item, there was a desire by Council Member Monahan to make motions to take action on this item at this time.

MOTION: To call a special meeting of the City Council at 5:30 p.m. on Tuesday, August 24, 2010, in a joint meeting with the Orange County Fair Authority to consider the Ground Lease between the City of Costa Mesa and Facilities Management West as a public hearing, moved by Council Member Monahan, seconded by Council Member Foley.

Interested parties were invited to comment on this item.

Sandra Genis, Costa Mesa, expressed concerns with the public being able to review all materials a week in advance before Council taking action.

City Attorney Hall Barlow indicated that staff is looking at distributing the proposed lease Thursday, August 19, 2010 in order to provide ample time for public review.

There being no others wishing to address Council, Mayor Mansoor closed public comments for this item.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Eric R. Bever, Council Member Gary Monahan
Noes: None.
Absent: None.

MOTION: That the Ground Lease that is up for discussion and possible approval on Tuesday, August 24, 2010 will be released to the public no later than 5:00 p.m. on Thursday, August 19, 2010, moved by Council Member Monahan, seconded by Council Member Foley.

Interested parties were invited to address Council. There was no response and Mayor Mansoor closed public comments of this item.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Eric R. Bever, Council Member Gary Monahan
Noes: None.
Absent: None.

PRESENTATIONS

Mayor Mansoor presented a proclamation in acknowledgement and recognition of the Festival of Children Foundation, National Awareness Month, to Sandy Segerstrom-Daniels.

Mayor Mansoor recognized the Costa Mesa National Little League All-Star Team and the Costa Mesa American Little League All-Star Team and presented Certificates of Recognition acknowledging the hard work and sportsmanship shown by the organizations.

Mayor Mansoor invited representatives from the Costa Mesa Bark Park Foundation to join him at the podium, and presented a proclamation to the Foundation in acknowledgement of Bastille Day and their fundraising efforts.

PUBLIC COMMENTS (00:21:05)

Jay Photoglou, Huntington Beach, addressed an issue with the City of Costa Mesa Police Department. He reported that he was the victim in a criminal activity and referenced a letter from the Department informing him of review by the Department and the District Attorney's Office and that the latter could not prove his allegations beyond a reasonable doubt. He asserted that he contacted the District Attorney's Office and that they indicated they have not received anything claimed by the Chief of Police. He requested that the City vote to involve the Attorney General in this matter and implement a formal investigation.

City Attorney Hall Barlow noted that the item is not on the agenda and that no action may be taken at this time.

Mr. Photoglou requested that the Mayor ask the City Manager to release all investigatory materials.

Mayor Mansoor stated that Mr. Photoglou's written comments have been received.

Max Del Real, Sacramento, California Capital Solutions, spoke on job creation, advancement of public safety and new revenue for the City. He noted that he is a cannabis lobbyist working throughout the State of California on ordinances governing store-front dispensaries and cannabis businesses. He reported that there are twenty store-front dispensaries in the City of Costa Mesa and has been retained by the Orange County Directors' Alliance of eight dispensaries in the City who have organized and pulled their resources to work with the City to create a model ordinance that can govern the dispensaries. He stated that he looks forward to working with the City on this issue. He felt that the City has opportunity to address a real situation and that his clients look forward to working with the City.

Tammy Blake, Costa Mesa, addressed dog license fees and spoke in opposition to the high fees implemented to obtain dog licenses. She noted that it costs less to get a driver's license and stated that there are many families in the City that would be unable to afford the high fees.

Steve Klausmeier, Costa Mesa, addressed the issue of Triangle Square and actions by the Planning Commission. He stated that they did not consider the line-of-site issue and addressed related conditions of approval.

Janice Braumburg, Costa Mesa, expressed concerns with the line-of-site study related to the Triangle Square area and impacts of lighting to adjacent residents. She distributed photographs for review by Council.

Mayor Mansoor reported that there is a request for rehearing the item which will be presented on September 7, 2010.

Linda Schwandt, Costa Mesa, referenced a card being distributed which includes a "prayer for the immigrant" on one side and advertisement for safe transportation to other areas in the U.S. She suggested that the City get in the business if the City is seeking ways to get more money.

Eloise Ott, Costa Mesa, expressed concerns regarding trees obstructing views in an area of the City and thanked the City for its work on the Fair. She asked that the City's youth be provided opportunities for jobs at the Fair. She commented positively on the condition of the Fair.

Cindy Brenneman, Costa Mesa, referenced an article in the "Daily Pilot" and noted that her Homeowners' Association, not the Council is hosting a candidate's forum at the Mesa Verde Methodist Church and encouraged the public to attend. She announced the upcoming "Race for the Cure" and encouraged residents to participate as well as volunteer.

Chris McEvoy, Costa Mesa, addressed the Ground Lease and suggested releasing a report regarding due diligence in order to determine what the property generates and what non-profit groups use the Fair. Regarding the mega-tron light recommended for Triangle Square, he suggested further site studies with panoramic pictures.

Sandra Genis, Costa Mesa, expressed appreciation to Council for studying the Fair issue but also stated concerns regarding the length of the proposed agreement, and having experienced people running the Fairgrounds, the draft MOU terms regarding taxes and having access to the most recent version of the documents. She wondered about lobbyists for the City.

Kevin Doane, Costa Mesa, expressed concerns with increased traffic because of the newly proposed In-N-Out on Harbor Boulevard, noting that he has sought to seek further information without success.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (00:48:54)

Council Member Katrina Foley reported on a number of upcoming activities in the City including the Baths'till Day and Pop Warner event and Costa Mesa High School Cross-

country Fun Run. She expressed concerns regarding Fairview Road at El Camino Drive, noting there is a tobacco store next to the Stater Bros. Center that is advertising with a sign and requested that he do so further from the residential area.

Council Member Gary Monahan addressed the storefront cannabis and stated that he has no interest in moving forward with an ordinance. Regarding the Fairgrounds, he stated that legislation has not yet been introduced and commented on the numerous public hearings held regarding In-N-Out as well as studies where there were ample opportunities for the public to make comment.

Council Member Eric Bever commented on the proposed In-N-Out and confirmed that it has a long drive-thru area.

Mayor Pro Tem Wendy Leece commented on dog license fees and reported there were many discussions over the last few months regarding the issue and how to continue to provide animal control services. Regarding Triangle Square, she reported that she appealed the decision of the Planning Commission and that it will be heard on September 7, 2010. She reported receiving the Law Enhancement Challenge Award from the State of California and Officer Anthony Yannizi received the award as well as the City because of its traffic safety. In addition, she reported having committed to donating to the ROCKS program. She encouraged others to do the same.

Mayor Pro Tem Leece reported that Mayor Mansoor stepped out of the Chambers and continued with the meeting.

CONSENT CALENDAR (00:55:31)

CONSENT CALENDAR ITEM NOS. 1 THROUGH 9.

MOTION: To approve the Items under the Consent Calendar except for items removed for separate discussion and consideration (Items No. 2, 6, 8 and 9), moved by Council Member Foley, seconded by Mayor Pro Tem Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley,
Council Member Eric R. Bever, Council Member Gary Monahan
Noes: None.
Absent: Mayor Allan R. Mansoor

1. Reading Folder

Action: Receive and process

3. Warrant Resolution 2330, funding City operating expenses for \$1,199,380.43.

Action: Approve

4. **Warrant Resolution 2331, funding Payroll No. 10-16 for \$2,240,853.10 and Payroll No. 10-15A for \$839.79 and City operating expenses for \$487,731.31 including payroll deductions.**

Action: Approve

5. **Professional Services Agreement with Care Ambulance Service, Inc., 1517 West Braden Court, for emergency ambulance and patient billing services, for a three (3)-year term.**

Action: Approve; authorize the Mayor and City Clerk to sign

7. **Completion of Rehabilitation of Alley No. 63 and Alley No. 64 (Between Knox Place and Knox Street from Orange Avenue to East of Westminster Avenue), City Project No. 10-04, by Ron Brehm Construction, Inc., 883A South Main Street, No. 343, Fallbrook.**

Action: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. **Special City Council Meeting of June 22, 2010.**

Mayor Pro Tem Wendy Leece requested allowing additional time for reviewing the minutes of June 22, 2010 and postponing the item until a future meeting.

MOTION: Continue approval of the minutes of June 22, 2010 to allow additional time for review, moved by Council Member Monahan, seconded by Council Member Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley,
Council Member Eric R. Bever, Council Member Gary Monahan

Noes: None.

Absent: Mayor Allan R. Mansoor

6. **Adopt plans and specifications, and working details for American Recovery and Reinvestment Act, Roof Replacement at the Old Corporate Yard, 2300 Placentia, Costa Mesa, City Project No. 10-09, and award a construction**

contract to Rite-Way Roof Corporation, 15425 Arrow Route, Fontana, in the amount of \$198,998.

Council Member Foley requested a brief report to the public on this item.

Public Services Director Peter Naghavi reported that as a result of actions by the Federal Government, the City has received \$1.123 million for energy-efficient projects as part of the American Recovery and Reinvestment Act and part will be used for re-roofing the City's Corporate Yard. He noted that the entire project will be funded by the grants received.

Discussion followed regarding the old and new corporate yards.

Interested parties were invited to address Council on this item. There was no response and public comments were closed.

MOTION: Approve; authorize the Mayor and City Clerk to sign, moved by Council Member Foley, seconded by Council Member Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley,
Council Member Eric R. Bever, Council Member Gary Monahan
Noes: None.
Absent: Mayor Allan R. Mansoor

8. Amendment No. 3 to Cooperative Agreement No. D99-128 with the County of Orange, the Orange County Flood Control District, the City of Irvine, the City of Laguna Hills, the City of Laguna Woods, the City of Lake Forest, the City of Newport Beach, the City of Orange, the City of Santa Ana, the City of Tustin, the Irvine Ranch Water District, the Irvine Company, and Lennar Homes of California, Inc., to fund Nutrient, Fecal Coliform and Toxics Total Maximum Daily Load (TMDL) studies in the Newport Bay Watershed.

Mayor Pro Tem Leece reported that she is a Member of the Newport Bay Watershed Executive Committee and noted the importance of keeping the City's water safe. She requested a summary report from staff on the matter.

Public Services Director Peter Naghavi addressed toxic pollutants in the waterways and noted that the Regional Water Quality Board is working in conjunction with cities to assure that established thresholds are being adhered to. The agreement does not obligate the City to providing additional funding but rather extends the terms of the agreement for two years. Participation in the program is a Federal mandate and does not cost additional money.

Interested parties were invited to address Council on this item. There was no response and public comments were closed.

MOTION: Approve; authorize the Mayor and City Clerk to sign, moved by Council Member Foley, seconded by Mayor Pro Tem Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley,
Council Member Eric R. Bever, Council Member Gary Monahan
Noes: None.
Absent: Mayor Allan R. Mansoor

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM."

(a.) Budget Adjustment No. 11-002 for \$364,000.

Mayor Pro Tem Leece reported that the City is applying for a Traffic Safety grant and thanked the City's Traffic Department for applying for the grant and noted steps to be taken to make the City safer.

MOTION: Adopt Resolution and approve Budget Adjustment No. 11-002, moved by Council Member Foley, seconded by Mayor Pro Tem Leece.

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley,
Noes: Council Member Eric R. Bever, Council Member Gary Monahan
Absent: Mayor Allan R. Mansoor

Mayor Mansoor reentered the chambers and took his place on the dais.

A request for a revote was made by Council Member Foley.

MOTION: Adopt Resolution and approve Budget Adjustment No. 11-002, moved by Council Member Foley, seconded by Mayor Pro Tem Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council
Member Katrina Foley
Noes: Council Member Eric R. Bever, Council Member Gary Monahan
Absent: None

PUBLIC HEARINGS

No Public Hearings have been scheduled.

Mayor Mansoor requested hearing Item 4 under New Business at this time.

MOTION: To consider Item No. 4 under New Business at this time on the agenda, moved by Mayor Mansoor, seconded by Council Member Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Eric R. Bever, Council Member Gary Monahan
Noes: None
Absent: None

NEW BUSINESS (02:06:23)

4. Resolution recognizing a day of remembrance for those who sacrificed their lives in the Vietnam War.

Mayor Mansoor noted he brought this item forward at the request of members of the public and stated the importance of recognizing those who have fought for our freedoms and have given their lives as their ultimate sacrifice. He read the resolution into the record.

Interested parties were invited to address Council on this item.

Long Pham, San Clemente, representing a coalition of the South Vietnam Veterans Association of South California, addressed the goal and mission of the organization and as well as background. He expressed appreciation to the City of Costa Mesa for the resolution.

Jim Xu, President of the South Vietnamese National Military Academy Alumni Association of Southern California, expressed appreciation to the City for the recognition honoring those who sacrificed their lives for our freedoms.

Neal Nguyen, President of the Vietnamese Veterans Association of Southern California, expressed his appreciation for the actions of the City of Costa Mesa honoring those who sacrificed their lives in the Vietnam War.

Joe Do Vinh thanked the City and residents for the resolution honoring the soldiers who served so valiantly in the Vietnam War. He stressed the need to understand history and expressed appreciation for the resolution.

Diana Nguyen introduced various dignitaries in attendance and expressed appreciation to Council and the City for the resolution in recognition of freedom and democracy for Vietnam.

There being no others wishing to address Council, Mayor Mansoor closed public comments for this item.

MOTION: To adopt a Resolution recognizing a day of remembrance for those who sacrificed their lives in the Vietnam War, moved by Mayor Mansoor, seconded by Council Member Monahan.

Council Member Monahan thanked Mayor Mansoor for bringing the item forward and thanked those in attendance in support of past and present sacrifices being made in the name of freedom and democracy.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Eric R. Bever, Council Member Gary Monahan
Noes: None
Absent: None

Mayor Mansoor requested that when the resolution is prepared for signature, all Council Members be allowed the opportunity to sign it.

RECESS AND RECONVENE

Mayor Mansoor called for a recess at 7:52 p.m. The assembly reconvened at 7:57 p.m. with all Members, present.

OLD BUSINESS (01:26:17)

- 1. Continued from the Special Council meeting of June 22, 2010, Administrative Services 2010-2011 budget regarding the approval or elimination of some of the 2010-2011 Administrative Services budget reductions.**

City Clerk Folcik read title to the aforementioned item.

City Manager Allan L. Roeder presented details of the report noting Council's actions in June relative to several services and programs in the Administrative Services Department involving various Recreation programs, cable television operations and other aspects of the department's operations. Council was asked to grant a sixty-day period for staff and members of the community to work on fundraising efforts, opportunities for grant solicitation and other funding options in order to continue various levels of service on the various programs. He reported that staff has received good responses and various schools have raised funds to continue several programs, specifically, the ROCKS program and the Teen After-school program.

Mr. Roeder referenced the Fiscal Review section of the report which highlights actions recommended for Council. He added information on the net budget savings related to the various actions authorized by Council and reported that \$47,000 has been raised in private donations and other contributions which will allow the City to reduce the adopted budget by \$130,325. With the recommended actions, the City would net a budget savings of \$83,325 because of matches in contributions by other donors. He noted that there is an opportunity for salary savings based on an unanticipated vacancy in the Recreation Division. He reported that there are a number of programs where alternative funds have not been identified or providers to support those programs.

Mr. Roeder stated that staff recommends that some of the efforts for fundraising be continued.

In response to Council Member Monahan's inquiry regarding the YMCA's inability to operate the City's swimming pool, Recreation Division staff reported meeting with the Director of the YMCA and they realized that it would not be economically feasible for them to operate the pool.

Interested parties were invited to address Council on this item.

Mark West addressed his use of the City's pool and operations of the City's old pool. He wondered if the current level of protection is necessary noting that he does not believe risk is a big problem. He asked whether the revenues generated by lap swimming could be used to pay for one lifeguard and cover a simple system for operating the pool. He encouraged Council to keep the pool open.

Fred Kent commented on the pool and encouraged Council to keep the Costa Mesa pool open. He suggested that rather than closing the pool, Council consider the present library operations and felt that it is basically unusable. He felt that it would be most useful as a computer resource with a smaller building and less staff. He asked that Council consider closing the library and keeping the pool open.

Mayor Mansoor indicated that funding for the library comes from the County.

There being no others wishing to address Council, Mayor Mansoor closed public comments for this item.

In response to an inquiry from Council Member Foley, Mr. Roeder reported that the challenge is maintaining the pool in a condition where it could be used just for noon swims. He deferred to staff for further response.

Recreation Department staff reported that youth lessons cover costs of staff and provides revenue, however, does not cover costs to run and maintain the pool. Adult lessons and lap swims do not cover the costs of maintenance.

Discussion followed regarding the possibility of closing the pool during specific periods of time, money saved by keeping the pool closed and in staff training.

Mr. Roeder noted that positions solicited would be seasonal, part-time personnel. Staff could explore opportunities with other pool users and bring back options regarding other programs that could be self-supporting for Council to consider, between now and the proposed closure of the pool.

Council Member Monahan wondered if the pool is in the CDBG area.

Assistant City Manager Thomas Hatch reported that CDBG funds would not be appropriate for this type of use. It was noted that the CDBG target area changes slightly and that staff would need to confirm whether the pool is in the CDBG area.

Council Member Monahan noted that the building was built with CDBG funds and asked staff to confirm whether CDBG funds could be used for some portion of the maintenance or operations of the pool.

Mr. Roeder noted that CDBG funds cannot be used for operating or maintaining facilities but can be used for capital projects.

Discussion followed regarding expanding operations for a part of the area to private operators to make it work.

Council Member Monahan suggested there may be sponsorship opportunities available and recommended increased public outreach for possible solutions. He felt that there may be opportunities out there that haven't been explored.

Council Member Foley wondered whether staff looked into grants or other funding sources that may be available for the pool. She suggested exploring grant opportunities that would promote swimming and training. She agreed with Council Member Monahan regarding widening outreach.

Mayor Pro Tem Leece inquired regarding use of the pool by lap swimmers and staff reported that approximately twenty adults who use the pool for lap swimming per week and 10 seniors.

Discussion followed regarding yearly costs for operating and maintaining the pool and the possibility of decreasing staffing in order to keep the pool from closing. Staff has downsized staffing as much as possible.

MOTION: To adopt the recommended items under Fiscal Review with Item B being first priority. Regarding the Downtown Community Pool, push back the closure date for three months to be covered under the salary savings and additional funding options and direct staff to pursue grants and sponsorships for

the continued operation and maintenance of the pool, moved by Council Member Monahan, seconded by Council Member Bever.

Discussion followed the ROCKS program and parent participation and communications provided. Ensuing discussion pertained to the possibility of establishing fee-base.

Mr. Roeder reported that recommendations extend the opportunity for the City to work with the various schools and PTAs for another three-month period. Staff believes that will create success and Mr. Roeder noted that a fee-base does not work for the after-school program.

Council Member Foley noted that three committees have been created as a way towards raising money for each school site, seeking grant opportunities and seeking and identifying corporate sponsorship matching opportunities.

Discussion followed regarding the vacant Recreation Coordinator position and it was noted that it will be modified to a part-time position. The flag football and basketball programs will be managed through a Recreation IV position and will be taken care of by current staffing. Ensuing discussion pertained to the cost per person for cost recovery for those programs.

Council Member Foley requested that staff research to find additional grant funding that relates specifically to sports.

Discussion followed regarding the soccer programs and staffing during paid facility rental events.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Gary Monahan
Noes: Council Member Eric R. Bever
Absent: None

NEW BUSINESS

- 1. General Plan Screening Request GPS-10-01 for an assisted living facility at the former Glabman Furniture building located at 3089 Bristol Street.**

City Clerk Folcik read title to the aforementioned item.

Senior Planner Claire Flynn presented details of the report addressing the project site, existing conditions, details of the proposal, number of units and amenities, parking, the General Plan Amendment Screening process, criteria pursuant to Council policy 500-2 establishing the process for a General Plan Amendment Screening request and adjacent properties. She distinguished the differences between a nursing home and an

assisted living facility, concept plan of the proposed project, elevations, access to the building, justifications for accepting the proposal, traffic generation and concerns expressed by community members and businesses.

Paul Freeman, representing Patterson Development, highlighted elements of the project and addressed the number of units, staffing, architectural design, uses, traffic generation and meeting a growing social need. He announced upcoming community meetings regarding the project and addressed a related traffic analysis and issues of privacy as well as design solutions to mitigate them. Mr. Freeman noted that it is a generally conforming use and will provide a good buffer between the Bristol corridor and the residences on the other side. He reported a willingness to work with the City and community members.

In response to an inquiry from Council Member Monahan regarding the General Plan Screening criteria, Mr. Naghavi reported that the existing use generates more traffic than the proposed use and that there is no major traffic congestion problem south of the 405 freeway.

Discussion followed regarding the General Plan Amendment and Ms. Flynn noted that the trigger is the FAR (floor-area ratio). She also addressed a General Plan Land-use Policy relating to building height but that there is an exception when the project regards senior or student housing.

Ensuing discussion pertained to potential variances including setback requirements, height of the existing building, underground parking and staff time required to process the application.

Acting Development Services Director Kimberly Brandt noted that various City departments will be participating in the process and that staff is anticipating the need for a Mitigated Negative Declaration for the CEQA compliance. There will be a lot of staff time involved with the project.

Council Member Bever addressed the density and wondered regarding precedent in the City.

Ms. Flynn listed other similar units in Costa Mesa and addressed the percent increase in FAR being requested.

Mr. Freeman addressed the FAR increase noting that it is another measure of the impact of the project. Despite the increase in the FAR, he reported that the traffic generated will be significantly less than the current use.

Discussion followed regarding consideration of increases in paramedic requests.

Interested parties were invited to address Council on this item.

Susan Thompson spoke in opposition to the project and expressed concerns regarding the proposed height of the building and related impacts to the adjacent residential neighborhood.

Anna Vasquez spoke in opposition to the project because of the direct negative impacts to the residential neighborhood.

Lynn Weingard expressed concerns with noise, limited medical response capabilities and increased emergency vehicle noise, alarms, setbacks and adverse impacts to property rights and values. She addressed parking requirements as well as access to emergency vehicles.

Dan Weingard opined that the project does not meet the General Plan Screening criteria and addressed staffing requirements, increases in traffic and the excessive FAR. He felt that it does not comply with General Plan Land Use policies and expressed concerns with negative impacts to the adjacent residential neighborhood. He asked that Council deny the request.

Speaker spoke in opposition to the project and noted negative impacts of surrounding businesses on her community.

Bruce Cartman spoke in opposition to the project noting that it will tower over a neighborhood that has been assaulted from all sides and listed examples. He suggested looking at developments on the westside of Bristol and requested that Council not continue to increase the impacts already suffered by residents.

Claudia Monroe, Costa Mesa, stated agreement with previous speakers and expressed concerns with her children's safety because of increased traffic.

Linda Schwandt, Costa Mesa, commented on a previous Alpha Beta development and felt there needs to be a balance within the City. She encouraged Council to serve the people and serve them well.

Eileen Lim, Costa Mesa, spoke in opposition to the project noting existing problems with the adjacent Holiday Inn parking structure and felt there would be similar problems with the proposed parking structure. She reported problems with rental of units to multiple families and felt that her neighborhood is suffering from negative impacts from adjacent developments.

There being no others wishing to address Council, Mayor Mansoor closed public comments for this item.

Mr. Freeman addressed the provision on special-purpose housing noting the proposal is for assistant-living and memory disorders. He stated that the proposal asks for a five-story building with four stories in the back and that the FAR measures the impacts of a project and that he understands the impacts of the project. He noted that it is a quiet

use and urged those interested to visit a similar facility adding that it is a quiet use without constant alarms. He reported that traffic would be wholly parked on the site, per City Code and sadly, there are not a lot of visitors, except on holidays. As compared with other uses, this would be low impact visually and stated that he would look forward to the opportunity of working with neighbors to minimize them.

In response to an inquiry from Council Member Bever regarding visual impacts to the adjacent residential area, Mr. Freeman stated that there will be large-tree landscaping to minimize visual impacts to adjacent neighbors within the allowed setback. He reiterated that he understood the concerns expressed but that with the nature of the use, many of the problems experienced with other uses, would not exist. He reiterated his willingness to work with the neighbors to reach mutually-agreeable solutions.

Council Member Foley inquired regarding the proposed height of the building and allowances by right on the site if a General Plan amendment were not being requested.

Response to her inquiry, Ms. Flynn reported that a similar replacement to the Glabman Furniture building would be allowed, as well as a two-story building.

Acting Development Services Director Kimberly Brandt noted the different scenarios including reusing the existing building (with a higher FAR and traffic/parking constraints) or demolishing the building. Other uses could be developed as long as they met the FAR and parking constraint requirements.

Mr. Freeman reported that the height of the proposed building is 56 feet.

Discussion followed regarding the height of the Hanford building, the number of units and the back setbacks.

Ms. Brandt reported that staff could review those design considerations and stated that it is possible to have a two-story elevation at the back and step up as the building is built closer to Bristol and main a two-times the building height requirement. As it is currently proposed, it would need a variance. She reported that there are ranges of design considerations that can be incorporated into the project that have not been explored at the conceptual level but that any design considerations in line with the existing Code requirements will probably result in fewer units on the property.

Mayor Pro Tem Leece wondered regarding definition of the SOBECA District and whether the proposed project is within that district. Staff noted that it is not within the SOBECA District.

MOTION: To reject the application because it applies to a small area and the change would make the property inconsistent with surrounding properties, moved by Council Member Bever, seconded by Mayor Pro Tem Leece.

Mr. Freeman commented that other uses will create additional traffic and felt that the proposed is a better scenario.

Discussion followed regarding the possibility of continuing the item to give the applicant the opportunity to meet with the community.

Ms. Brandt indicated that a continuance would be within Council's purview.

Council Member Foley stated that she has many concerns on the project but would like to provide an opportunity for the applicant to meet with the community.

Mr. Freeman affirmed that he would be willing to work with the community to discuss issues but indicated that the other uses would result in greater impacts and that the proposed project would be less impactful. He noted that the owner's want the best value and stated that if there is no way that Council would support a four and five-story building, then it should not be continued. He stated that the proposed building will not get smaller for the type of use proposed.

SUBSTITUTE MOTION: To continue the item to the second meeting in September, moved by Council Member Foley. The substitute motion died for lack of a second.

Council Member Monahan indicated that he would support the motion on the floor because of impacts to the adjacent neighbor. He noted that the project does not generate revenue for the City and felt that it is not consistent with other uses in the area. He addressed variances and site specific FAR increases and other related concerns.

Council Member Foley felt that the project will not work with the neighborhood but wondered about future development at the site. She suggested that staff meet with residents to discuss what might be allowable on the site and work with the property owner.

Mayor Mansoor expressed appreciation to the applicant and residents and stated that there are too many variables within the project causing him concern.

Ms. Brandt reported that a meeting could be held to discuss potential uses, uses permitted by right and processing requirements.

Discussion followed regarding by-right projects being subject to all of the City's conditions of approval.

Council Member Monahan encouraged Ms. Brandt to make contact with residents to determine interest in meeting with staff.

Council Member Foley stated that there may be projects brought forward that residents might be opposed to that are allowable. She suggested working with residents so that

staff may work with the property owner to develop a use that is compatible with the residents.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan
Noes: None
Absent: None

2. Development and implementation of a construction and demolition debris tracking system.

City Clerk Folcik read title to the aforementioned item.

Mr. Naghavi presented details of the report addressing illegal haulers of solid waste within the City and noting that the City is mandated to meet a 50% threshold of solid waste into recycling material and is currently being met through haulers registered with the City. He expressed concerns that the mandate may be jeopardized because of illegal activity. By allowing illegal activities, the City is missing revenue as part of the franchise fee that must be paid to the City. He noted that the number of registered haulers has decreased but haulers from other cities operate illegally within Costa Mesa.

Mr. Naghavi presented details of a construction and demolition debris tracking system for all registered haulers throughout the City. A conformance agreement would be required by each contractor requiring them to prove to the City that they have used a City-registered hauler or they would be fined. He addressed the benefits of the system and stated many cities already have this kind of tracking system.

Discussion followed regarding the ability to remedy illegal haulers operating in the City of Costa Mesa. Mr. Naghavi stated the differences in the system from other cities and addressed the consequences of using non-registered haulers. Ensuing discussion pertained to going after the haulers that are not paying the City's franchise fees.

Ms. Hall Barlow indicated that using an unregistered hauler is a violation of the City's Municipal Code which is a misdemeanor. She stated that her office will work with staff to implement the tracking system and take appropriate steps to bring the haulers into compliance with the Municipal Code.

Mr. Naghavi explained that contractors use non-registered haulers because they are cheaper. If contractors are forced to use registered haulers, the City will not have to go after the haulers, itself.

Council Member Monahan felt the need to develop ways to get tough on non-registered haulers.

Interested parties were invited to address Council.

Mike Balliet, City Consultant, stated that the problem with illegal haulers is that they operate at night and weekends and are aware of Code Enforcement actions. He felt that unless the City establishes an aggressive bin confiscation policy and active Code Enforcement, it will be difficult to go after the hauler. The quicker way is to place the impetus on the contractor to use a legal hauler or will pay a penalty for not doing so.

There being no others wishing to address Council, Mayor Mansoor closed public comments for this item.

MOTION: To approve the recommended action, moved by Mayor Mansoor, seconded by Council Member Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Eric R. Bever, Council Member Gary Monahan
Noes: None
Absent: None

3. Request for Group 1 Fee Waiver Status from California Youth Soccer League, Costa Mesa Chapter.

City Clerk Folcik read title to the aforementioned item.

Recreation Supervisor Lisa McPherson presented background of the item addressing designation of the California Youth Soccer League as a Group 1 organization. She stated that the League has requested 100% waiver of fees and lighting fees and addressed practices and games and the annual value of the fee waiver.

In response to a request from Mayor Pro Tem Leece, Humberto Caspa, Executive Director of the California Youth Soccer League, provided background on the formation, age and operation of the organization. He reported games will be scheduled for Costa Mesa teams and that he believes that soccer is a great sport and support for schools. He asked Council to let the kids play and allow them to play in their own City. The games will mostly be inner-City with mostly Costa Mesa residents participating.

Mayor Mansoor noted that there are currently opportunities to play in Costa Mesa and wondered where the kids are currently playing if not in Costa Mesa.

Council Member Bever reported that there are two leagues in the City and noted the lack of field space to accommodate them. He did not feel that adding another user group will relieve the problem.

Council Member Foley indicated that many of the kids practice all year round and don't have transportation to get to some of the venues. She noted that the cost of AYSO is a lot more substantial than the cost of the California Youth Soccer League and that the later will provide an outreach for kids to participate in their own neighborhood. She felt that Council should support the request.

Mayor Mansoor inquired where the children are currently playing and whether they are playing in Costa Mesa or are they travelling to another city.

Mayor Pro Tem Leece felt that the City needs more soccer players on the westside and commented on the benefits of keeping kids active and busy. She reported that the requested fields are underused and felt that this is a great program.

Mr. Caspa reported that their fees are a lot more affordable than those from AYSO. Mr. Caspa noted that most of the participants live on the westside. He indicated it is difficult to answer what other leagues the players currently play in but that many played in the Daily Pilot tournament.

Mayor Pro Tem Leece noted that the matter was approved by the Parks and Recreation Commission.

Council Member Bever addressed the amount of the waiver per year and noted the City's revenue shortfall projected and requested the amount of fee waivers given per year.

Ms. McPherson reported that the Parks and Recreation Commission requested that information and that staff will present that information at the September 22, 2010 meeting. She estimated that \$80,000 is being waived for other Group 1 users.

Council Member Bever addressed the City's financial circumstances and felt the need to tighten the belt.

Council Member Foley felt that it is a misnomer that the City is giving money away. She stated that it will be run by volunteers.

Discussion followed regarding costs involved in maintaining the fields and Mr. Roeder noted that the City has no direct costs in maintain~~ING~~ the subject fields but that it contributes financially to the School District. He noted that under Proposition 218, the City may not charge more than the reasonable and customary cost of a service. It does not necessarily apply to use of a facility.

Mayor Pro Tem Leece noted that the fields are not being used, that the service will be for the westside kids and felt that it will be a cooperative effort.

Interested parties were invited to address Council on this item.

Chris McEvoy, Costa Mesa, addressed the benefits of intervention and spoke in support of putting kids first. He encouraged Council to support the item.

There being no others wishing to address Council, Mayor Mansoor closed public comments for this item.

MOTION: To approve the 100% fee waiver status for the newly-designated Group 1 organization, California Youth Soccer League, Costa Mesa Chapter, moved by Mayor Pro Tem Leece, seconded by Council Member Foley.

SUBSTITUTE MOTION: To deny the request and direct staff to look into reducing or removing fee waivers on all of the groups currently under the program, moved by Council Member Bever. The substitute motion died for lack of a second.

Mayor Mansoor indicated that he is not ready to outright deny the request but felt that there are some details that need to be worked out.

Discussion followed regarding whether a Council Member is required to vote or could abstain without a reason.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley
Noes: Council Member Bever, Council Member Monahan
Absent: None
Abstain: Mayor Mansoor

Council Member Foley requested a closed session at this time.

MOTION: To move into closed session, moved by Council Member Foley, seconded by Council Member Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Bever, Council Member Katrina Foley
Noes: Mayor Mansoor, Council Member Monahan
Absent: None
Abstain: None

CLOSED SESSION

Council recessed into Closed Session at 10:17 p.m.

RECONVENE FROM CLOSED SESSION

The assembly reconvened from Closed Session at 10:23 p.m. with Mayor Mansoor, absent.

REPORT FROM CLOSED SESSION

Ms. Hall Barlow reported that no action was taken in Closed Session.

MOTION: To approve the 100% fee waiver status for the newly-designated Group 1 organization, California Youth Soccer League, Costa Mesa Chapter, moved by Council Member Monahan, seconded by Council Member Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley,
Council Member Monahan
Noes: Council Member Bever
Absent: Mayor Mansoor
Abstain: None

Ms. Hall Barlow reported that Mayor Mansoor was unable to continue with the meeting and is presently, absent.

REPORTS

City Attorney Hall Barlow reported that her husband's uncle passed away on August 16, 2010 and stated that she is going to miss him.

Mayor Pro Tem Leece offered condolences to Ms. Hall Barlow and her family and thanked her for all of her hard work.

City Manager Roeder reported that Mr. Hatch will be in charge for him on Thursday and Friday as he will be taking time off.


ADJOURNMENT

There being no further business to come before Council, the Mayor adjourned the meeting at 10:25 p.m. to the special meeting of Tuesday, August 24, 2010 at 5:30 p.m.



Mayor of the City of Costa Mesa

ATTEST:



Interim City Clerk of the
City of Costa Mesa