

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

MARCH 1, 2005

The City Council of the City of Costa Mesa, California, met in regular session March 1, 2005, at 6:33 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 Mayor Mansoor, and a moment of solemn expression led by Pastor Bill Gartner, Harbor Christian Fellowship Church.

ROLL CALL

Council Members Present: Mayor Allan Mansoor
Mayor Pro Tem Gary Monahan
(arrived at 7:23 p.m.)
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
Public Services Director
William Morris
Administrative Services
Director Steve Mandoki
Recreation Manager
Jana Ransom
Principal Planner Kimberly Brandt
M.I.S. Manager Richard Kirkbride
Finance Director Marc Puckett
Deputy City Clerk Julie Folcik

PRESENTATION
MADD Deuce Awards
and Recognition

Bridgett McCoy, a representative of Mother's Against Drunk Driving (MADD), introduced Sergeant Richard Allum, the Executive Vice President of the Orange County Chapter of MADD, to present Deuce Awards. He presented awards to the following individuals and recognized them for their efforts in keeping Costa Mesa streets safer: Officer Jose Rene Torres, Officer Shawn Leffingwell, Officer Dennis Dickens, Officer Chris Walk, Officer Jeff McCann, Officer Michael Manson, Officer Chris Metropolis, and Officer John Elliott.

PRESENTATION
Employee Service
Recognition

The City Manager introduced the employee recognition program for City employees with 25, 30, and 35 years of service to the City; and announced that at 9:30 a.m., March 15, 2005, at the Neighborhood Community Center, the City would be conducting the employee service recognition awards, where members of staff would be recognized for their 5, 10, 15, 20, 25, and 30 years of service. Police Chief John Hensley congratulated Meloni McMinimy, Community Service Specialist, for her 30 years of service, Sergeant Jack Archer and Lieutenant Ron Smith for 25 years of service. The Public Services Director congratulated Ve Tran, Assistant Engineer, for 25 years of service; Paul Lewis, Lead Maintenance Mechanic, Bill McLean, Senior Maintenance Worker,

and Jerry Vasquez, Maintenance Supervisor, for 30 years of service. The Administrative Services Director congratulated Thanh Bui, Systems and Programming Supervisor, for 25 years of service. Mayor Mansoor congratulated Mayor Pro Tem Monahan on 10 years of service.

PRESENTATION
3R Committee Status

Arlene Schafer, Chairman of the Redevelopment & Residential Rehabilitation (3R) Committee reviewed the Committee history, membership, and purpose, noting that the Committee serves as an advisory body to the City Council/Redevelopment Agency. Bill Turpit, Vice Chairman, highlighted some of the Committee's activities. The committee annually reviews on the bi-annual Neighbors for Neighbors Program; reviews and comments on capital improvement projects and code enforcement in the Community Development Block Grant (CDBG) target areas; reviews and comments on the Homeowner Rehabilitation Loan Program and the Affordable Housing Program utilizing Home Investment Partnership Act (HOME) funds; annually reviews and comments on the First-time Homebuyer Program, and the Rental Rehabilitation Loan Program; and reviews the five year consolidated plan, that addresses the issues of affordable housing and elimination of blight in the City.

PUBLIC COMMENT

There were no speakers.

CONSENT
CALENDAR

The following items were removed from the Consent Calendar: Item No. 4, Costa Mesa Police Facility Basement Renovation, Project No. 04-26; Item No. 5, Asbestos Abatement at Costa Mesa Police Facility Basement, Project No. 04-27; Item No. 6, Renewal of the Support Agreement, pursuant to the terms of the License Agreement, with PeopleSoft USA, Inc.; Item No. 7, Agreement with MTSI, Inc., to provide temporary staffing for the Management Information Systems Division; and Item No. 10, Fiscal Year 2004-2005 Mid-Year Budget Report.

MOTION/Approved
Except Items Nos. 4, 5,
6, 7 and 10

On motion by Mayor Mansoor, seconded by Council Member Foley, and carried 4-0, Mayor Pro Tem Monahan absent, the remaining Consent Calendar items were approved as recommended.

READING FOLDER

The following Reading Folder items were received and processed:

Claims received by the Deputy City Clerk: Jayne Ann Guerra; Snow Luong; Maria S. Ramirez; Steve Stafford; Robert M. Stirrat; and Mostafa Zomorodi.

WARRANTS

The following warrants were approved:

Approved Warrant
2046

Warrant Resolution 2032, funding City operating expenses for \$489,496.60.

ADMINISTRATIVE
ACTIONS/Accepted
Work for Completion of
Roadway
Rehabilitation of 17th
Street by, All American
Asphalt

Roadway Rehabilitation of 17th Street from West of Superior Avenue to Placentia Avenue (Project A) and from Fullerton Avenue to Orange Avenue (Project B), Federal Project Nos. STPL-5312 (047) and (043), City Project No. 03-24, was completed to the satisfaction of the Public Services Director on November 20, 2004, by All American Asphalt, P.O. Box 229, Corona. The work was accepted; The Deputy City Clerk was authorized to file a Notice of Completion; authorization was given to release retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 6 months thereafter.

Accepted Work for Completion of Hamilton Street Rehabilitation and Storm Drain Improvements (Project A); and Bernard Street Rehabilitation (Project B), by Sialic Contractors Corporation

Hamilton Street Rehabilitation from Placentia Avenue to Pomona Avenue, and Storm Drain Improvements on Wallace Avenue and Hamilton Street (Project A); and Bernard Street Rehabilitation from Maple Avenue to Harbor Boulevard (Project B), Project No. 04-09, was completion to the satisfaction of the Public Services Director on November 23, 2004, by Sialic Contractors Corporation, d.b.a. Shawnan, 12240 Woodruff Avenue, Downey. The work was accepted; The Deputy City Clerk was authorized to file a Notice of Completion; authorization was given to release retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 6 months thereafter.

Received and Filed 2005 Annual Report (Third Edition), An Annual Review of the Costa Mesa 2000 General Plan

The 2005 Annual Report (third edition), an annual review of the Costa Mesa 2000 General Plan, was received and filed.

Agreement with Pardess Air, Inc. for Police Facility Basement Renovation

Item No. 4 on the Consent Calendar was presented: Costa Mesa Police Facility Basement Renovation, Project No. 04-26, award of contract to Pardess Air, Inc. 1769 Kelton Avenue, Los Angeles, for \$310,000.00 (base bid only); Budget Adjustment No. 05-065, for \$85,000.00; and Budget Adjustment No. 05-066, for \$50,650.00.

In response to a question from Council Member Foley, Captain Tom Warnack reported that the renovation would be an enlargement of the women's locker room and would tie into the proposed basement renovation. Council Member Foley suggested consideration of alternative modes of funding In an effort to move forward with the renovation, the City Manager reported the project had been postponed for approximately five years, due to design changes, increased construction costs, and financial constraints, but that it would be an item for discussion in the proposed Fiscal Year 2005-2006 budget.

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 4-0, the agreement with Pardess Air, Inc. 1769 Kelton Avenue, Los Angeles, for \$310,000.00 (base bid only), was approved for Costa Mesa Police Facility Basement Renovation, Project No. 04-26, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

MOTION/Approved Agreement with Pardess Air, Inc.

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 4-0, Budget Adjustment No. 05-065 for \$85,000.00, was approved and authorization was given for the City Manager to sign.

MOTION/Approved Budget Adjustment No. 05-065

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 4-0, Budget Adjustment No. 05-066 for \$50,650.00, was approved and authorization was given for the City Manager to sign.

MOTION/Approved Budget Adjustment No. 05-066

Item No. 5 on the Consent Calendar was presented: Asbestos Abatement at Costa Mesa Police Facility Basement, Project No. 04-27.

On motion by Mayor Mansoor, seconded by Council Member

Asbestos Abatement at Police Facility Basement, Project No. 04-27

Dixon, and carried 4-0, to authorize staff to negotiate a contract with a qualified asbestos abatement contractor for a total amount not to exceed \$18,000.00; and authorization was given for the City Manager to sign the agreement.

MOTION/Authorized Staff to Negotiate a Contract for Asbestos Abatement

Item No. 6 on the Consent Calendar was presented: Renewal of the Support Agreement, pursuant to the terms of the License Agreement, with PeopleSoft USA, Inc., Dept. CH10699, Palatine, Illinois, for \$131,224.78, including tax, effective March 19, 2005, through March 18, 2006. The M.I.S. Manager responded to questions from Council. In response to a question regarding the term of the contract, he recommended against a multi-year agreement, as Oracle recently acquired PeopleSoft, and stated that the future of the software product was unknown.

Renewal of Support Agreement with PeopleSoft USA, Inc.

Beth Refakes, Costa Mesa, expressed concern of whether Oracle would support PeopleSoft products in the future; and with a long term contract she felt that the City would not be able to move technologically forward and remain competitive. She also suggested Council consider the contracting of payroll services.

(Mayor Pro Tem Monahan entered the chambers at 7:20 p.m.)

MOTION/Approved Renewal of the Support Agreement with PeopleSoft USA, Inc.

On motion by Council Member Bever, seconded by Council Member Dixon, and carried 5-0, to approve the renewal of the Support Agreement, pursuant to the terms of the License Agreement, with PeopleSoft USA, Inc., for \$131,224.78, including tax, effective March 19, 2005, through March 18, 2006; and authorization was given for the City Manager to sign.

Agreement with MTSI, Inc. to Provide Temporary Staffing for the MIS Division

Item No. 7 on the Consent Calendar was presented: Agreement with MTSI, Inc., 145 South State College Blvd., Suite 180, Brea, in an amount not to exceed \$50,000.00, to provide temporary staffing for the management Information Systems Division to provide continued technical support necessary to maintain the existing infrastructure and avoid costly delays to City computer projects.

To Council Member Foley's inquiry as to the difficulty in filling the position, the M.I.S. Manager reported that suggestions have been made in terms of changing the recruitment approach, but that the difficulty lies in finding candidates that can qualify for the public safety environment with the stringent requirements and background checks.

MOTION/Approved Agreement with MTSI, Inc. for Temporary Staffing for the MIS Division

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, to approve a professional services agreement with MTSI, Inc. 145 South State College Boulevard, Suite 180, Brea, in an amount not to exceed \$50,000.00, to provide temporary staffing for the Management Information Systems Division to provide continued technical support necessary to maintain the existing infrastructure.

Fiscal Year 2004-2005 Mid-Year Budget Report

Item No. 10 on the Consent Calendar was presented: Fiscal Year 2004-2005 Mid-Year Budget Report, and Budget Adjustment No. 05-056 for \$2,752,700.00. The Finance Director responded to questions from Council.

A motion was made by Council Member Dixon, seconded by

MOTION/Received and Filed Fiscal Year 2004-2005 Mid-Year Budget Report and Approved Budget Adjustment No. 05-056.

Council Member Bever, and carried 5-0, to receive and file the Fiscal Year 2004-2005 Mid-Year Budget Report; to approve Budget Adjustment No. 05-056 for \$2,752,700.00, and authorization was given for the City Manager to sign.

PUBLIC HEARING/ Resolution Establishing Rates, Fees and Charges for Services by Development Services/ Fire/Police/Public Safety Departments

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider a resolution establishing and adopting schedules of rates, fees, and charges for Fiscal Year 2004-2005 for services provided by the City of Costa Mesa's Development Services/Fire/Public Services Departments. The Affidavits of Publishing and Mailing are on file in the City Clerk's office. The Finance Director reviewed the Agenda report dated February 9, 2005. He noted that all the fees would become effective immediately upon adoption of the resolution, with the exception of the development fees, which would become effective 60 days after adoption.

Council Member Bever noted that in comparison with other cities, Costa Mesa service costs are still below the majority of the cities, and commended the Development Services department for their efficiency.

MOTION/Adopted Resolution 05-9

On motion by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 5-0, Resolution 05-9 was adopted: 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'S DEVELOPMENT SERVICES, POLICE, PUBLIC SERVICES AND FIRE DEPARTMENTS; and further reading of the text was waived.

PUBLIC HEARING/ Resolution Amending Residential Guidelines

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider a resolution amending the residential design guidelines to revise sections to reflect recent zoning amendments. Environmental determination: exempt. The Affidavits of Publishing and Mailing are on file in the City Clerk's office. A communication was received from Doyle C. Forth encouraging Council to reconsider the design guidelines. The Principal Planner reviewed the Agenda report dated February 15, 2005, and answered questions from Council.

Doyle Forth, contractor representing a homeowner, Mike Guyot, encouraged Council to consider abolishing the two-story 10 foot set-back rule for second story remodeling projects, and expressed his difficulty in abiding with the design review guidelines.

Mike Guyot, Costa Mesa, agreeing with comments made by Mr. Forth, encouraged Council to re-evaluate the design guidelines. He advised that his neighbors were in support of his project, felt that the remodel would add value to his home and the neighborhood, but that the proposed guidelines regarding the 10 foot set-back requirement on second stories was a difficult requirement for existing homes.

Mayor Pro Tem Monahan concurred, regarding the difficulty in abiding with the 10 foot set-back rule for remodeling of second stories. He proposed amending the resolution to include adding to Residential Design Guidelines Section 5, Second-Story Side Setback, Subsection d., "Second-story additions to existing residences with current side yard setbacks that are less than 10

feet; provided that the current width of the side yard is not further decreased. A minimum 5-foot setback shall be required.” He distributed this proposed amendment to Council and the Deputy City Clerk.

Council Member Foley and Council Member Dixon expressed concern about taking action without further information on the additions proposed by Mayor Pro Tem Monahan and requested additional time for review, suggesting continuance to March 15, 2005.

The Principal Planner clarified that if an application were submitted that does not meet the 10 foot set-back guideline, the applicant would have to proceed with a minor design review. She noted that approximately 50 percent of the applications submitted last year, complied with the 10 foot set-back average.

MOTION/To Continue
to March 15, 2005

A motion was made by Council Member Foley, seconded by Council Member Dixon to continue to the regular meeting of March 15, 2005.

Council Member Dixon inquired as to the practice of other cities in this regard. The Principal Planner reported that extensive research had been done to determine how other cities handled new additions in existing neighborhoods, and indicated that the solution varied from city to city.

SUBSTITUTE
MOTION/To Adopt
Resolution No. 05-10
with the Addition of
Subsection D

A substitute motion was made by Council Member Bever, seconded by Mayor Pro Tem Monahan, and carried 3-2, Council Member Foley and Council Member Dixon voting no, to adopt Resolution 05-10: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE RESIDENTIAL DESIGN GUIDELINES, adding to Residential Design Guidelines Section 5, Second-Story Side Setback, Subsection d., “Second-story additions to existing residences with current side yard setbacks that are less than 10 feet; provided that the current width of the side yard is not further decreased. A minimum 5-foot setback shall be required”.

There being no objection, the resolution was read by title only and further reading of the text was waived.

NEW BUSINESS/
Proposal for
\$100,000.00 to Fiscal
Year 2004-2005
Recreation Division
Budget

The Deputy City Clerk presented a proposal for \$100,000.00 net change to Fiscal Year 2004-2005 Recreation Division Budget. The Recreation Manager reviewed the Agenda report dated February 17, 2005, and answered questions from Council.

Council Member Bever inquired as to the heaviest period of recreation. The Recreation Manager responded that those factors are dependent on the programs; indicated that some programs, such as field use, are year-round programs; that the day-camp program is a summer program; and that the early childhood program is a school year program.

Council Member Bever proposed that staff review possibilities of further budget cuts of approximately \$250,000.00. He stated that upon review of the mid-year budget to actual analysis, he was impressed with all the departments functioning under budget and commended staff.

The City Manager pointed out that Recreation budgets for full-time

positions for the entire year and that issues such as turn-over, retirement, and temporary staffing must also be considered. He noted that budgets in regards to part-time positions vary according to activity, season, and class size.

Martin Millard, Costa Mesa, related his experience with the Recreation Division where he alleges he was denied public information and felt that more funding could be cut from the division.

Beth Refakes, Costa Mesa, felt that tendencies to over budget are common in anticipation of cuts, and suggested that the budgets be reduced to match the expenditures.

The City Manager pointed out that outside factors, such as weather, also need to be taken into consideration when reviewing the budget to actual analysis.

MOTION/Directed
Redistribution of
\$100,000.00 to Fund
Balance and Eliminate
Birthday Party
Program

A motion was made by Mayor Mansoor, seconded by Council Member Dixon, and carried 4-1, Council Member Bever voting no, directing staff to redistribute the \$100,000.00 from the Fiscal Year 2004-2005 Recreation Division budget to "fund balance", and to eliminate the Birthday Party Program.

CITY ATTORNEY'S
REPORT/Update on
Litigation Matters

The City Attorney reported that while a full report would be provided to Council, in the case of Brandt vs. Costa Mesa, a ruling was given in favor of the City, which will receive \$85,000.00 in attorney's fees.

STAFF COMMENTS

The City Manager advised that the City Council Study Session scheduled for Tuesday, March 8, 2005, would be cancelled. A presentation on the Central Library concept by Dan Worthington and Costa Mesa Friends Library, needed to be rescheduled as he would not be able to attend and that there were no other items pending for the study session nor before the Costa Mesa Redevelopment Agency.

COUNCIL
COMMENTS

The City Manager congratulated Mayor Pro Tem Monahan for his ten years of service and presented him with a City pin.

Council Member Dixon announced that Saturday, March 5, 2005, would be opening day for the American Little League, wished them luck and thanked the parents and volunteers involved. She noted a request made to the City Manager for Trinity Broadcasting Network (TBN) to be placed on the Planning Commission Agenda, requesting a review of the Conditional Use Permit (CUP).

Mayor Pro Tem Monahan noted a request he made to the City Manager for a review of the Job Center to be placed on a future Agenda, and also requested a review of the two mobile recreation programs.

ADJOURNMENT

Mayor Mansoor congratulated Mayor Pro Tem Monahan on his ten years of service and dedication.

The Mayor declared the meeting adjourned at 8:42 p.m.

