

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA

JANUARY 18, 2005

The City Council of the City of Costa Mesa, California, met in regular session January 18, 2005, at 6:30 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor, followed by the Pledge of Allegiance to the Flag led by Council Member Dixon, and a moment of solemn expression led by Pastor Martin Benzoni, St. John the Baptist Catholic Church.

ROLL CALL

Council Members Present: Mayor Allan Mansoor  
Mayor Pro Tem Gary Monahan  
Council Member Eric Bever  
Council Member Linda Dixon  
Council Member Katrina Foley

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
City Attorney Kimberly Hall  
Barlow  
Development Services Director  
Donald Lamm  
Public Services Director William  
Morris  
Principal Planner Kim Brandt  
Finance Director Marc Puckett  
Fire Chief Jim Ellis  
Deputy Fire Chief Gregg Steward  
Recreation Manager Jana  
Ransom  
Deputy City Clerk Julie Folcik

MINUTES  
January 3, 2005

On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, the minutes of the regular meeting of January 3, 2005, were approved as distributed.

ORDINANCES AND  
RESOLUTIONS

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

PRESENTATION  
Sister City Proclamation

Mayor Mansoor presented a proclamation in support of the Costa Mesa Sister City Program with Wyndham, Victoria, Australia, to Werribee Secondary College students Joel Anderson and Rhiannon Gudde for their contributions to increasing understanding between nations and enriching the educational experience of teachers and students in our community. In attendance was Costa Mesa resident Sue Smith, coordinator of Costa Mesa's Educator Exchange Program.

PUBLIC COMMENT  
Millard Comments

Martin Millard, Costa Mesa, referring to recent census statistics, reported that there had been a 32 percent reduction in the "middle-class" Costa Mesa population since 1990. As a result, he observed major retail store closure, such as those in Triangle Square, due to an inability to compete with the "underground economy" in the City. He encouraged the new City Council to "run a tight ship", and observed that declining status is reflected in

crime statistics, low test scores in the schools, and the number of charities, second-hand stores, and liquor stores located in the City.

Santa Ana Heights  
Annexation

Robert Hanley, Costa Mesa, a resident of Santa Ana Heights, declared that the Heights is the buffer zone for John Wayne Airport. He commented that Costa Mesa had not honored a previous agreement to abide by the 2003 Local Agency Formation Commission decision, which released Santa Ana Heights from Costa Mesa's sphere of influence. Council Member Foley reported that she had asked staff to provide Council Member Bever and herself with information regarding the history of annexation issues.

A west Santa Ana Heights resident reported that she had taken a survey in the area which indicated that residents preferred being annexed to the City of Newport Beach. She concurred with the comments made by Mr. Millard.

Bob Graham, Costa Mesa, pointed out that if the City of Newport Beach were to annex Santa Ana Heights, they would need to annex Santa Ana Avenue, a part of Costa Mesa, for ingress and egress.

Transportation Issues

Sandra Genis, Costa Mesa, announced that an open house will be held on Thursday, January 20, 2005, 5:00 to 7:00 p.m., at the Neighborhood Community Center, to address central Orange County transportation issues. She indicated that potential improvements include a freeway down the Santa Ana River right-of-way which could extend to Pacific Coast Highway, and encouraged residents to attend the meeting.

Council Decisions

Judi Berry, Costa Mesa, addressing a comment made at the meeting of January 3, 2005, which suggested that Council Members should be "united in their votes", advised that public comment should be considered prior to taking a vote. Council Member Foley agreed that public comment was important, and stated that building consensus as a Council did not include deciding an issue prior to the meeting. She believed that Council should work together for the good of the City.

Paul Bunney, Costa Mesa, concurred with Ms. Berry, and hoped that Council Members would follow their beliefs and not vote with the majority. He suggested broadcasting the City Council dinner study session held prior to each Council Meeting at 5:30 p.m. in City Hall first floor Conference Room A, in order to share agenda information discussed at that time with the public.

City Ordinances

Igal Israel, Costa Mesa, reiterated his objection to the manner in which the City adopts ordinances. He maintained that the Costa Mesa Municipal Code and the Building Code are not valid. Council Member Foley asked the City Attorney for a status report regarding Mr. Israel's legal situation in relation to the City.

Sanitary District/  
Subpoenas

Melissa Spengler, San Juan Capistrano, reported that she works in Costa Mesa and had noticed that recent Costa Mesa Sanitary District invoices include a new City tax of 12 or 13 percent, which is not indicated as a separate line item. She also served Mayor Mansoor, the City Manager, and the Development Services Director with subpoenas to appear in a court case.

CONSENT  
CALENDAR

The following items were removed from the Consent Calendar: Item No. 4, Claim from Mark and Kristen Howerton; Item No. 9, Resolution approving the submittal of improvement projects to the

Orange County Transportation Authority; and Item No. 14, Purchase of Motorcycles from A & S BMW Motorcycles, for \$79,707.08.

MOTION/Approved Except Item Nos. 4, 9, and 14

On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, the remaining Consent Calendar items were approved as recommended.

READING FOLDER

The following Reading Folder items were received and processed:

Claims

Claims received by the Deputy City Clerk: John Baker; Maria Kovanko-Michalet; Anthony J. Reitz; Shirley Schutte; Steve Stafford; Caitlynn Thu Huynh; and Thu Anh Tran.

Alcoholic Beverage Control License

Request for Alcoholic Beverage Control License from Shooters Restaurant and Bar, 725 Baker Street, for a person-to-person transfer of an existing Type 48 ABC License (on-sale general - public premises).

Public Utilities Commission

Southern California Edison Company filed Application No. A.04-12-014 with the Public Utilities Commission requesting an increase in electric rates, effective January 1, 2006.

WARRANTS

The following warrants were approved:

Approved Warrant 2039/Payroll 427 and 426A

Warrant Resolution 2039, funding Payroll No. 427 for \$2,165,447.14, Payroll No. 426A for \$4,664.26, and City operating expenses for \$629,089.38, including payroll deductions.

Approved Warrant 2040

Warrant Resolution 2040, funding City operating expenses for \$898,912.35.

REJECTED CLAIMS

The following claims were rejected:

Slamka

Claim from Craig Slamka (alleged improper action by Police Department).

Hanold

Claim from George Hanold (alleged wrongful arrest).

Mansfield/Holst

Claim from Wendy Mansfield, Cody Holst and William Holst (alleged excessive use of force against claimants and claimant's dog).

Huntington Beach

Claim from City of Huntington Beach (alleged contributing to hazardous materials at Huntington Beach gun range).

ADMINISTRATIVE ACTIONS/Received and Filed

The 2003 Development Phasing and Performance Monitoring Program (DPPMP) Report was received and filed.

Approved Budget Adjustment No 05-048, Skate Park Funds Transfer

Budget Adjustment No. 05-048 was approved, for \$310,381.00, to transfer the Roberti-Z'Berg-Harris (RZH) block grant funds to the Costa Mesa Skate Park Project, and to transfer Capital Outlay Funds from the Skate Park Project to the TeWinkle Athletic Field Project.

Approved Budget Adjustment No. 05-045, Claims Administration

Budget Adjustment No. 05-045 was approved, for \$10,750.00, to appropriate funds from the General Fund undesignated balance for SB 90 State Mandated claims administration costs.

Approved Graffiti Award	An award of \$500.00 to two private citizens who reported gang-related graffiti was approved pursuant to Costa Mesa Municipal Code Section 11-147.
OCTA Project Submittal	<p>Item No. 9 on the Consent Calendar was presented: Resolution approving the submittal of improvement projects to the Orange County Transportation Authority. The Public Services Director reported that a supplemental memorandum with a modified resolution had been forwarded to Council showing six additional project locations, including sections of Arlington Drive, Fair Drive, South Coast Drive, Baker Street, Harbor Boulevard, and Hyland Avenue. Council Member Bever commended staff for expediting the process, and commented that monies will be “freed up” for residential streets repair. Mayor Mansoor explained that grant funds from Measure M will be expended for the street repairs, however several projects will require matching funds. Council Member Dixon commended the Public Services Department for “going beyond the call of duty” in applying for grant funds.</p> <p>Robert Graham, Costa Mesa, suggested placing power lines underground during the period of street repair. Mayor Mansoor concurred that utility lines should be underground, stating his 100 percent commitment to that project, and observed that he was hopeful it may be partially accomplished concurrent with the street work.</p>
MOTION/Adopted Resolution 05-1	<p>On motion by Mayor Mansoor, seconded by Council Member Foley, and carried 5-0, Resolution 05-1 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF THIRTY-EIGHT (38) IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM, for Fiscal Years 2005-06 to 2009-10.</p>
Purchase of Four BMW Motorcycles	<p>Item No. 14 on the Consent Calendar was presented: Purchase of Motorcycles from A &amp; S BMW Motorcycles, for \$79,707.08. Martin Millard, Costa Mesa, reiterated his request that contracts be awarded locally.</p>
MOTION/Approved Purchase	<p>On motion by Council Member Dixon, seconded by Mayor Mansoor, and carried 5-0, purchase was approved of four 2004 BMW motorcycles for the Costa Mesa Police Department from A &amp; S BMW Motorcycles, 1125 Orlando Avenue, Roseville, for \$79,707.08, and a fee of \$881.45 (1.21 percent) to the State of California for use of the California Multiple Award Schedule, for a total cost of \$80,588.</p>
Claim from Howerton	<p>Item 4 on the Consent Calendar was presented: Claim from Mark and Kristen Howerton (alleged improper maintenance of SR-55 offramp). Council Member Foley noted her intent to abstain from the vote because the claimant is represented by a law firm that had contributed to her campaign thereby creating a conflict of interest, she then exited the chamber.</p>
MOTION/Rejected Claim	<p>On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 4-0, Council Member Foley abstaining, the claim from Mark and Kristen Howerton was rejected.</p> <p>Council Member Foley returned to the chamber.</p>

PUBLIC HEARING  
User Fees

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider schedules of rates, fees, and charges for fiscal year 2004-2005. The Affidavit of Publication is on file in the City Clerk's office. The Finance Director summarized the Agenda Report dated January 4, 2005, and recommended that the following items on Exhibit "A" be amended: Page 11, Sidewalk/Parking Lot Sale Permit, change the proposed fee to \$40.00; and Page 13, Uniform Fire Code Permit – Renew, change the proposed fee to \$30.00. He recommended that action be postponed for 13 of the Planning fees which are included in Exhibit "A" because they will be considered at a future City Council meeting. He, the City Manager, and the Recreation Manager responded to questions from Council.

Jennifer Gonzales, Public Affairs Representative, Southern California Gas Company, commented that the Utility Permit fee had increased approximately 40 percent over the last two years, and expressed concern that the trend could continue. She explained that in 2004, the Gas Company paid almost \$300,000.00 to the City for its annual franchise fee. Ms. Gonzales reported that she has had discussions with the Public Services Director regarding a blanket permit for the Gas Company which would help to counteract their administrative costs.

Sandra Genis, Costa Mesa, thought that cost recovery should be investigated as information on that subject was not provided with the fee study. She commented that it is mandated that fees are based on the City's actual costs. Ms. Genis asked if Council had received information, which had not been provided to the public, and Council Member Foley clarified that should a Council Member have a question regarding the user fee itemization sheet, that information could have been provided by staff prior to the meeting.

Martin Millard, Costa Mesa, related an experience with the Recreation Division wherein he had difficulty when attempting to invoke the California Public Records Act.

Judi Berry, Costa Mesa, agreed that fees should be based on costs, and thought that they should have increased along with last year's budget increase. A discussion ensued regarding cost recovery, and, in relation to sports fields, the Finance Director clarified that close to actual costs are recovered from outside users, and a lesser percentage from those who are not outside users.

Mike Berry, Costa Mesa, thought that the terms "cost" and "recovery" were often confused. He wondered how actual costing is accomplished prior to completion of the budget. The Finance Director explained that fees were developed based on the prior year's activity.

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

MOTION/Adopted  
Resolution 05-2

A motion was made by Council Member Foley, seconded by Mayor Pro Tem Monahan, to adopt Resolution 05-2: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AND ADOPTING SCHEDULES OF RATES, FEES, AND CHARGES FOR FISCAL YEAR 2004-2005 FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA, as amended with the following corrections to Exhibit "A": Sidewalk Parking lot Sales - \$40.00 (page 11), Uniform Fire Code Permit

Fee - \$30.00 (page 13); and directed staff to schedule for a future study session review of the cost recovery guidelines and policy.

Mayor Pro Tem Monahan believed that it was important to move ahead with the fees, and observed that any of the fees may be revisited after Council establishes a policy which addresses cost recovery.

SUBSTITUTE  
MOTION/To  
Continue Died

A substitute motion was made by Council Member Bever, seconded by Mayor Mansoor, to continue this item for 30 days, directing staff to agendaize for a future study session, review of items which have not been included in the cost recovery program. Council Member Bever clarified that he wished to review a cost recovery policy prior to adopting adjusted fee schedules. After discussion, Mayor Mansoor withdrew his second to the motion, and the motion died.

The original motion carried 5-0.

PUBLIC HEARING  
Emergency Medical  
Services

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an ordinance adopting an Emergency Medical Services Subscription Program, and Restructuring Emergency Medical Services Response Fees, amending Title 7 of the Costa Mesa Municipal Code. The Affidavit of Publication is on file in the City Clerk's office. No communications were received. Fire Chief Jim Ellis introduced Deputy Fire Chief Gregg Steward who reviewed the Agenda Report dated January 5, 2005, and responded to questions from Council.

Mayor Pro Tem Monahan suggested that, should the program be adopted, a direct mailing brochure be forwarded to each of the City's residents and businesses which would explain the program, the benefits, and include an application. Council Member Foley proposed that the Fire Department work with the Mesa Consolidated Water District in order to forward information regarding the program along with the District's monthly invoicing. Mayor Mansoor asked for a response to questions asked at the recent study session involving the equitable selection policy.

Council Member Dixon asked staff for information regarding a fee for the EMS Program in relation to residents group homes, including recovery homes, homes for the aged, and homes for the disabled, and she inquired as to the practice of other cities in this regard. She asked for the same information in relation to schools at all levels, athletic fields, and asked if a staggered fee would be considered for businesses, for example a fee of \$30.00 would be charged to a business with under 20 employees, and another fee for a business with 30 to 100 employees. She also asked how non-profit agencies would be addressed. If the program is adopted, she suggested advising the public via the City's Channel 24, the website, and including information in the recreation bulletin.

Mayor Mansoor asked how collection would be handled for non-residents. Council Member Bever relayed his concern that the City's taxpayers and homeowners currently pay to support this program, and felt that they are being asked to pay again, or if they do not join the program they would be required to pay the full fee. Council Member Foley asked if it would be legal to waive the fee for persons without insurance. Council Member Dixon clarified that as a member of the program, costs would actually be reduced for a resident.

Mike Berry, Costa Mesa, asked why insurance companies are not currently billed. Mayor Mansoor replied that a fee may not be charged unless it is adopted by ordinance. Mr. Berry thought that a program similar to the one proposed would be suitable but opposed the current format.

The City Attorney clarified that there are two separate issues involved in the program: a charge for the service which would allow the City to recover from insurance companies or other available payment sources for persons who chose not to become members of this subscription program; and it is required that adoption of this program be by ordinance which would allow persons to voluntarily pay a fee of \$36.00 per year.

Martin Millard, Costa Mesa, thought that persons subscribing to the service would be subsidizing those who do not have the service. He would like to see the figures for the number of service calls billed in the past versus how much was actually paid, and stated that this information is necessary prior to making a decision on the program. The Finance Director responded that currently there is approximately a 60 to 65 percent recovery rate based on the amount billed.

Sandra Genis, Costa Mesa, asked how the City would ascertain where to forward the bill since a form of identification is not required from the person requesting the service. On the business fee which calls for the first ten employees to be charged the same fee as a resident, she suggested lowering the number to six to eight since a resident is in the City for more hours of the day. She encouraged charging a higher rate for group homes since history indicates that they have more requests for ambulance service.

Paul Flanagan, Costa Mesa, urged Council to remember that Medi-Care, Medi-Cal, and all private insurance companies set a fee over which they will not pay, and they reimburse 80 percent of that allowable fee.

Sam Clark, Costa Mesa, asked about proof of enrollment, and objected to subsidizing persons with no insurance.

Beth Refakes, Costa Mesa, asked what the administrative cost to the City would be; how the subscription fee is to be billed, will it be monthly, annually, etc.; what is the cost incurred for the ambulance service provider to do the billing; who will collect the money; how much of the \$300.00 EMS fee is covered by Medi-Care; based on the experience of other cities, what is the subscription rate as a percentage of the eligible members; how will citizenship or legal residency be established to determine eligibility, and is this a requirement of other cities; what is the demographics of the responses over the past two years, and the services provided to residents, non-residents, and the ages of the persons; how will the co-payment be billed and collected from non-members; and what is the percent of cost recovery, including direct marketing, advertising, billing, administrative collection, and EMS costs. She stated that the fees for residents and businesses seems to be disproportionate.

Terry Shaw, Costa Mesa, questioned how homeless persons would be addressed, and asked why residents are not currently being

billed since there is a resident fee in the user fees. Council Member Bever replied that the resident user fee is based upon the assumption that the EMS Program would be adopted. The Fire Chief clarified that the paramedic and ambulance fees are two different fees, and the EMS Program covers only the paramedic charges, with the transport fee being billed separately.

Judi Berry, Costa Mesa, inquired as to how much of the fee the ambulance company would take.

Paul Bunney, Costa Mesa, opined that the Council is looking for the means to raise funds for projects which are not needed, and suggested a review of the budget. He noted that the individual taxpayer carries the burden.

MOTION/Continued  
to February 22, 2005

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, to continue the EMS Program to the meeting of February 22, 2005.

Mayor Mansoor asked the Fire Chief for documentation of the 60 or 65 percent figure previously mentioned in relation to fines billed and paid. Council Member Foley was concerned about further "burdening" the residents with these types of services, believing that the elderly were the most affected financially. She would like to know how the EMS Program compares, in terms of funding revenue, to some of the other items previously on Council agendas which had the potential to generate more revenue. Mayor Pro Tem Monahan explained that the other items referred to must be decided by the electorate, and the first opportunity would be in the election in 2006. He clarified previous references to group homes by stating that all group homes are treated the same, many of the residents are on very low, fixed incomes, and would likely end up paying any increase in fees.

The Mayor declared a recess at 8:45 p.m., and reconvened the meeting at 9:00 p.m.

RECESS

By unanimous consent, Council agreed to consider New Business No. 3 as the next item of business.

NEW BUSINESS  
Planning Commission  
Appointment

The Deputy City Clerk presented for City Council consideration an emergency, interim appointment to the Planning Commission or alternative methods of providing for prompt review of matters pending before the Planning Commission pending permanent appointments, and possible adoption of one of the following actions:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING AN EMERGENCY AND MAKING AN INTERIM APPOINTMENT TO THE COSTA MESA PLANNING COMMISSION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54974(b).

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLES 1, 12, AND 13, OF THE COSTA MESA MUNICIPAL CODE REGARDING CITY COUNCIL APPOINTMENT OF COMMISSIONS, BOARDS, AND COMMITTEES.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TEMPORARILY



SUSPENDING THE AUTHORITY OF THE PLANNING COMMISSION ESTABLISHED BY COSTA MESA MUNICIPAL CODE SECTION 13-10.

The City Attorney and City Manager summarized the Agenda Report dated January 12, 2005, and responded to questions from Council.

Mayor Mansoor favored Option 1, the appointment of an interim Planning Commissioner, stating a preference for someone in the community who is knowledgeable and up to speed yet not a current applicant for appointment to the Planning Commission. He stated that this option follows the government guidelines for an appointment in this type of situation. Council Member Dixon confirmed that an appointee would only be attending the Planning Commission regular meeting of January 24, 2005, prior to the permanent appointments by City Council on February 7, 2005. Mayor Pro Tem Monahan indicated that he found it difficult to support appointing a Commissioner for one meeting as a full Commission will be appointed at the meeting of February 7, 2004.

Sandra Genis, Costa Mesa, addressing the items scheduled for the meeting of January 24, 2005, which according to the Agenda Report could be "deemed approved" under the Permit Streamlining Act, CEQA, or the Subdivision Map Act, assuming that certain public notice requirements were satisfied, commented that when an item is deemed approved, there are no conditions of approval.

Beth Refakes, Costa Mesa, agreed with Mayor Mansoor that an interim Commissioner should be appointed but thought that it should not be a current applicant to the Planning Commission.

MOTION/Adopted  
Resolution 05-3,  
Appointed Sandra  
Genis

A motion was made by Mayor Mansoor, seconded by Council Member Bever, and carried 4-1, Mayor Pro Tem Monahan voting no, to adopt Resolution 05-3, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING AN EMERGENCY AND MAKING AN INTERIM APPOINTMENT TO THE COSTA MESA PLANNING COMMISSION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54974(b), and appointed Sandra Genis to the Planning Commission for an interim term.

Ms. Genis accepted the appointment. Council Member Dixon thanked Ms. Genis for volunteering. Mayor Pro Tem Monahan also thanked Ms. Genis, and ensured her that his vote against the appointment was not a vote against her but against the process.

PUBLIC HEARING  
Zoning Code Amend-  
ments

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING THE ZONING CODE TO MODIFY THE LAND USE MATRIX, PUBLIC NOTICE REQUIREMENTS, AND VARIOUS PERMIT PROCESSES. The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Principal Planner reviewed the Agenda Report dated January 4, 2005, and responded to questions from Council.

Mayor Pro Tem Monahan thought that the Parks Commission should have input into parks issues and questioned the logistics of their meeting jointly with the Planning Commission, i.e., would all ten members be seated and voting, or is the Parks Commission in

attendance to provide input. Council Member Foley responded that the Planning Commission is a land-use body who would take action on the master plan as it relates to the environmental impact report, negative declaration, etc., and the Parks Commission, during the same meeting, would take action beforehand making recommendations to the Planning Commission regarding what they would like to see in the park. The City Attorney mentioned that SEQA guidelines require the Planning Commission and/or the City Council to be the approving authority for SEQA documentation.

Council Member Bever concurred with Mayor Pro Tem Monahan that this issue would be complicated regarding respective responsibilities and did not think the process expeditious. Council Member Foley thought that the current process was burdensome on staff and the public.

Sandra Genis, Costa Mesa, thought that the process under consideration would eliminate public participation. She opposed delegating to the Zoning Administrator the authority as suggested in Section 13-28 (g)(2), and supported maintaining the noticing radius for public hearings at 500 feet. She suggested sending notices to not only property owners but residents who live nearby and do not own the land, as well as business owners, and encouraged retaining the on-site noticing.

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

Council Member Dixon believed that Council should listen to resident concerns, observed that input from the community is healthy, and questioned why public noticing was being reduced, especially since the applicant paid for mailings which are included in the appeals fee. She asked if Senior volunteers could be utilized to check that property notifications are in place. Mayor Mansoor encouraged retaining the noticing requirement at 500 feet. He opposed changing tattoo parlors to a minor conditional use permit, commenting that he supported public input should a tattoo parlor choose to open up on street such as 19<sup>th</sup> Street in order to prevent future problems and to assist staff to create criteria for the conditional use permit.

MOTION/Gave  
Ordinance 05-2 First  
Reading

A motion was made by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 4-1, Council Member Foley voting no, to give first reading to Ordinance 05-2, as amended: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING THE ZONING CODE TO MODIFY THE LAND USE MATRIX, PUBLIC NOTICE REQUIREMENTS, AND VARIOUS PERMIT PROCESSES, maintaining the public hearing notice requirement of a 500-foot radius, and the requirement of a Conditional Use Permit (CUP) for tattoo parlors. Second reading and adoption are scheduled for the meeting of February 7, 2005.

Council Member Foley opposed the motion, stating that major amendments to a project should be considered by the Planning Commission.

MOTION/Gave  
Directions to Staff

A motion was made by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 3-2, Council Member Foley and Council Member Dixon voting no, directing staff to look into delegating to the Parks and Recreation Commission the review,

adoption, or amendment of any park master plan, minus the recommendation of joint study sessions or a joint public hearing of the Planning Commission and Parks and Recreation Commission; and maintaining the current practice until a later date.

PUBLIC HEARING  
Zoning Definitions and  
Standards

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLES 13 AND 20 OF THE COSTA MESA MUNICIPAL CODE TO CLARIFY EXISTING ZONING DEFINITIONS AND STANDARDS AND TO ADD REGULATIONS REGARDING SEASONAL EVENTS AND LANDSCAPING REQUIREMENTS IN THE R1 ZONE (Single-Family Residential). The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Principal Planner summarized the Agenda Report dated January 4, 2005, and responded to questions from Council.

Council Member Bever suggested that for clarification on Page 7 of the Agenda Report, Section 13-75, Fences and Walls, Subsection (a), the phrase "Perimeter fences" replace the phrase "All interior property lines". The Principal Planner agreed to find appropriate language to add to the ordinance prior to the second reading. Council Member Bever asked that the definition for mobilehome on Page 32 of the Agenda Report be shortened to retain only the first sentence, thereby maintaining consistency with the State definition. Regarding Section 13-28(k) on Page 33, Item 4, he asked that the word "closure" be deleted from the fourth line. He asked if the language could be "tightened" in order to make it more compatible with the language used by the State. The City Attorney clarified that the two mobilehome park issues are not in an actual ordinance at this time.

MOTION/Gave  
Ordinance 05-3 First  
Reading

A motion was made by Mayor Mansoor, seconded by Council Member Bever, and carried 5-0, to give first reading to Ordinance No. 05-3: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLES 13 AND 20 OF THE COSTA MESA MUNICIPAL CODE TO CLARIFY EXISTING ZONING DEFINITIONS AND STANDARDS AND TO ADD REGULATIONS REGARDING SEASONAL EVENTS AND LANDSCAPING REQUIREMENTS IN THE R1 ZONE (Single-Family Residential), as amended, maintaining current reading of Section 13-75(g) (a) regarding all interior property lines, and directing staff to return with revised language for said section. Second reading and adoption are scheduled for the meeting of February 7, 2005.

MOTION/Gave  
Directions to Staff

A motion was made by Council Member Foley, seconded by Council Member Dixon, and carried 3-2, Mayor Pro Tem Monahan and Council Member Bever voting no, directing staff to prepare a draft ordinance of proposed zoning code amendments relating to mobilehomes, as listed on pages 32 and 33 of the Agenda Report, dated January 4, 2004.

OLD BUSINESS  
Conflict of Interest

The Deputy City Clerk presented from the meeting of January 3, 2005, second reading and adoption of Ordinance 05-1, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 2, SECTION 2-68(d) AND (e) OF THE COSTA MESA MUNICIPAL CODE REGARDING COUNCIL MEMBERS CONFLICT OF INTEREST AND CITY ATTORNEY OPINIONS REGARDING CONFLICT OF INTEREST, as it relates to the conduct of a Council Member with a conflict and

conflict opinions issues by the City Attorney.

MOTION/Adopted  
Ordinance 05-1

On motion by Council Member Bever, seconded by Council Member Foley, and carried 5-0, Ordinance 05-1 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 2, SECTION 2-68(d) AND (e) OF THE COSTA MESA MUNICIPAL CODE REGARDING COUNCIL MEMBERS CONFLICT OF INTEREST AND CITY ATTORNEY OPINIONS REGARDING CONFLICT OF INTEREST.

NEW BUSINESS  
Havanita's Cigar  
Lounge/ABC License

The Deputy City Clerk presented a request for Alcoholic Beverage Control License from Havanita's Cigar Lounge, 750 West 17<sup>th</sup> Street, Unit A, for an original Type 57 Alcoholic Beverage Control License (on-sale general, club). The Development Services Director reviewed the Agenda Report dated January 5, 2005.

MOTION/Made  
Finding of Public Con-  
venience or Necessity

On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, Council made the finding of public convenience or necessity.

NEW BUSINESS  
Mayor and Mayor Pro  
Tem Terms

The Deputy City Clerk presented AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 2, SECTION 2-22, OF THE COSTA MESA MUNICIPAL CODE REGARDING THE TERM OF MAYOR AND MAYOR PRO TEMPORE. The City Attorney summarized the Agenda Report dated January 7, 2005.

Council Member Dixon supported the two-year term but suggested that Council consider voting at the end of the first year to elect a mayor for a second year. She felt that this would present an opportunity to "bow out gracefully" if the responsibilities and duties were found to be too time consuming.

Mayor Pro Tem Monahan commented that traditionally the Mayor and Mayor Pro Tem have served two-year terms, and indicated that both parties have the option and ability to step down if they feel so inclined after the first year.

MOTION/Gave  
Ordinance 05-4  
First Reading

A motion was made by Mayor Mansoor, seconded by Mayor Pro Tem Monahan, and carried 5-0, Ordinance 05-4 was given first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 2, SECTION 2-22, OF THE COSTA MESA MUNICIPAL CODE REGARDING THE TERM OF MAYOR AND MAYOR PRO TEMPORE. Second reading and adoption are scheduled for the meeting of February 7, 2005.

COUNCIL  
COMMENTS/Costa  
Mesa United Tourna-  
ment/ Border Commit-  
tee

Council Member Foley thanked those who turned out for the Costa Mesa United Golf Tournament, stating that a significant amount of funds were raised for two athletic facilities. She suggested placing on a future study session agenda formation of a "borders committee" which would address jurisdictions of adjacent cities. She asked if there had been a City-wide survey to indicate how the recent rains impacted residential streets. The Public Services Director reported that roadway patches are temporary, the entire City is being inventoried, and permanent patches will be installed when the streets are totally dry. Council Member Foley asked that Bear Street be checked. She asked that Mr. Bunney's suggestion to broadcast the dinner study session prior to the Council meeting be placed on a future study session agenda.

57 Freeway/Library Meeting

Council Member Dixon announced that on Thursday, January 20, 2005, 5:30 p.m. to 7:30 p.m., at the Neighborhood Community Center, the plans to extend the 57 Freeway are available for review, and at 7:30 p.m. there will be a Library meeting in the Fairview Room. The City Attorney responded to Council Member Dixon's question regarding Mr. Israel's statement during Public Comment alleging that Costa Mesa is breaking the law by stating that the court accepted the City's position and overruled Mr. Israel's legal arguments. Council Member Dixon asked for clarification regarding an inquiry from Ms. Spengler during Public Comment regarding a City tax which is included in the Costa Mesa Sanitary District invoice yet is not a separate line item. The City Manager replied that a letter of explanation had been provided to the waste haulers to include with their billing to their customers.

League of California Cities Seminar

Council Member Bever reported his attendance, along with Mayor Mansoor, representing the City of Costa Mesa at the League of California Cities Mayors and Council Seminar in Sacramento. He commented on the amount of information available, all topics regarding City management, and commented on the numerous members of other Councils with whom he was able to network. He called the experience rewarding.

The Mayor declared the meeting adjourned at 10:50 p.m.

ADJOURNMENT

