

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA

APRIL 5, 2005

The City Council of the City of Costa Mesa, California, met in regular session April 5, 2005, at 5:02 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

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  
Deputy City Clerk Julie Folcik

REQUEST FOR  
CLOSED SESSION

The Deputy City Clerk presented the following requests for closed session:

City of Costa Mesa v.  
Nishimura, Case No.  
04CC07196

Pursuant to Subdivision (a) of Section 54956.9 of the California Government Code, a closed session had been scheduled for the City Council to confer with legal counsel, Kimberly Hall Barlow, City Attorney, regarding existing litigation in one (1) case: City of Costa Mesa v. Nishimura, Case No. 04CC07196.

Anticipated Litigation

Pursuant to Subdivision (a) of Section 54956.9 of the California Government Code, a closed session had been scheduled for the City Council to confer with legal counsel, Kimberly Hall Barlow, City Attorney, regarding matters involving anticipated litigation – significant exposure to litigation, one (1) potential case.

PUBLIC COMMENT

There were no speakers present.

ADJOURNMENT TO  
CLOSED SESSION

At 5:05 p.m., Mayor Mansoor adjourned the City Council meeting to a closed session in first floor Conference Room B to discuss the items previously announced.

MEETING  
RECONVENED

Mayor Mansoor reconvened the Council meeting at 6:41 p.m., followed by the Pledge of Allegiance to the Flag led by Council Member Dixon, and a moment of solemn expression led by Paul Hill, First Church of Christ Scientist. A moment of silence was observed in honor of Pope John Paul II, led by Karl Ahlf.

ROLL CALL

Council Members Present: Mayor Allan Mansoor  
Mayor Pro Tem Gary Monahan  
Council Member Eric Beaver  
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  
Senior Planner Mel Lee  
Associate Engineer  
Raja Sethuraman  
Recreation Manager Jana Ransom  
Management Analyst Mark Taylor  
Deputy City Clerk Julie Folcik

CLOSED SESSION REPORT	The City Attorney announced that no action was taken in closed session.
ANNOUNCEMENT Autism Awareness Month	Mayor Pro Tem Monahan announced that April is Autism Awareness Month and presented Council with blue bracelets in honor of Autism. He encouraged the public to contact him at (714) 754-5192 for further information on Autism awareness.
PRESENTATION National Multiple Sclerosis Society	The Mayor summarized the proclamation, proclaiming Sunday, April 10, 2005, as the day to support the National Multiple Sclerosis (MS) Society in their efforts to end the devastating effects of MS for the residents of Costa Mesa.
PRESENTATION Human Relations Committee	Sue Smith, Vice Chair of the Human Relations Committee, reviewed the history of the Committee, reporting that the Committee serves as an advisory Committee to the Costa Mesa City Council, formed in 1987 to encourage the education and communication between various cultures residing in the City; the Committee is composed of eleven volunteer members and four alternates from the Community. She introduced Judy Short; Dr. George Nakai; Karl Ahlf; Dr. Dennis Short; Kim Clark; and Mirna Burciaga, former chairperson, who were in attendance. She acknowledged Terri Cassidy, Human Resources Manager and Debra Takawa Yasui, Principal Personnel Analyst on their efforts. She reported members consist of local business owners, Orange Coast College professors, pastors, physicians, and students. She provided an update on goals and objectives, reporting that a volunteer recognition reception would be held on May 22, 2005; continued participation in quarterly events, such as the Public Safety Emergency Expo; and instituted Living Room Dialogues, a communication tool.
PUBLIC COMMENT Orange County Association for Education of Young Children	Roseanne Andres, Costa Mesa, member of Orange County Association for Education of Young Children, and the Costa Mesa Child Care and Youth Services Committee, thanked Mayor Mansoor for providing a proclamation to the Orange County Association for Education of Young Children, recognizing the Week of the Young Child's event, named "Day in the Park." She invited the Council and public to attend the event on Saturday, April 9, 2005, from 10:00 a.m. to 1:00 p.m. at Tewinkle Park; and thanked the community for their support.
WROC Implementation Plan	Mike Harrison, a former member of the WROC committee and the CRAC committee and former chairman of the WROC Rezoning Subcommittee, expressed his dismay of the Council action at the March 15, 2005, meeting regarding the WROC Implementation Plan. He felt that the staff implementation plan of the WROC recommendations were ignored and that there was not adequate public input provided to discuss that which was proposed by Council Member Bever, and ultimately approved. He expressed his support for revitalization of the west side but opposed the plan

proposed by Council Member Bever, believing that it would result in further conflict between adjacent residential and business uses.

Job Center

Reverend Dr. Dennis Short, President of the Newport Costa Mesa Irvine Interfaith Council, encouraged Council to remember Pope John Paul II words "...to bring justice and hope to the poor," when making a decision regarding the Costa Mesa Job Center.

Tim Lewis, Costa Mesa, thanked Council Member Foley for her request in appealing the decision regarding the Job Center.

Red Light Camera  
Traffic Lights

Steve Stafford, Huntington Beach, expressed his frustration in relation to the red light camera's at the intersections of Newport Boulevard, 17<sup>th</sup> Street and 19<sup>th</sup> Street; felt that the flashing lights were not designed properly and were jeopardizing peoples lives; and suggested that Council eliminate this traffic enforcement program.

Hogan Shereshevsky  
Comments

Anne Hogan-Shereshevsky, Costa Mesa, commented on the difficulty seniors are experiencing when accessing the bus stops due to the construction of 19<sup>th</sup> Street, between Anaheim Avenue and Placentia Avenue, and Wilson Street. Ms. Shereshevsky shared a picture of herself with Pope John Paul II.

Eastside Traffic, John  
Wayne Airport, 57  
Freeway Extention

Beth Refakes, Costa Mesa, questioned whether a committee had been formed to discuss traffic on the eastside, particularly Broadway Avenue. She requested an update on the annexation issues with John Wayne Airport; and thought that an agreement between Orange County and the City of Newport Beach would be signed soon, suggesting Council be proactive to insure that the City would have participation in the decisions that may affect the majority of the eastside residents. Referring to an article published in the Daily Pilot Newspaper, regarding the 57 freeway extension to the 405 freeway, she requested that Council reaffirm its position.

Council Member Foley reported that a meeting with the City Manager's office, would be scheduled to discuss a Task Force; and also indicated that she and Council Member Bever, are scheduled for a meeting with Local Agency Formation Commission (LAFCO), on April 25, 2005.

In relation to the 57 freeway extension, Mayor Pro Tem Monahan reported that the City's position would be formerly restated at the Council meeting of April 19, 2005. He clarified the statements made in the Daily Pilot Newspaper, stating that his, as well as the City's position is against supporting the extension of the 57 freeway south of the 405 freeway.

Speaker Form

Mike Berry, Costa Mesa, inquired as to the requirement of stating or listing the speaker's residential address during public comment. The City Attorney reported that an address is not required, but aides in staff responding to inquiries.

WROC  
Implementation Plan

Don Elmore, Costa Mesa, former member of the Community Redevelopment Action Committee (CRAC), thanked Council on expanding on the recommendations from the Westside Revitalization Oversight Committee (WROC) in relation to rezoning of the bluffs.

Westside Redevelopment	Michael Cleavinger, Costa Mesa, expressed his support in a mix of commercial, industrial and residential sites on the Westside. He encouraged Council to take their time when considering redevelopment recommendations and suggested conducting public hearings to allow for maximum public input.
OCTA	Judi Berry, Costa Mesa, reported that the Access Bus is available through Orange County Transportation Authority (OCTA) and may be utilized for transportation to such things as doctor appointments for seniors or individuals who need assistance. She commended and thanked Council Member Dixon for her candy donation and assistance with the Easter Egg Event held at Fairview Park.
Habitat for Humanity	Hildegard Gonzalez, Costa Mesa, expressed her concern in relation to the parking congestion near the residence located at 1925 Pomona. She reiterated her concern that a social service was being abused stating that she believed people were residing in the garage of the Habitat for Humanity dwelling.
WROC Implementation Plan	Dan Gribble, Costa Mesa business owner, former Westside Revitalization Oversight Committee (WROC) member, former Community Redevelopment Action Committee (CRAC) member and former president of the Westside Revitalization Association (WRA), felt that WROC made reasonable recommendations, and stated his disappointment in the Council's decision to expand the scope of the overlay to include residential overlay into the industrial area. He felt that his business and property rights were being threatened.
	The Mayor closed public comments.
CONSENT CALENDAR	The following items were removed from the Consent Calendar: Item No. 12, Resolution requesting the Orange County Board of Supervisors to designate all municipal Fire Stations within the City of Costa Mesa jurisdiction as "Safe-Surrender Sites" for newborns; and Item No. 22, Memorandum of Agreement and Land Covenant with Headland Reserve, LLC, for the development and maintenance of a Coastal Sage Scrub Community (CSS) at Fairview Park.
MOTION/Approved Except Item No. 12 and Item No. 22	On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, the remaining Consent Calendar items were approved as recommended.
MINUTES March 1, 2005 and March 15, 2005	On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, the minutes of the regular meeting of March 1, 2005, and March 15, 2005, were approved as distributed.
READING FOLDER	The following Reading Folder items were received and processed:
Claims	Claims received by the Deputy City Clerk: Jesus Burciaga; Richard Campo; Madelyn Ferguson; Cherish L. Howe; Law Offices of Mark J. Peacock, Esq. (representing Rena Mantele); Application for Leave to Present Late Claim for Steve Stafford; Marie D. Sanocki; and CB Richard Ellis of Washington Mutual Bank.
Alcoholic Beverage Control Licenses	Request from Amir Rashti, DBA: Café Sunrise, 1560 Superior, Unit A1, Costa Mesa, for a person-to-person transfer of a type

41 license (on-sale beer and wine for a bona fide eating place).

WARRANTS

The following warrants were approved:

- |                       |   |
|-----------------------|---|
| Approved Warrant 2049 | Warrant Resolution 2049, funding Payroll No. 505 for \$2,018,482.85, Payroll No. 504A for \$671.94 and City operating expenses for \$1,351,339.84, including payroll deductions.  |
| Approved Warrant 2050 | Warrant Resolution 2050, funding City operating expenses for \$1,005,924.19.  |
| Approved Warrant 2051 | Warrant Resolution 2051, funding Payroll No. 506 for \$2,046,441.33, Payroll No. 505A for \$1,803.80, and City operating expenses for \$660,293.51, including payroll deductions. |

REJECTED CLAIMS

The following claims were rejected:

- |               |  |
|---------------|--|
| Alvarado      | Claim from Javier Alvarado (allegedly slipped and fell on County Fairgrounds).       |
| Braga, et al. | Claim from Carlos Eduardo Da Silva Braga, et al. (alleged street design defects).    |
| Olivera/Braga | Claim from William Olivera on behalf of Andre Braga (alleged street design defects). |
| Brashears     | Claim from Phillip Brashears (alleges City tree branch fell on vehicle).             |
| Guerra        | Claim from Jayme Ann Guerra (alleges improper street lighting caused auto accident). |
| Roshanzamir   | Claim from Janet Roshanzamir (allegedly slipped and fell on County Fairgrounds).     |

ADMINISTRATIVE ACTIONS/Reaffirmed direction excluding West 19<sup>th</sup> Street Marketing and Recruitment Program; Approved Budget Adjustment No. 05-067

Reaffirmed direction excluding the West 19<sup>th</sup> Street Marketing and Recruitment Program from the Westside Community Implementation Plan; and Budget Adjustment No. 05-067 for \$20,000.00, to reallocate Planning Division consulting funds, was approved.

Approved Purchase of Three Traffic Signal Controller Cabinets

The purchase of three Traffic Signal Controller Cabinets from Econolite Control Products, Inc., 3360 La Palma Avenue, Anaheim, for \$36,585.44, was approved.

Accepted Work for Street Improvements, Encroachment Permit No. PS04-00641

Street improvements at 3400 Avenue of the Arts, by Center Tower Associates, LLC, Post Office Box 1440, Costa Mesa, in connection with Encroachment Permit No. PS04-00641, was completed to the satisfaction of the Public Services Director; and authorization was given to refund cash deposit in the amount of \$49,505.00.

Adopted Resolution No. 05-11 Declaring Intention to Vacate	Resolution 05-11 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF TOWN CENTER DRIVE RIGHT-OF-WAY BETWEEN PARK CENTER DRIVE AND AVENUE OF THE ARTS. A public hearing is set for Tuesday, May 3, 2005, at 6:30 p.m.
Adopted Resolution No. 05-12 Authorizing Records Destruction for the Police Department	Resolution 05-12 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.
Approved Final Map and Subdivision Agreement for Tract No. 16600	The Final Map and Subdivision Agreement were approved for Tract No. 16600, located at 190 East 23 <sup>rd</sup> Street, to subdivide three lots into thirty-one lots, twenty-five lots for residential use and six lots for common use; the City Engineer and Deputy City Clerk were authorized to sign the map on behalf of the City; and the Mayor and Deputy City Clerk were authorized to sign the agreement on behalf of the City.
Adopted Resolution No. 05-13 Permanently Canceling the Last Meeting in December for the Planning Commission	Resolution 05-13 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONCERNING THE PERMANENT CANCELLATION OF THE LAST MEETING IN DECEMBER FOR THE PLANNING COMMISSION.
Adopted Resolution No. 05-14 Establishing the Date and Time for Parks and Recreation Commission Meetings	Resolution 05-14 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RESCINDING RESOLUTION NO. 02-34 AND ESTABLISHING THE DATE AND TIME FOR THE PARKS AND RECREATION COMMISSION MEETINGS AND THE PERMANENT CANCELLATION OF THE LAST MEETING IN DECEMBER.
Adopted Resolution No. 05-15 Establishing the Confidential Employees Unit	Resolution 05-15 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING THE CONFIDENTIAL EMPLOYEES UNIT.
Adopted Resolution No. 05-16 Amending Resolution No. 05-15	Resolution 05-16 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 05-15 BY ESTABLISHING AND INCLUDING NEW JOB CLASSIFICATIONS AND PAY RANGES FOR THE CONFIDENTIAL EMPLOYEES UNIT SALARY SCHEDULE.
Adopted Resolution No. 05-17 Authorizing Records Destruction for the Public Services Department	Resolution 05-17 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE PUBLIC SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.
Resolution Designating Fire Stations as Safe-Surrender Sites	Item No. 12 was presented: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO DESIGNATE ALL MUNICIPAL FIRE STATIONS WITHIN THE CITY OF COSTA MESA JURISDICTION AS "SAFE-SURRENDER SITES" FOR NEWBORNS.

Mayor Mansoor expressed his sadness that someone might need to resort to the consideration of abandoning or surrendering a child; and believed a child's life is of great importance and supports adoption of the resolution. He pointed out that a child may also be surrendered to Orangewood Children's Home.

Cindy Brennaman, a volunteer with Project Cuddle, stated that the original bill for the California Safely Surrendered Baby Law, had Fire Stations listed as designated sites, but that the stations were excluded in Orange County; and reported that fourteen counties in California have fire stations designated as safe-surrender sites.

Anne Hogan-Shereshevsky, Costa Mesa, supported adoption of the resolution and pointed out that hospital emergency room's are also designated as safe-surrender sites. She expressed concern, however, that the City did not have a hospital.

MOTION/Adopted  
Resolution No. 05-18  
Designating Fire  
Stations as Safe-  
Surrender Sites

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, Resolution 05-18 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO DESIGNATE ALL MUNICIPAL FIRE STATIONS WITHIN THE CITY OF COSTA MESA JURISDICTION AS "SAFE-SURRENDER SITES" FOR NEWBORNS.

Memorandum of  
Agreement for  
Coastal Sage Scrub  
Community at  
Fairview Park

Item No. 22 was presented: Memorandum of Agreement and Land Covenant with Headland Reserve, LLC, 24849 Del Prado Avenue, Dana Point, for the development and maintenance of a Coastal Sage Scrub Community (CSS) at Fairview Park.

The Public Services Director summarized the Agenda report dated March 24, 2005, and alerted the Council to a supplement report that included an additional recommendation that no work be allowed to proceed at the subject site by Headland Reserve, LLC, until they have obtained a letter from U.S. Fish and Wildlife Service determining whether the site should be used as a specific pocket mouse relocation. He stated the reason is due to language in the existing Fairview Park Master Plan; and pointed out that there may be concern in the ability to obtain a letter from U.S. Fish and Wildlife; stated that the alternate wording would be that in the event that U.S. Fish and Wildlife is unable to determine whether the site should be used a specific pocket mouse relocation site, Council may want to consider requiring a letter from U.S. Fish and Wildlife indicating that the improvements would not preclude the site from being considered in the future for relocation. He responded to questions from Council.

Robert Graham, Costa Mesa, member of the Parks and Recreation Commission, felt that the 11 acre boundaries of the Coastal Sage Scrub area are restrictive, and suggested that Council allow the designers latitude, should they see fit to change the boundaries.

The City Attorney reported the boundaries are part of the legal description of the conservation easement, and stated that if the boundaries were changed, it would impact the conservation easement.

Council Member Bever commented that he would not be supporting the action as he felt that there was a greater value in

the use of land, and that it was “benefiting a third party”. He pointed out that if in the distant future there would be the desire to develop the area for active use that this action would prohibit that from happening. He suggested that the City needs to look at other improvements to Fairview park. He felt the City was giving up a considerable asset.

Mayor Mansoor and Council Member Dixon disagreed and commented that they preferred and the public has indicated their desire that the area be dedicated to open space.

MOTION/Approved  
Memorandum of  
Agreement for  
Coastal Sage Scrub  
Community at  
Fairview Park

On motion by Mayor Mansoor, seconded by Mayor Pro Tem Monahan, and carried 4-1, Council Member Bever voting no, to approve the Memorandum of Agreement and Land Covenant with Headland Reserve, LLC, 24849 Del Prado Avenue, Dana Point, for the development and maintenance of approximately 11 acres of Coastal Sage Scrub Community (CSS) at Fairview Park; and authorizing the Mayor and Deputy City Clerk to sign on behalf of the City; and approved the addition of five (5) new native species to the list of approved plant materials for the CSS areas of Fairview Park; and directed staff not to forward a letter to U.S. Fish and Wildlife Services regarding the Pacific Pocket Mouse and to not become a participant in the Orange County Central/Coastal Subregional Natural Communities Conservation Program for Coastal Sage Scrub (O.C. Central/Coastal NCCP).

PUBLIC HEARING  
Resident Only  
Parking

The Deputy City Clerk announced the public hearing, continued from the meeting of February 22, 2005, to consider a request for a “Resident Only” permit parking restriction on Walnut Avenue between Orange Avenue and Westminster Avenue. A communication was received from Bill Kelley supporting resident only parking. The Transportation Services Manager summarized the Agenda report dated March 17, 2005, reporting that he and the Church representative had met with the residents of Walnut Street to discuss the parking issues, and as a result of the meetings it was agreed that the Church would undertake the following steps to reduce parking impact on the surrounding streets:

- Use of the Church’s weekly newsletter to encourage parishioners to use the parking lot and to be good neighbors in the community.
- Mention at each service additional encouragement to use the parking lot.
- Place trash containers near entrances to Church property to minimize trash accumulation in the street, sidewalks, and parkways.
- Set out signs at driveway entrances prior to services stating “Church Parking” with an arrow to encourage parishioners to use the parking lot.
- Station volunteers at parking lot entrances and within the lot to assist drivers in locating parking spaces.
- Designate special “family” spaces near the main Church building to encourage families with small children to use the parking lot and minimize walking distances.

He answered questions from Council.

Mayor Mansoor, Council Member Dixon and Council Member Bever commended the Church on their cooperation in reaching an amicable solution to the parking issues.

The following persons opposed resident only parking: Bob Lundy, Costa Mesa, felt that the Church has been sensitive to the



neighbors; John Chung, Costa Mesa, felt parking restrictions could result in a domino effect; Inez Osborne, Costa Mesa; Lisa Downs, Costa Mesa; Ms. Maurer, Costa Mesa; and Anne Hogan-Shereshevsky.

Rachel Perez-Hamilton, Costa Mesa, pointed out the parking problem was temporary due to construction that is taking place adjacent to the church, noting the completion date was approximately September, 2005

John Carlisle, Costa Mesa, referring to the RV Ordinance and permit parking, expressed his frustration in providing proof of residence.

Don Elmore, Costa Mesa, requested that the Church utilize their open space for parking, rather than City streets.

Bill Kelley, Costa Mesa, expressed his appreciation of the Transportation Services Director and the Church in formulating a plan. Mr. Kelley requested Council to direct the Transportation Division to conduct periodic studies during a six-month period in order to gauge whether the parking issue was successfully being solved.

Mayor Mansoor suggested the Church have volunteers on the sidewalks and in the parking lot to direct drivers to available parking spaces with the use of radio communication.

MOTION/Denied  
Request for Resident  
Only Permit Parking

On motion by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 5-0, to deny initial request to implement a "resident only" permit parking program; and directed staff to re-evaluate the parking situation six months after completion of the construction at the Church.

The Mayor declared a recess at 8:13 p.m. and reconvened the meeting at 8:29 p.m.

There being no objection, the Mayor announced that Old Business, Item No. 1 would be addressed next.

OLD BUSINESS  
Ordinance 05-3  
Emergency Medical  
Services Subscription  
Program

The Deputy City Clerk announced from the meeting of March 15, 2005, second reading and adoption of Ordinance 05-3, adopting an Emergency Medical Services Subscription Program and restructuring emergency medical services response fees, amending Title 7 of the Costa Mesa Municipal Code, and to be read by title only, waiving further reading.

There were no public comments on this item.

MOTION/To Continue  
to April 19, 2005

On motion by Mayor Pro Tem Monahan, seconded by Council Member Foley, and carried 5-0, to continue the item to the regular meeting of April 19, 2005.

PUBLIC HEARING  
Planning Application  
Rezone R-04-03 and  
PA-04-05

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider Planning Application Rezone R-04-03 and PA-04-05 for Birtcher Commercial Development, LLC, authorized agent for State Farm Mutual Auto Insurance Company, for a rezone from MP (Industrial Park) to PDI (Planned Development Industrial) and a master plan to demolish approximately 170,950 square feet of building and construct a \$307,000 square foot multiple tenant home furnishings center with ancillary retail and food uses, located at 3333 Hyland Avenue

in an MP zone. Environmental determination: Mitigated Negative Declaration. The Affidavit of Publication and mailing are on file in the City Clerk's office. Mel Lee, Senior Planner, summarized the Agenda Report dated March 24, 2005, and answered questions from Council.

Alan Tuntland, Birtcher Development, clarified that Birtcher Development is under contract to purchase and develop the property. He reviewed the project plans and specifications; and answered questions from Council.

Richard Gilluck, Costa Mesa, requested that the bike trails and traffic signals be addressed on Sunflower Avenue and Hyland Street.

In response to a question from Mayor Pro Tem Monahan, Raja Sethuraman, Associate Engineer, reported that in addition to payment of the traffic impact fee, it has been required from the developer, that a traffic signal at Sunflower Avenue and Hyland Street be included as part of the mitigations for the project and pointed out that the traffic impact fee cannot be used for bike trail improvements.

Beth Refakes, Costa Mesa, supported the proposed project; expressed concern about adequate parking, increased traffic on Harbor Boulevard, and suggested landscaping in the parking lot.

Mike Berry, Costa Mesa, felt that the request for rezone for this project was premature and expressed concern about the increased traffic on Harbor Boulevard, near the project.

Don Elmore, Costa Mesa, expressed concern about the increased traffic on Hyland Street, South Coast Drive and Harbor Boulevard that would result if the project were approved.

Sandra Genis, Costa Mesa, thought that a general plan amendment and not a rezone, was needed to be processed for approval of this project; and expressed concern about the increased traffic that would result if the project was approved.

Hildegard Gonzalez, Costa Mesa, expressed concern about projects with flat roofs and the possibility of leaks.

Paul Wilkinson, consultant for traffic and parking engineers, summarized the traffic study and pointed out that the building used to be an office building, which employed approximately 1,100 people, and generated traffic in the morning peak hours as well as the evening peak hours, and stated that this project would only generate traffic in the evening peak hours. He noted that if the project were approved, it would generate a 20 percent increase in peak hour traffic in the evening only.

Mayor Mansoor inquired as to the decision of processing this project through a rezone versus a general plan amendment. Mr. Lee, Senior Planner, responded that the 2000 General Plan allows for certain types of commercial uses in an industrial zone property under certain circumstances, such as the determination that the commercial uses are complimentary to the surrounding industrial area, whether the floor area ratio is in compliance with the general plan, and whether the development complies with the other residential development standards. He noted that in this instance, staff and the Planning Commission determined that the

nature of the project is that it would be complimentary to the surrounding industrial area, and pointed out that the floor area ratio standards were being met and this was the basis for the determination, under the PDI (Planned Development Industrial) zoning, the project would be consistent with the City's General Plan.

In response to a question from Mayor Mansoor, Mr. Lee, Senior Planner, confirmed that if there were any revisions or amendments to the master plan, those revisions would be reviewed by staff and/or the City's Zoning Administrator and not the City Council.

Council Member Dixon felt that rezoning this area would set a precedent for other surrounding areas and thought the location for this project wasn't appropriate; expressed concern about the increased traffic that would result and opposes the motion.

MOTION/Gave  
Ordinance 05-4 First  
Reading

A motion was made by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 4-1, Council Member Dixon voting no, to give Ordinance 05-4 first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING REZONE PETITION R-04-03 CHANGING THE ZONING OF 3333 HYLAND AVENUE FROM MP (INDUSTRIAL PARK) TO PDI (PLANNED DEVELOPMENT INDUSTRIAL).

MOTION/Adopted  
Resolution 05-19 and  
Negative Declaration

A motion was made by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 4-1, Council Member Dixon voting no, to approve Resolution 05-19: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING MASTER PLAN PA-04-05, and to adopt the negative declaration.

MOTION/Waived  
Further Reading

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Foley, and carried 5-0, to read the ordinance and the resolution by title only, and to waive further reading.

OLD BUSINESS  
Costa Mesa United  
Foundation

The Deputy City Clerk presented from the meeting of March 15, 2005, a presentation by the Costa Mesa United Foundation.

David Brooks, President of Costa Mesa Community Athletic Foundation, also known as Costa Mesa United Foundation, representing Estancia High School and Costa Mesa High School, gave a video presentation, which highlighted a project to build a multi-purpose stadium at Estancia High School and a 50-meter Olympic style pool at Costa Mesa High School. Kirk Galitsky, member of Costa Mesa Community Athletic Foundation, requested support from the Council for the project, noting that it would benefit the children of the future. Mr. Brooks requested that Council place the project on the next agenda for consideration of a million dollar donation to be included with the City budget.

Mayor Pro Tem Monahan, supported the project and noted the importance of working with staff to obtain funding; and suggested consideration of a joint-use agreement with the school district.

In response to a question from Council Member Dixon, Mr. Brooks stated that they are trying to raise 7,250,000.00; and the school district has already contributed 500,000.00.

Sandra Genis, Costa Mesa, supported the project, but expressed concern about funding.

Mike Berry, Costa Mesa, expressed concern about funding and the relationship with the school district referring to a joint-use agreement and how the school district serves the people of Costa Mesa.

Heather Summers, Costa Mesa, suggested professional sponsorship be considered for funding.

Council Member Foley stated that an extensive sponsorship program is currently in place and noted information may be obtained by visiting the website [www.costamesaunited.com](http://www.costamesaunited.com); felt the project was a wonderful community effort and would make a positive difference in the community; and requested the item be agendaized for the meeting of April 19, 2005, for consideration of a resolution endorsing the effort and committing a financial contribution by the City to construct a multi-purpose stadium at Estancia High School and an Olympic pool and aquatics complex at Costa Mesa High School subject to budget authorization.

The Mayor declared a recess at 10:10 p.m. and reconvened the meeting at 10:29 p.m.

There being no objection New Business Item No. 1 was addressed next.

NEW BUSINESS  
General Plan  
Amendment  
Screening Request  
GPS-05-01

General Plan Amendment Screening Request GPS-05-01, South Coast Metro Center, located at 475 – 595 (odd numbers only) Anton Blvd.

MOTION/Continued  
GPS-05-01 to April  
19, 2005

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, to continue the item to the meeting of April 19, 2005.

OLD BUSINESS  
Costa Mesa Job  
Center

The Deputy City Clerk presented a request for Rehearing from Council Member Foley of the March 15, 2005, Council decision to close the Costa Mesa Job Center. Communications Garret Grajek of TriCipher, Inc.; Melissa Lippand, Costa Mesa; J. Flanagan, Costa Mesa; Stephen Wimsatt, Costa Mesa; Maureen Sullivan, Costa Mesa; Bill Levitt, of CrosSport Mocean; Paul Kelly, Costa Mesa; Art McIntosh, Costa Mesa; Lauren Slaughter, Costa Mesa; Bob Lee, of QSC Audio Products, Inc.; Michael Kramer; Lynne Brem, Costa Mesa; Susan Kinkade, Costa Mesa; Peter Buffa, Costa Mesa; Charlene Ashendorf, Costa Mesa; Barbara Jones, Costa Mesa; Ann Stawicki, Costa Mesa; Hurb Lee, Costa Mesa; Paul Kelly, Costa Mesa; Bill Bingham, Costa Mesa; Steve and Maria Dzida, Costa Mesa; Allan Peters Baldwin, Costa Mesa; Ed Fawcett, Costa Mesa Chamber of Commerce; Cambria Briggs, Costa Mesa; John and Ernie Feeney, Costa Mesa; Sam and Ruby Levin, Costa Mesa; Peg Maning; Debbie Serrano, Costa Mesa; Tim Cromwell, Costa Mesa; Christian Anderson, Santa Ana; Paul Bunney, Costa Mesa; David Kinkade, Costa Mesa; Mike Berry, Costa Mesa; Francis Concannon Jr.; Don Elmore, Costa Mesa; Martha and Charles Grove, Costa Mesa; Janice Gammill, Costa Mesa; William Anderson, Costa Mesa; Jerry Vanus, Costa Mesa; Gary Alexander of Gemini Capital Partners, Lefteris Lavrakas, Costa Mesa; Jeff Smith, Vice President of Future Solutions, Inc.; Teri T. Boon; Mrs. James Dugan, Newport

Beach; Robert Chatwin, Costa Mesa; Dorothy Riley, Costa Mesa; M.H. Millard, Costa Mesa; Ned McCune, Costa Mesa; Diane Russell, Costa Mesa; and Elioise Ott, Costa Mesa.

Council Member Foley summarizing her reasons for the request stated that she felt that the noticing while technically appropriate was not sufficient enough to allow for maximum public involvement considering the impact to the community as a whole; that the private operator alternatives were not properly researched prior to the Council meeting providing legal analysis; that there was not an established plan for the closing of the job center nor a legal analysis of the consequences as it relates to the City's anti-loitering ordinance and other enforcement issues; and that there was not comprehensive cost analysis done in the center's closing.

Council Member Foley reviewed her cost estimates for the closure and emphasized that it would cost more to the City to close the job center than to maintain it.

MOTION/To Continue to Fund and Operate the Job Center

A motion was made by Council Member Foley, seconded by Council Member Dixon to continue to fund and operate the job center; remove of the resident only restriction; direct the Police Department and Recreation Department to work together and develop a task force comprised of representatives of the non-profit organizations, churches and the Chamber of Commerce, to explore the possibility of a public private partnership supporting the job center in order to diminish the burden on the City's resources and improve the operations of the job center and research an alternative location and other funding sources and that this group of individuals report back to the Council and that this item be re-agendized within 120 days; direct the City Attorney to research the issues related to operating a public private partnership job center and provide recommendations to the task force and the Council; and direct staff to research funding options.

Mayor Pro Tem Monahan stated he would not be supporting the motion and felt that the motivation would be lacking to resolve the issues and find another location, unless there was a date to close the center.

Council Member Dixon concurred with Council Member Foley and felt that the proposed motion would provide an opportunity to find alternative solutions.

The following persons concur with Council Member Foley and spoke in support of the rehearing: Michael Cleavinger, Costa Mesa business owner, stated that two employees were obtained from the job center and are now permanent employees, a completed I-9 Form is received along with a copy of their social security card, taxes are withheld from the workers and Workman's Compensation is paid on their behalf; Ed Lortoleo, Costa Mesa; suggested adding \$1.00 to the property bill; Debbie Kokan, Costa Mesa, suggested improvements to the job center building; Beatrice Almeida, Costa Mesa, believes that the problem results from the lack of maintenance of the building; Frank V. Lopez III, Costa Mesa; Paul Lucas, Costa Mesa, representing The Orange County Young Democrats, reported that since the City of Orange has opened their job center, the problems with loitering day-laborers has significantly reduced; Rachel Perez-Hamilton, Costa Mesa, stated that the Cities of Laguna Beach and Huntington Beach have successful job centers and urged Council to consider

the rehearing; Tim Lewis, Costa Mesa, felt that the proposed 120 day time limit to close the center was unreasonable and suggested at least a full year; Heather Summers, Costa Mesa, expressed concern about a possible lawsuit against the City and inquired as to where the funds would come from in order to compensate a police officer to patrol areas of loitering, and requested that Council agendaize the issues involving all pertinent departments of the City; Terry Koken, Costa Mesa; Robert E. Lee, Costa Mesa; Anne Hogan-Shereshevsky, Costa Mesa; Dorothy Riley, Costa Mesa, felt that closing the job center would lead to an increase in homelessness; Courtney Adams, Costa Mesa, felt that the community would benefit from looking into alternative solutions; Craig Smetana, Huntington Beach; Jack Anderson, Anaheim; Chris Rauch, Costa Mesa; Lorraine Gery, Costa Mesa; Eric Alderete, Irvine, read a letter from his employer supporting the rehearing; Lorraine Gery, Costa Mesa, commented that the men seeking work were always orderly; Greg Rich, Costa Mesa, commented that unemployment equates to a rise in crime; John Hill, Costa Mesa, suggested charging the employers who utilize the job center, a \$10.00 fee per worker or privatization; Dr. James Huff, Costa Mesa, expressed concern that the closing of the job center would negatively affect the quality of life for all residents and encouraged Council to consider viable alternatives and solutions; Humberto Caspa, Costa Mesa; Mirna Burciaga, Costa Mesa; Mary Hornbuckle, Costa Mesa, former Mayor, suggested the One-Stop center operated by Coastline Community College; Patty Madueno, Costa Mesa; Josh Boyle, Costa Mesa; Grisham Richard, Costa Mesa; Maria Moreno, Costa Mesa; Bill Turpit, Costa Mesa, stated 4,000 men have obtained work from the job center over the last three years and that 79 percent of those people were Costa Mesa residents; Dr. Camilo Cruz, President of Latino Institute for Development Education and Responsibility (LIDER); Steve Dzida, Costa Mesa, believed that the notice of the closure was inadequate; Delfino Rojas, Costa Mesa; Walt Hollowell, Costa Mesa; Mike Kenyon; Crissy Brooks, Costa Mesa; Eileen McCarthy, Attorney with the Public Law Center, suggested a translator for future meetings for members of the public that don't understand; Fred Lapuza, Costa Mesa; Sandra Genis, Costa Mesa; Dave Salcedo, Costa Mesa, suggested that employers pay for the operation of the job center versus the taxpayers and asked that the motion include legal workers only; and Judi Berry, Costa Mesa, felt that the job center was an economic issue and not a racial issue.

Rich Gillock, Costa Mesa, felt that the job center provided a valuable service to the residents and the community, and thought that the notice of the closing was improper, stating that similar cases have been filed on the Brown Act for inadequate noticing.

Eric Aldretti, referenced Government Code Section 54954.2 (a), which states agenda description should provide enough information to permit a person to make an informed decision about whether to attend or participate in a discussion on an issue, and stated that the March 15, 2005, agenda was vague, providing no indication that the intent was to close the job center.

Anna Cabada, representing the Mexican American Legal Defense and Educational Fund (MALDEF), requested that the council agendaize this issue of the job center. She stated that closing the City's job center without repealing ordinance 10-354, relating to solicitation, would raise serious legal issues for the City due to the right to free speech in public areas; a right guaranteed by the first

amendment of the United States Constitution. She indicated that MALDEF has serious concerns as to the Constitutionality of ordinance 10-354, and that they felt the ordinance was discriminatory, targeting the speech of specific groups.

The following persons spoke against the rehearing and support the closing of the job center: Leon Martella, Costa Mesa, suggested that workers visit the Employment Development Department (EDD) to seek work; Robert Lawton, Costa Mesa; Evelyn Miller, Irvine; Elaine Proco, Anaheim; Jim Fisler, Costa Mesa, felt that the job center should be privatized and recommended that the workers use Labor Ready; Ron Bell, Costa Mesa, believed that hiring an illegal alien for work was a Federal crime and referenced Government Code Title 8, Chapter 12, Subchapter 2, Part 8; Phil Tryon, Costa Mesa, suggested Council adopt and send a Resolution to Washington, requesting enforcement of immigration laws; Susan Kincade, Costa Mesa, opposed tax-payer funding being used to subsidize a business that competes with private employment agencies; Phil Morello, Costa Mesa, believed the closing of the job center would be a positive move forward for improving the Westside of Costa Mesa, and recommended the workers use Labor Ready; David Kincade, Costa Mesa; Hildegard Gonzalez, Costa Mesa, felt that tax funds shouldn't be utilized for the job center; Martin Millard, Costa Mesa, recommended closing the existing site and suggested alternative sites within the City; and Wendy Leece, Costa Mesa, commented on the importance of abiding by laws.

In response to a question from Council Member Foley, Mark Taylor, Management Analyst, reported that it is required from the person seeking work to provide one of the following types of identification: passport, California driver's license, California identification card, social security card, immigration visa, birth certificate or work permit; once submitted, a registration form is completed and submitted to staff, a picture is taken of the worker and a file is established for them, a blue job card is given to the worker, which must be presented to the job center each time.

SUBSTITUTE  
MOTION/To Fund  
and Operate the Job  
Center for One  
Additional Month

A substitute motion was made by Mayor Mansoor, seconded by Council Member Bever, to fund and operate the job center for one additional month, for a total of four months, maintaining the lease for six months, to remove the resident only restriction, direct the City Attorney to research the requirements and enforcement aspect of requiring documents showing proof of eligibility to work, direct staff to form a task force, to explore alternate locations, explore alternate funding options, and implement an employer user fee of \$10.00.

Mayor Pro Tem Monahan commented that he believed the location must change, "giving the Westside residents a break." He stated if there were a definitive closing date of the center, he would support of Council Member Foley's motion.

Council Member Dixon felt that the six months time frame was unrealistic and suggested one year in order to thoroughly resolve the issues.

AMENDMENT TO  
SUBSTITUTE  
MOTION/Exclude  
Implementation of  
Employer User Fee

Mayor Mansoor amended his substitute motion to exclude the implementation of \$10.00 employer user fee and to have the City Attorney research the legal issues regarding the implementation of an employer fee in the range of \$10.00.

Public Comment on Substitute Motion

Phil Morello and Bill Turpit, disagreed with the implementation of an employer user fee.

Frank V. Lopez III, Costa Mesa, supported the idea of implementing a fee in order to relieve the City of the burden.

James Huff, Costa Mesa, thought that the implementation of an employer user fee would be a disincentive and would discourage employers from recruiting workers from the center.

AMENDMENT TO SUBSTITUTE MOTION/Operate the Job Center for an Additional Three Months

Mayor Pro Tem Monahan asked Mayor Mansoor to amend his substitute motion to add that the operation continued for an additional three months, for a total of six months, and that the issues be agendized in five months for further discussion or action.

Council Member Foley expressed concern with an absolute closing date of the center, stating that the legal issues are in question regarding the anti-solicitation ordinance. She commented on her support of the substitute motion, stating she felt it would allow for time to resolve issues and for the City Attorney to complete her research.

SUBSTITUTE MOTION/Approved

The substitute motion was restated:

1. Continue to fund and operate the job center for a period of three additional months past July 1, 2005, for a total of six months; directed that a public hearing be conducted within the next five months to include a report back to Council on the research conducted relative to the legal issues, alternatives and options developed and the lease option.
2. Remove the "resident only" restriction and directed the City Attorney to research the requirements and enforcement aspect of requiring documents showing proof of eligibility, consistent with Federal law, for right to obtain employment for those using the center, to be implemented within approximately thirty days.
3. Direct staff to work together with the public and form a task force comprised of representatives of the non-profits, churches, the private sector and the chamber of commerce to explore the alternatives including a public/private partnership job center, the operations of the job center, research alternative locations, and other funding sources.
4. Direct the City Attorney to research legal issues of operating a public/private partnership job center and provide recommendations to the task force and the Council.
5. Direct staff to research funding options.
6. Direct City Attorney to research the legal issues regarding the implementation of an employer fee in the range of \$10.00.

The substitute motion carried 3-2, Council Member Bever and Council Member Dixon voting no.

The Mayor declared a recess at 1:44 a.m. and reconvened the meeting at 1:52 a.m.



NEW BUSINESS  
Costa Mesa Skate  
Park

The Deputy City Clerk presented Costa Mesa Skate Park, an Ordinance adding Article 1 of Chapter II of Title 12 to the Costa Mesa Municipal Code setting regulations for the use of public skate parks; and Skate Park Operations Plan. The Recreation Manager reviewed the Agenda Reports dated March 23, 2005, and March 24, 2005. She introduced Ron Hagan of Public Enterprise Group, who summarized the presentation, and Richard Woolcott, President and Chief Executive Officer of Volcom, who provided history and information about the company.

Lisa Reedy, Costa Mesa, expressed her excitement and support to have Volcom as the sponsor for the skate park.

MOTION/Approved  
Agreement with  
Volcom

A motion was made by Council Member Foley, seconded by Council Member Dixon, and carried 4-1, Mayor Mansoor voting no, to approve Agreement with Volcom, 1740 Monrovia Avenue, Costa Mesa, for a Skate Park Naming Rights Sponsorship Program for a term of ten (10) years through 2015, with a one 10-year option for renewal. Authorization was given for the Mayor and Deputy City Clerk to sign on behalf of the City.

Mayor Mansoor explained his opposition to the motion, as he felt that it was over commercialization of the City.

MOTION/Gave First  
Reading to Ordinance  
05-5

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, to give Ordinance 05-5 first reading, as amended, by amending Section 12-48, adding "Except as may be expressly provided pursuant to a Special Event Permit issued by the City of Costa Mesa"; AN ORDINANCE OF CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, ADDING ARTICLE 1 OF CHAPTER II OF TITLE 12 TO THE COSTA MESA MUNICIPAL CODE SETTING REGULATIONS FOR THE USE OF PUBLIC SKATE PARKS; read by title only, and waived further reading. Second reading and adoption are scheduled for the meeting of April 19, 2005.

MOTION/Received  
and Accepted Skate  
Park Operations Plan

A motion was made by Council Member Dixon, seconded by Mayor Mansoor, and carried 5-0, to receive and accept Parks and Recreation Commission recommendation on the day-to-day operations of the permanent skate park located in TeWinkle Park.

MOTION/Research  
Feasibility of Installing  
Lighting at the Bark  
Park

A motion was made by Council Member Dixon to direct staff to research the cost and feasibility of installing lighting at the Bark Park, which is adjacent to the skate park.

The City Manager reported that the reason this had been suggested as part of the operations plan was because of the hours of operation of the skate park, and in that context, the City would be installing electrical panels, and it was felt that it would then be an appropriate time to look into lights for the Bark Park as both parks are adjacent to each other. The City Attorney pointed out that direction could be given to staff to have the item brought back to Council.

Motion withdrawn

After discussion, Council Member Dixon withdrew her motion.

NEW BUSINESS  
Ordinance No.05-6

The Deputy City Clerk presented AN ORDINANCE AMENDING CHAPTER III OF TITLE 2, DELETING SECTION 2-75, CHAPTER VII OF TITLE 2, AMENDING SECTIONS 2-224 AND 2-224.5 AND CHAPTER IX OF TITLE 2, AMENDING SECTION 2-305 AND 2-309 OF THE COSTA MESA MUNICIPAL CODE, UPDATING VARIOUS SECTIONS OF TITLE 2. The City Attorney reviewed the ordinance.

MOTION/Gave First  
Reading to Ordinance  
05-6

A motion was made by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, to give Ordinance 05-6 first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III OF TITLE 2, DELETING SECTION 2-75, CHAPTER VII OF TITLE 2, AMENDING SECTIONS 2-224 AND 2-224.5 AND CHAPTER IX OF TITLE 2, AMENDING SECTION 2-305 AND 2-309 OF THE COSTA MESA MUNICIPAL CODE, UPDATING VARIOUS SECTIONS OF TITLE 2; read by title only, and waived further reading. Second reading and adoption are scheduled for the meeting of April 19, 2005.

COUNCIL  
COMMENTS

Council Member Foley inquired as to the follow-up in relation to the bike trails, and the restriping of the Sunflower Avenue and Hyland Avenue route. The City Manager reported that the follow-up is in progress.

ADJOURNMENT

The Mayor declared the meeting adjourned at 2:09 a.m.