

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

FEBRUARY 7, 2005

The City Council of the City of Costa Mesa, California, met in regular session February 7, 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 Foley, and a moment of silence was observed.

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
Assistant City Manager
Steve Hayman
City Attorney Kimberly Hall Barlow
Development Services Director
Donald Lamm
Transportation Services Manager
Peter Naghavi
Recreation Manager
Jana Ransom
CDBG/Home Coordinator
Mike Linares
Deputy City Clerk Julie Folcik

MINUTES
December 6, 2004,
December 20, 2004
and January 18, 2005

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, the minutes of the regular meeting of December 6, 2004, December 20, 2004, and January 18, 2005, were approved as distributed.

ORDINANCES AND
RESOLUTIONS

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

PRESENTATION
Historical Preservation
Committee

John McQueen, member of the Historical Preservation Committee, gave a presentation highlighting the goals and objectives for the coming year. He reported they have a Speakers Bureau for the purpose of providing speakers to area groups interested in Costa Mesa history, and indicated that information could be obtained on the Recreation website. He announced that the Committee is finalizing a brochure that includes a map of the historical buildings located in Costa Mesa; and that the twenty-year old children's book, "The Story of Costa Mesa", is being revised. He advised that the book would be completed in a couple of months, and made available to school children throughout the City. The Council commended the Committee on their outstanding work and thanked them for their efforts. Council Member Foley suggested coordinating a tour of the historical sites.

PUBLIC COMMENT
Centerline Project

Bill Ward, Costa Mesa, member of Driver's for Highway Safety and the Orange County Transportation Authority (OCTA) Citizens Advisory Centerline Subcommittee, believed that the Centerline Project would be dropped or postponed, as federal funds would not be available. He announced that a meeting would be held on Monday, February 14, 2005, to discuss alternatives, such as a rapid transit system, expanding the Metro Link and other various

transit projects. He suggested that Council agendaize the issue, so that residents may voice their preference. He expressed his enthusiasm in having Mayor Pro Tem Monahan on the OCTA Board.

Soup Kitchen

Dave Salcido, Costa Mesa, President of the Wallace Area Improvement Group, a group of property owners and managers primarily located in the Wallace Street/Pomona Street area, reported that as a result of receiving numerous complaints, a survey of the property owners in the immediate area of the Soup Kitchen was conducted to determine the impact on the residents. The survey, which was a questionnaire, was sent to the property owners in the immediate area of the Soup Kitchen, noting that seven of the eight responses were negative against the operation, was submitted to the Council.

19th Street Pavement Rehabilitation/Beautification Project

Martin Millard, Costa Mesa, member of the Westside Revitalization Oversight Committee (WROC), referred to a flyer that was distributed at the WROC meeting, held on January 27, 2005, that stated an informational meeting would be held at Avila's Restaurant, to provide public information and to receive input from the adjacent business owners and residents in regards to the 19th Street Rehabilitation. He expressed concern regarding funds that were allocated in hiring the public relations consultant. The City Manager reported that the department approved a contract for a consultant to gather information from merchants and residents on 19th Street. He added that no other funds would be allocated until facts were obtained and presented to Council. Mr. Millard also expressed concern regarding the location of the meeting and language on the flyer. The City Manager clarified that the restaurant owner approached the City and offered to hold the meeting at their place of business, free of charge, in an effort to provide a public outreach.

19th Street Construction

Mirna Burciaga, Costa Mesa, clarified that Ms. Avila, owner of El Ranchito restaurant, had an unpleasant experience during previous construction and offered to host the public outreach meeting at her restaurant to address issues business owners and residents would be confronted with, such as parking. She commended the City for their efforts in working with the public on this pavement project.

Historical Preservation Committee

Terry Shaw, Costa Mesa, invited the Council and public to the Costa Mesa Historical Society meeting that would be held on February 16, 2004, at 7:30 p.m., located at 1870 Anaheim Avenue. He reported that Carol Proctor, the staff liaison, would be speaking about the history of Fairview Park.

Pet Store Businesses

Marilyn Lipson, Huntington Beach, expressed concern in regards to pet breeding and the environmental conditions associated with puppy mills. She pointed out that the Orange County Humane Society has pure-bred animals for adoption. She urged Council to not give business licenses to new pet shops that sell live animals, as she felt it perpetuates the "puppy mill tragedy". Judy Stricker, Costa Mesa, concurred with Ms. Lipson's views, stating her objection to the selling of animals from pet shops.

Bicycling

Kiril Kundurazieff, Costa Mesa, regarding the Historical Society tour of the City, suggested a map with the bicycle routes be included and encouraged citizens to ride their bicycles.

Traffic Sign, Trash Bins

Anne Hogan-Shereshevsky, Costa Mesa, reported that the traffic sign in front of Bethel Towers that indicates "Seniors Xing" is misleading and could be interpreted as the designated area in order to cross the street. The Transportation Services Manager

reported that the sign's purpose was to warn drivers that seniors are in the area. He reported that an additional sign has been added facing the sidewalk with an arrow directing senior pedestrians pointing to the intersection. She expressed the desire for a place to make photocopies and to pay utility bills near her residence, and commented that the trash barrels are unsightly when left on the street and should be placed on the sidewalk.

Planning Commission
Appointment Process

Doug Sutton, Orange, questioned Mayor Mansoor regarding his recent actions concerning the Commission appointment process, and reiterated his complaints in relation to the handling of former City Attorney Jerry Scheer's dismissal.

CONSENT
CALENDAR

The following item was removed from the Consent Calendar:

Item No. 1, the Reading Folder.

MOTION/Approved
Except Item No.1

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

Consent Calendar
Item No. 1

Item No. 1 from the consent calendar, was presented.

Relative to the claims received, Council Member Bever encouraged the public to report pot holes in the City by calling the pot hole hotline (714) 754-5207, stating the goal is to repair pot holes immediately, whether located in alleys or roadways. Mayor Monahan also reported that the City has applied for \$30,000,000 in Measure M funds for arterial street improvements.

MOTION/Approved
Reading Folder

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, the following Reading Folder items were received and processed:

Claims

Claims received by the Deputy City Clerk: Amber Bentley; Melinda Bowles; Susan Carlson; James Leckey; Trevor Martin; Nancy J. Ochser; Carmela Soto; Sandra Sudweeks; Southern California Edison; Kashma Staton; Tavakoli & Associates (on behalf of Janet Roshanzamir); and Dana Wendland.

Alcoholic Beverage
Control Licenses

Request for Alcoholic Beverage Control Licenses were received from:

Yu Jino, DBA: Sushi Imari, 375 Bristol Street, A40, Costa Mesa, for a person-to-person transfer of a type 41 license (on-sale beer and wine for a bona fide eating place).

Southern California
Edison Company

Southern California Edison Company filed Application No. A.05-01-18 for Default Critical Peak Price Proposal for Summer 2005.

AT&T Wireless

Notification letter of utility's intent to construct a cellular facility for AT&T Wireless Site No. 950-013-285C/LSANCA3108C/Light House Church, 301 Magnolia Street, Costa Mesa.

WARRANTS

The following warrants were approved:

Approved Warrant
2041

Warrant Resolution 2041, funding Payroll No. 501 for \$2,065,808.00, Payroll No. 427A for \$1,319.49, and City operating expenses for \$716,416.95, including payroll deductions.

Approved Warrant
2042

Warrant Resolution 2042, funding City operating expenses for \$394,829.76.

Approved Warrant

Warrant Resolution 2043, funding Payroll No. 502 for

2043 \$2,023,036.38, Payroll No. 501A for \$3,327.45, and City operating expenses for \$691,732.21, including payroll deductions.

ADMINISTRATIVE ACTIONS/Continue to a future Council Meeting From the meeting of January 3, 2005, an extension of agreement with Hank Lloyd's Orange County Tennis (HLOCT), 880 Junipero Drive, Costa Mesa, for five years (the first of two five-year options), to operate the Costa Mesa Tennis Center (same address). Approved staff's request to continue to a future Council meeting upon completion of the financial audit of the Costa Mesa Tennis Center.

PUBLIC HEARING PA-04-21, Sakzlyan The Deputy City Clerk announced the public hearing, continued from the meeting of October 18, 2004, to consider an appeal from Jack Sakzlyan of the Planning Commission's decision to deny Conditional Use Permit PA-04-21 for Daniel C. Carlton, Attorney, authorized agent for Carl Reinhart/El Camino Partners, to modify an existing conditional use permit for a former gasoline service station to discontinue sales of gasoline to become solely an auto repair facility, located at 1045 El Camino Drive in an R2-MD (Medium Density, Multi-Family Residential) zone. Environmental determination: Exempt. The Affidavits of Publishing and mailing are on file in the City Clerk's office. A communication was received from Daniel C. Carlton, 2600 Michelson Drive, Suite 1120, Irvine, requesting a continuance.

Council Member Foley exited the chamber after she recused herself from the discussion adjudicating on this item, indicating she resides 500 feet from the service station. The Development Services Director summarized the agenda report dated February 7, 2005, noting that a letter was received from the applicant's attorney, requesting another ninety-day continuance in order to make arrangements for a buy-out or termination of the lease. He responded to questions from Council.

Martin Millard, Costa Mesa, expressed his support of the Planning Commission's decision to deny the Conditional Use Permit and supported the possibility of a housing development in its place. He also reported an increase in gang activity in that area.

The following individuals spoke in support to the closure of the service station: Sam Clark and Beth Refakes, Costa Mesa.

MOTION/Continued to May 2, 2005 On motion by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 4-0, the public hearing was continued to the meeting of May 2, 2005.

Council Member Foley returned to the chamber.

PUBLIC HEARING Ordinance No. 05-2 The Deputy City Clerk announced that this is the time and place set for the public hearing to consider Ordinance No. 05-2: 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 Publishing is on file in the City Clerk's office. The Development Services Director reviewed the Agenda Report dated January 20, 2005, and responded to questions from Council.

Council Member Foley suggested amending the language for Section 13-28 (e)(1) to maintain "not be subject to development review", and adding "but shall be reviewed by the Planning Commission" for better clarity.

MOTION/Gave
Ordinance 05-2 First
Reading

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, to give first reading to Ordinance 05-2, 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, to include additional language as proposed in the supplemental from staff for Section 13-28(e)(1), amended to maintain "not be subject to development review, and adding "but shall be reviewed by the Planning Commission" and Section 13-39(i)(1), except for Sections 13-28(g)(2) and 13-56 (b)(2).

A separate motion was made by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 4-1, Council Member Foley voting no, to give Ordinance 05-2 first reading as to Sections 13-28(g)(2) and 13-56(b)(2). Second reading and adoption are scheduled for the meeting of February 22, 2005.

Council Member Foley noted her opposition, as the proposed changes allow major amendments to be done at staff level.

PUBLIC HEARING
Harbor Boulevard
Improvement Project

The Deputy City Clerk announced that this was the time and place set for the public hearing to consider Harbor Boulevard Improvement Project, between Gisler Avenue and Sunflower Avenue, a Negative Declaration and authorization to proceed with final design: Resolution approving mitigated negative declaration for the Harbor Boulevard Improvement Project between Gisler Avenue and Sunflower Avenue. The Affidavits of Publishing and Mailing are on file in the City Clerk's office.

The Transportation Services Manager reviewed the Agenda Report dated February 7, 2005 and responded to questions from Council. He noted that the project would take approximately ten months to complete with construction commencing March, 2005. In response to a question from Council Member Dixon, Mr. Naghavi indicated that if construction is needed at night, a determination would be made near the end of the final design.

Council Member Bever pointed out that the lack of access from the 405 freeway southbound Harbor Boulevard exit to the 405 freeway northbound Harbor Boulevard on-ramp, and requested additional signage directing drivers. In response to a question from Council Member Dixon, Mr. Naghavi responded that any landscaping removed from the project would be replanted in the same area and efforts would be made to keep the project location as neat and tidy as possible.

Terry Shaw, Costa Mesa, noted his support of the project and felt it would alleviate the traffic problems in that area.

Kiril Kundurazieff, Costa Mesa, stated that as a bicyclist, he finds it difficult to navigate in construction areas and requested that bicyclist safety be considered.

MOTION/Adopted
Resolution 05-4;
Authorized Staff to
Proceed

On motion by Mayor Mansoor, seconded by Council Member Bever, and carried 5-0, Resolution 05-4 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION FOR THE HARBOR BOULEVARD IMPROVEMENT PROJECT BETWEEN GISLER AVENUE AND SUNFLOWER AVENUE; and authorization was given for staff to proceed with final design and right-of-way phases.

<p>OLD BUSINESS Ordinance 05-3</p>	<p>The Deputy City Clerk presented from the meeting of January 18, 2005, second reading and adoption of Ordinance 05-3, amending Titles 13 and 20 of the Costa Mesa Municipal Code. The Development Services Director summarized the agenda report dated January 26, 2005.</p>
<p>MOTION/Adopted Ordinance 05-3</p>	<p>On Motion by Mayor Mansoor, seconded by Council Member Bever, and carried 5-0, Ordinance 05-3 was given second reading and adopted: 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).</p>
<p>OLD BUSINESS Ordinance 05-4</p>	<p>The Deputy City clerk presented from the meeting of January 18, 2005, second reading and adoption of Ordinance 05-4, regarding the term of Mayor and Mayor Pro Tempore.</p> <p>The City Attorney stated that the ordinance would take effect thirty days from adoption.</p>
<p>MOTION/ Adopted Ordinance 05-4</p>	<p>On Motion by Council Member Dixon, seconded by Council Member Bever, and carried 5-0, Ordinance 05-3 was given second reading and adopted: 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.</p>
<p>RECESS</p>	<p>The Mayor declared a recess at 7:44 p.m., and reconvened the meeting at 7:55 p.m.</p>
<p>NEW BUSINESS Appointments to Planning Commission and Parks and Recreation Commission</p>	<p>The Deputy City Clerk announced this was the time and place for appointments to the Planning Commission and the Parks and Recreation Commission. She read the names of the applicants for the Planning Commission as follows: Steve Beazley, Mirna Burciaga, Eddie Cisco, Samuel Clark, Walter Davenport, Eleanor Egan, Leonard Filner, James Fisler, Paul Flanagan, Bruce Garlich, Donn Hall, Robert Love, Martin H. Millard, Robert Ooten, Bill Perkins, Yvonne Rowden, Terry Shaw, Christine Shingleton, Thomas Steinfeld, Brian Stewart, and Jonathan Zich.</p> <p>The Assistant City Manager summarized the agenda report dated January 21, 2005, and reviewed the process by which nominations and appointments would be made, noting that upon completion of the Planning Commission appointments, a random drawing would be done of the appointees to determine those who would serve two-year terms.</p> <p>Bob Ooten, Planning Commission candidate, summarized his experience, knowledge and familiarity in the aspects of planning.</p> <p>The Council thanked the applicants for their efforts and time dedicated to making Costa Mesa a better place to live. Council Member Dixon encouraged applicants that would not be appointed to continue to be active in the City.</p> <p>A random drawing by Council determined the order in which nominations would be made by each Council person.</p>
<p>MOTION/Appointed Donn Hall to the</p>	<p>On motion by Council Member Bever, seconded by Mayor Pro Tem Monahan, and carried 4-1, Council Member Foley voting no, Donn</p>

Planning Commission	Hall was appointed to the Planning Commission.
MOTION/Appointed Bill Perkins to the Planning Commission	On motion by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 4-1, Council Member Dixon voting no, Bill Perkins was appointed to the Planning Commission.
MOTION/Appointed James Fisler to the Planning Commission	On motion by Mayor Mansoor, seconded by Council Member Bever, and carried 3-2, Council Member Dixon and Council Member Foley voting no, James Fisler was appointed to the Planning Commission.
MOTION/Appointed Eleanor Egan to the Planning Commission	On motion by Council Member Dixon, seconded by Council Member Bever, and carried 4-1, Mayor Pro Tem Monahan voting no, Eleanor Egan was appointed to the Planning Commission.
MOTION/Appointed Bruce Garlich to the Planning Commission	On motion by Council Member Foley, seconded by Council Member Dixon, and carried 3-2, Mayor Pro Tem Monahan and Council Member Bever voting no, Bruce Garlich was appointed to the Planning Commission.
	A random drawing by Council determined that the following Planning commissioners would serve two-year terms: James Fisler and Bill Perkins.
	The Deputy City Clerk read the names of the applicants of the Parks and Recreation Commission as follows: Byron De Arakal, Charlene Ashendorf, Mirna Burciaga, Leonard Filner, Mark Gleason, Robert Graham, Mark Harris, Wendy Leece, Martin E. Millard, Kim Allan Penderson, Terry Shaw, David Stiller, Jim Toledano, and Jonathan Zich.
MOTION/Appointed Robert Graham to the Parks and Recreation Commission	On motion by Council Member Bever, seconded by Council Member Dixon, and carried 5-0, Robert Graham was appointed to the Parks and Recreation Commission.
MOTION/Appointed Byron DeArakal to the Parks and Recreation Commission	On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, Byron DeArakal was appointed to the Parks and Recreation Commission.
MOTION/Appointed Wendy Leece to the Parks and Recreation Commission	On motion by Mayor Mansoor, seconded by Council Member Bever, and carried 3-2, Council Member Dixon and Council Member Foley voting no, Wendy Leece was appointed to the Parks and Recreation Commission.
MOTION/To Appoint Ashendorf Failed to Carry	A motion by Council Member Dixon, seconded Council Member Foley, failed 3-2, Mayor Mansoor, Mayor Pro Tem Monahan and Council Member Bever voting no, to appoint Charlene Ashendorf to the Parks and Recreation Commission.
MOTION/To Appoint Burciaga Died for Lack of a Second	A motion by Council Member Foley to appoint Mirna Burciaga to the Parks and Recreation Commission, died for lack of a second.
MOTION/Appointed Mark Harris to the Parks and Recreation Commission	On motion by Council Member Bever, seconded by Mayor Mansoor, and carried 5-0, Mark Harris was appointed to the Parks and Recreation Commission.
MOTION/Appointed David Stiller to the Parks and Recreation Commission	On motion by Mayor Pro Tem Monahan, seconded by Council Member Bever, and carried 3-2, Council Member Dixon and Council Member Foley voting no, David Stiller was appointed to the Parks and Recreation Commission.

A random drawing by the Council determined that the following Parks and Recreation commissioners would serve two-year terms: Byron DeArakal and David Stiller.

Mayor Mansoor congratulated the newly appointed commissioners and welcomed them.

NEW BUSINESS
Appointments to
Access, Building, Fire
and Housing Board of
Appeal

The Deputy City Clerk announced this was the time and place for appointments to the Access, Building, Fire and Housing Board of Appeals. She read the names of the applicants as follows: Janie Arnold, Chris Bibeau, Gilbert Figueroa, Larry Heming, Bret Murphy, Douglas O’Kieffe, Thomas Steinfeld, and Larry Weichman.

Council Member Foley suggested continuing the item to provide Council an opportunity to meet and interview the applicants.

Mayor Pro Tem Monahan inquired as to the possibility of adding an additional alternate, and appointing all eight candidates. The City Attorney replied that the make-up of the board is set by resolution, and that adding an additional alternate would not be possible, unless Council decided to amend the resolution. Council Member Bever suggested appointing candidates that are Costa Mesa residents.

MOTION/Appointed
O’Kieffe, Arnold,
Heming, Weichman,
Steinfeld, Figueroa and
Murphy.

On motion by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 5-0, to appoint Douglas O’Kieffe, Janie Arnold, Larry Heming, Larry Weichman, Tomas Steinfeld as regular members, and appointed Gilbert Figueroa and Bret Murphy as alternate members to the Access, Building, Fire and Housing Board of Appeals.

NEW BUSINESS
CDBG Funding
Homeless Services

The Deputy City Clerk presented the review of Community Development Block Grant funding regarding homeless services.

Mike Linares, the Community Development Block Grant (CDBG) Coordinator, reviewed the Agenda report dated January 25, 2005, and answered questions from Council. He emphasized that if Council chose not to fund homeless services, that the City would be out of compliance with Housing and Urban Development (HUD) Consolidated Plan. He advised that the plan mandates that the City must have a homeless needs assessment and strategy, which is normally satisfied by the public service grants given to organizations which service the homeless and at-risk homeless population.

Mayor Mansoor expressed his support in reducing funding of homeless services to 10 percent and suggested increasing the funds available for seniors and disabled persons.

Martin Millard, Costa Mesa, and member of the 3R Committee, suggested utilizing the funds for pothole repairs in the low or moderate income neighborhoods. He added that if Congress approves the new budget, CDBG funding may not be available. He commented that 25 charities had applied for CDBG funding, and Mr. Linares clarified that of the 25 applicants, only 19 were funded.

The City Attorney clarified that the needs assessment for homeless services is part of the City’s consolidated plan, which identifies particular needs in the community. She advised that if the City accepts federal funds, the City is required to fund those needs. She further advised that while there is some leverage in how the funds are allocated, if the City fails to fund the identified needs, funding would have to come from the general fund or other

sources. The City Manager concurred, stating that the obligation to address homeless issues remains, irrespective of how the CDBG funds are allocated.

Bill Turpit, former member of the 3R Committee, expressed his support in continuing to fund homeless services. He stated that CDBG funds utilized by any City are used only to serve residents in that particular City, clarifying that a charity may have their office located in Newport Beach, but qualify because they serve Costa Mesa residents. He also pointed out that homeless programs have provided homeless prevention for seniors, families, disabled persons and victims of domestic violence.

In response to a question by Mayor Mansoor, Mr. Linares reported that all cities are held to the same accountability standards, adding that every city is required to complete an annual performance review, which indicates the number of persons an organization had helped and the type of services that were provided to them. Mayor Mansoor requested the performance reports from our neighboring cities.

Council Member Foley addressed the perception that residents in Newport Beach are millionaires, and pointed out that every community has needs relative to senior citizens and domestic violence, regardless of the economic makeup of the community.

Martin Millard relative to substance abuse and domestic violence, questioned the authentication of the residential status of the recipients served by the shelters.

Bill Turpit, stated that characterizing homeless people as people who just move around is inaccurate, and explained that the percentage of homeless persons that a homeless shelter serves is low and indicated that in a transitional program, applicants have left housing and can identify a residence.

MOTION/To Reduce to 10 Percent

After discussion, a motion was made by Mayor Pro Tem Monahan, seconded by Council Member Bever, to reduce the CDBG funding for homeless services to 10 percent.

Mayor Pro Tem Monahan stated his support of increasing funding for disabled youth.

SUBSTITUTE MOTION/To Eliminate the Percentage Criteria

A substitute motion was made by Mayor Mansoor, seconded by Council Member Dixon, to approve the removal of the percentage criteria from CDBG allocation standards for Fiscal Year 2005-2006, providing for the 3R Committee to make their recommendations to the City Council.

In response to a question from Council Member Foley, Mr. Linares confirmed that the applications for CDBG funding that are currently before the 3R Committee are for funding that is to be used in the Fiscal Year 2005-2006, which would be the first year of the new five-year consolidated plan.

Council Member Bever concurred with Mayor Pro Tem Monahan, and requested amending the motion to include a 10 percent cap in regards to the homeless programs. In response, Mayor Mansoor suggested allowing the 3R Committee to make the necessary recommendations to the Council.

ORIGINAL MOTION WITHDRAWN

After discussion, Mayor Pro Tem Monahan concurred with allowing the 3R Committee to make the recommendations, and withdrew his original motion.

The City Attorney confirmed that the CDBG applicants are aware that policies and available funds may change at any time, and that there is no guarantee that any particular program would be selected.

MOTION/Approved

The motion made by Mayor Mansoor, seconded by Council Member Dixon, to approve the removal of the percentage criteria from Council's CDBG allocation standards for Fiscal Year 2005-2006, providing for the 3R Committee to make their recommendations to the City Council, was approved and carried 5-0.

NEW BUSINESS/City Council Meeting Order of Business

The Deputy City Clerk presented for discussion the change in time and/or date of the City Council meetings and the order of business for said meetings.

The Assistant City Manager reviewed the Agenda report dated January 25, 2005.

Mayor Mansoor expressed his interest in limiting special presentations to 5 minutes each.

Council Member Dixon believed that 30 minutes for public comment at the beginning of the meeting, with the remainder to be continued at the end of the meeting would better serve the community. Mayor Mansoor suggested limiting the number of speakers to 15, allowing 45 minutes at the beginning of the meeting, with the remainder at the end of the meeting. Council Member Bever suggested an organized process, such as the use of speaker cards with a first-come first-served basis. Mayor Pro Tem Monahan concurred with Council Member Bever, stating that other organizations also use the speaker card format, which would keep the public comments focused.

Council Member Foley pointed out that a speaker's information is voluntary and the completion of a speaker card, with their personal information, cannot be mandated. The City Attorney confirmed that persons could speak anonymously if they so chose.

Mayor Mansoor and Mayor Pro Tem Monahan, supported closed sessions being conducted as the first item of business at 5:00 p.m., followed by the regular meeting at 6:30 p.m.

Council Member Dixon expressed her support of adjourning the meetings at 12:00 a.m. Mayor Mansoor concurred adding that any remaining items be continued to the next regular meeting, except by majority vote of the Council. He also reminded the Council of the option to call a special meeting, if needed. Mayor Pro Tem Monahan concurred. He further commented that he supported conducting meetings on Tuesdays, stating that it would provide Council and the public an additional day to follow-up on questions from Council.

In response to an inquiry by Council Member Dixon, Mayor Pro Tem Monahan suggested moving the meeting to Tuesday's, pointing out that it would allow the Redevelopment Agency meeting to be conducted in the Council Chambers.

In response to a question from the City Manager, the City Attorney stated that the date change from Monday to Tuesday for the Redevelopment Agency meeting would have to be agendized for their meeting on February 15, 2005, stating that normally the Agency sets its own meeting dates.

Eleanor Egan, Costa Mesa, expressed her opposition in the use of speaker cards for public comment, stating that persons wishing to speak after the allowed 30 minutes, would have to wait to the end of the meeting and may not have a chance if the meeting is adjourned at midnight. She suggested that Council allow those persons to place their name on a list, giving them priority at the next regular meeting.

In response to a question from Mayor Pro Tem Monahan, the City Attorney explained that the Council could choose to limit public comment to 30 minutes, allowing the remainder of the speakers to speak at the end of the meeting or to limit public comment to 30 minutes, allowing the remainder to have priority speaking at the next regular meeting; that either option was legally acceptable.

Beth Refakes, Costa Mesa, expressed support in limiting special presentations to 5 minutes, to conducting closed sessions earlier in the evening, and to adjourning the meeting at 12:00 a.m., she opposed the use of the speaker card system for public comment and felt limitation of public comment was meant to discourage input by the public. She further suggested setting limitations on the time allowed for applicants to speak on public hearings.

The City Manager confirmed that Council meetings conducted on Tuesdays would provide staff opportunities to respond to inquiries that might have been received, and the information to be made available for public disclosure.

Terry Shaw, Costa Mesa, concurred with statements from Ms. Refakes and Ms. Egan, and opposed further restrictions on public comments.

John Feeney, Costa Mesa, felt that public comments were an opportunity to petition government for the redress of grievances and therefore opposed restrictions on the time allowed for public comments.

MOTION/To Revise
Order of Business

A motion was made by Mayor Mansoor, seconded by Council Member Foley, directing the City Attorney to prepare a resolution amending the order of business to include: to conduct non-agenda public comments at the beginning of the meeting, for a maximum of 15 speakers, 3 minutes each and to continue the remaining portion of public comments to the end of the meeting if Council business is concluded prior to 12:00 a.m., with Council discretion to allow additional time for speakers, and maintaining the current process of public comment for each item on the agenda; that closed sessions be the first item of business and if scheduled, commencing at 5:00 p.m., with the regular meeting to begin at 6:30 p.m.; to conduct the Council Meetings on the first and third Tuesday of each month; to conduct the Council Study Session on the second Tuesday of each, to begin at 4:30 p.m.; and directed staff to revise the Council Policy 000-4 to provide that presentations be limited to five minutes each and are at the discretion of the Mayor, and that the Council Meetings conclude at 12:00 a.m., with any remaining items to be continued to the next regularly scheduled Council Meeting, except by a majority vote of the Council to continue, with the determination to be made at the conclusion of the last agenda item discussed nearest to 12:00 a.m.

Council Member Foley requested the maker of the motion to amend the motion to exclude the public comment section for a separate vote. Mayor Mansoor agreed to divide the question.

AMENDED MOTION/
To Revise Order of
Business

The motion as amended was restated by Mayor Mansoor, directing the City Attorney to prepare a resolution amending the order of business to include: that closed sessions be the first item of business and if scheduled, commencing at 5:00 p.m., with the regular meeting to begin at 6:30 p.m.; to conduct the Council Meetings on the first and third Tuesday of each month; to conduct the Council Study Session on the second Tuesday of each, to begin at 4:30 p.m.; and directed staff to revise the Council Policy 000-4 to provide that presentations be limited to five minutes each and are at the discretion of the Mayor, and that the Council Meetings conclude at 12:00 a.m., with any remaining items to be continued to the next regularly scheduled Council Meeting, except by a majority vote of the Council to continue, with the determination to be made at the conclusion of the last agenda item discussed nearest to 12:00 a.m. The motion carried 5-0.

MOTION/Public
Comment

A motion was made by Mayor Mansoor, seconded by Council Member Dixon, to conduct non-agenda public comments at the beginning of the meeting, for a maximum of 15 speakers, 3 minutes each and to continue the remaining portion of public comments to the end of the meeting if Council business is concluded prior to 12:00 a.m., with Council discretion to allow additional time for speakers.

Council Member Bever opposed the motion, believing that Council should not restrict public comment but allow the public to express their views.

Council Member Foley concurred indicating she would not support a change in public comment, and suggested eliminating "Points of Clarification" in order to expedite the meeting.

MOTION
WITHDRAWN

After discussion, Mayor Mansoor withdrew his motion relative to Public Comment, stating his desire to maintain the current process.

Council Member Bever suggested moving the consent calendar items towards the end of the agenda, allowing for public hearings to be heard earlier. Mayor Pro Tem Monahan discouraged moving the consent calendar items, indicating that contracts and warrants must be addressed, adding that if those items were placed at the end of the meeting it would affect City business.

CITY MANAGER'S
REPORT

The City Manger reported that the City Council Study Session and Redevelopment Agency meetings scheduled for February 14, 2005, have been rescheduled to February 15, 2005, due to Valentine's Day.

COUNCIL
COMMENTS

Council Member Dixon requested the City Manager to prepare a resolution indicating the position that the City of Costa Mesa holds in opposition of the 57 freeway expansion. The City Manager reported that a resolution currently exists, which states the City's position but added that the issue may be agendized for reiteration of the City's position if Council chooses.

Council Member Bever opposed the extension of the freeway and he reiterated his request for the public to report pot holes in the City by calling the pot hole hotline (714) 754-5207.

Mayor Pro Tem Monahan reported his involvement on the Orange County Transportation Authority (OCTA) Board; indicated his participating in the Roads & Highways Committee, the I-405 MIS Study Committee, and the Central Corridor Committee, of which he is Vice Chairman. He also reported that the Central Line Project is on hold and would keep staff and the public updated on the status.

Mayor Mansoor congratulated the new Committee members.

ADJOURNMENT

The Mayor declared the meeting adjourned at 10:26 p.m.