

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

**February 07, 2006**

The City Council meeting of the City of Costa Mesa, California met in regular session February 07, 2006, at 5:00 p.m., in the Council Chambers of City Hall, 77, Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

**CLOSED SESSION**

**ROLL CALL**

Council Members Present:	Mayor Allan Mansoor Mayor Pro Tem Eric Bever Council Member Linda Dixon Council Member Katrina Foley Council Member Gary Monahan
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Council Members Absent:	None
Officials Present:	City Manager Allan Roeder City Attorney Kimberly Hall Barlow Development Services Director Donald Lamm City Clerk Julie Folcik

**PUBLIC COMMENT**

**CLOSED SESSION**

The City Clerk presented the following requests for closed session and the City Attorney stated, for the record, relative to the second closed session request that the first case was regarding the Magelan Group regarding its TCA fee; the second case was regarding the events of January 3, 2006.

**1. Bristol Street Mini-Storage**

(a) Conference with real property negotiators pursuant to California Government Code Section 54956.8 for property at 1100 Bristol Street, Costa Mesa, California. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson)

and County of Orange (Herb Nakasone).

(b) Conference with legal counsel - anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the California Government Code, one case, Bristol Street Mini-Storage.

Mayor Mansoor adjourned the meeting, at 5:05 p.m. to a closed session in Conference Room 1B.

**2. Conference with legal counsel - anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the California Government Code - two cases.**

Mayor Mansoor reconvened the meeting at 6:00 p.m.

**PLEDGE OF ALLEGIANCE - Mayor Pro Tem Bever**

**MOMENT OF SOLEMN EXPRESSION - Pastor Mark Wiley, Mesa Verde United Methodist Church**

**ROLL CALL**

Council Members Present:	Mayor Allan Mansoor Mayor Pro Tem Eric Bever Council Member Linda Dixon Council Member Katrina Foley Council Member Gary Monahan
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Council Members Absent:	None
Officials Present:	City Manager Allan Roeder City Attorney Kimberly Hall Barlow Development Services Director Donald Lamm Director of Public Services William Morris Director of Finance Marc Puckett Budget & Research Officer Agnes Walker Management Analyst Carol Proctor City Clerk Julie Folcik

**CLOSED SESSION REPORT**

The City Attorney reported that regarding the Bristol Street Mini-Storage:

(a) Conference with real property negotiators pursuant to California Government Code Section 54956.8 for property at 1100 Bristol Street, Costa Mesa, California. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Herb Nakasone).

MOTION: To extend the Tolling Agreement for 45 days.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The City Attorney reported that no action was taken on the remainder of the Closed Session items.

## **PRESENTATIONS**

### **Mayor's Award - Don Schoendorfer, PhD, Founder and President, The Free Wheelchair Mission**

Mayor Mansoor congratulated Don Schoendorfer, PhD, Founder and President, The Free Wheelchair Mission as the recipient of the Mayor's Award for February 7, 2006. Mr. Schoendorfer was commended for his humanitarian efforts in distributing 70,000 wheelchairs worldwide granting dignity and mobility to those who could not otherwise afford it.

## **IV. PUBLIC COMMENT**

Robert Graham, Costa Mesa, expressed his support of the ICE proposal, voiced his concern with the continuing protests; and suggested the protesting citizens contact the Mexican Consulate to voice their opinions.

Humberto Caspa, Costa Mesa, expressed opposition to ICE proposal, and demanded the removal of a 3-R Committee member.

Chris Blank, Costa Mesa, voiced opposition to the ICE proposal and requested the removal of a 3-R Committee member.

Richard Gillock, Costa Mesa, referencing Title 8 Section 1252C of the Immigration Code, pointed out the focus was on the criminals and not on the color of one's skin.

Della Lisi, Costa Mesa, expressed concern with a recently

organized boycott of local businesses that are apparently in support of the ICE Proposal.

Angelina Ibbotson, Huntington Beach, expressed support of the Council's decision to allow police to enforce the immigration laws.

David Kinkade, Costa Mesa, voiced his thanks to staff regarding the construction on 19th Street, 24-hour graffiti hotline, pothole repairs, Police Department and Fire Department; and expressed thanks to the Council for their dedication and hard work.

Ann Hogan-Shereshevsky, Costa Mesa, expressed opposition to fireworks.

Phil Morello, Costa Mesa, proclaimed his support of the ICE program, and felt it was not a race issue.

Arlene Flanagan, Costa Mesa, inquired about the cost of the ICE Proposal.

Bernardo Lima, Costa Mesa, expressed opposition to the ICE proposal and advised the Council of the fear amongst the community with its enforcement.

Paul Flanagan, Costa Mesa, delivered a petition with 645 signatures of members of the community that are in opposition to the ICE proposal; he indicated the negative effects it would have on the community and offered to meet with Council to discuss alternatives.

Mirna Burciaga, Costa Mesa, spoke in opposition to the ICE proposal, and expressed that the Police were already dealing with the criminals, and felt that immigration enforcement was a Federal responsibility.

Cecil Calhoun, Costa Mesa, expressed thanks for the improvements on 19th Street, the present and past Council members for their hard work, and the Police Department for giving residents a safe City.

Ivan Calderon, Huntington Beach, while in support of the Federal Immigration Enforcement, he felt that the cross designation training of Police through the ICE program would erode trust in segments of the community; and distributed to Council The Seven Habits of Highly Effective People by Steven Covey.

**MOTION: To allow six (6) more public speakers to address the City Council; proceed with the business meeting and table the**

**remainder of Public Comment until after New Business.  
Moved by Mayor Allan Mansoor, seconded by Council Member  
Katrina Foley.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

David Salcido, Costa Mesa, felt that the Federal Government had not effectively enforced the immigrants laws; complimented the City regarding closing the Job Center and for adopting the ICE program.

Dave Stevson, Tustin, representing Liberty Tax Service, indicated that he would be interested in implementing "Worker Appreciation Days" for free tax returns.

Alma Ramirez, Anaheim, expressed that she was born in Mexico, believes in education and is a law abiding citizen.

Kimberly Claytor, Costa Mesa, spoke against the MOU for the ICE program, commenting that people within the community are fearful of its enforcement.

Penny Magnotto, Perris, an activist against open borders and illegal immigration, expressed encouragement for the ICE proposal.

James Robert Reade, Anaheim, recounted a history of accomplishments of Dr. Hector Garcia, Hispanic Civil Rights Activist, and how it relates to recent activities relative to Civil Rights.

#### **V. COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS**

**Mayor Allan Mansoor Mayor Mansoor suggested that staff look into the arterial walls on Baker and on Fairview and look at landscape medians on Bristol between Redhill and the 55 Freeway.**

Council Member Katrina Foley expressed thanks to Estancia High School for their hosting of the Sister City Program; extended an invitation to the Measure M Public Hearing at 6:00 p.m. on February 14, 2006, at the Orange County Transportation Authority (OCTA), located at 600 S. Main Street, Room 103, in Orange; and requested to include in the FY2006-2007 budget, monies for gang prevention programs.

Council Member Linda Dixon expressed she would like Chief Hensley to address at a future date the ICE program as she was interested in knowing what the program allows the police officers to do in comparison to what they are currently able to do in performing their duties.

Mayor Pro Tem Eric Bever Mayor announced the 2006 Annual Orange County Classic Jazz Festival, will be held at the Costa Mesa Hilton located on Bristol in Costa Mesa, August 3rd through August 6, 2006; and suggested that as an alternative to fireworks stands as a fundraiser for nonprofits, that of raffles of either a home or an automobile.

#### **IV. CONSENT CALENDAR**

**MOTION: Motion to adopt recommended actions for Consent Calendar Items 1-10, except Consent Calendar Item No. 9. Moved by Mayor Allan Mansoor, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**1. Reading Folder.**

ACTION: Received and processed.

**2. Regular meeting minutes of January 03, 2006 and January 17, 2006**

ACTION: Approved.

**3. Warrant Resolution 2093, funding Payroll No. 601 for \$2,246,301.13 and Payroll No. 526A for \$33,562.78, and City operating expenses for \$704,720.74, including payroll**

**deductions.**

ACTION: Approved.

4. **Warrant Resolution 2094, funding City operating expenses for \$896,279.55**

ACTION: Approved.

5. **Warrant Resolution 2095, funding Payroll No. 602 for \$2,157,179.52 and Payroll No. 601A for \$ 2,996.57, and City operating expenses for \$ 881,013.89, including payroll deductions.**

ACTION: Approved.

6. **Award of \$500.00 to a private citizen who reported gang-related graffiti.**

ACTION: Approved pursuant to Costa Mesa Municipal Code Section 11-147.

7. **A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING ZONING APPLICATION ZA-05-77 FOR THE PACIFIC MEDICAL PLAZA FINAL MASTER PLAN LOCATED AT 1640 NEWPORT BOULEVARD.**

ACTION: Adopted Resolution No. 06-7.

8. **Approve Cooperative Agreement No. 12-529 with the State of California Department of Transportation (Caltrans) for design of landscape improvements at Bristol Street/1-405 and Avenue of the Arts offramp at an estimated cost of \$80,000.00.**

ACTION: Approved; and authorized Mayor and City Clerk to sign on behalf of the City.

10. **A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS DIVISION OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.**

ACTION: Adopted Resolution No. 06-8.

Mayor Pro Tem Bever recused himself from the discussion and decision of the following item, indicating a conflict of interest, as he resides within 500

feet of the location.

9. **Final Map For Tract No. 16070, located at 2100 Canyon Drive, Costa Mesa, for the sub-division of two (2) lots into eighteen (18) lots for single residential use and two (2) lots for common use.**

**MOTION: Approve Final Tract Map No. 16070, and authorize City Engineer and City Clerk to sign  
Moved by Mayor Allan Mansoor, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon,  
Council Member Katrina Foley, Council Member Gary  
Monahan

Noes: None.

Abstain: Mayor Pro Tem Eric Bever

Absent: None.

## **VII. PUBLIC HEARING**

The City Clerk announced that this was the time and place set for a public hearing to consider:

1. **PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF EXCESS RIGHT-OF-WAY AT 297 OGLE STREET (SANTA ANA AVENUE SIDE).**

The Affidavit of Publication is on file in the City Clerk's Office.

Director of Public Services Morris presented the Agenda Report and answered questions from Council.

Martin Millard, Costa Mesa, expressed that he could not hear the Council and asked for orderly conduct.

**MOTION: Adopt Resolution No. 06-9; and authorize the Mayor and City Clerk to sign Quitclaim Deed No. 3588.  
Moved by Council Member Gary Monahan, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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



Noes: None.  
Absent: None.

2. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY.**

The Finance Director presented the agenda report and responded to questions from the Council.

Ann Hogan-Shereshevsky, Costa Mesa requested clarification, if the City become the owner/manager of the project and what role would they play?

**MOTION: Adopt Resolution No. 06-10; and authorize the Mayor and City Clerk to sign on behalf of the City.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan Mansoor.**

The motion carried by the following roll call vote:

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

Noes: None.  
Absent: None.

3. **PUBLIC HEARING: Resolution approving a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$5,000,000 in outstanding aggregate principal amount, to finance the acquisition, construction and development of a 36-unit multifamily rental housing project, located at 2031 Orange Avenue, Costa Mesa, California, and generally known as St. John's Manor Apartment (the "Project"). The Project will be owned and operated by St. John's Manor, LP, or related entities.**

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE

CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT  
AUTHORITY.

The Affidavit of Publication is on file in the City Clerk's Office.

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

**MOTION: Adopt Resolution No. 06-11.  
Moved by Council Member Gary Monahan, seconded by Mayor  
Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The City Clerk announced that this was the time and place set for a Public Hearing to consider:

4. **PUBLIC HEARING: 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 2005-2006 FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA.**

The Affidavit of Publication is on file in the City Clerk's Office.

The Finance Director summerized the agenda report and he along with the Budget & Research Officer, and the Management Analyst, answered questions from the City Council.

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

**MOTION: Adopt Resolution No. 06-12.  
Moved by Council Member Gary Monahan, seconded by  
Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**VIII. OLD BUSINESS**

1. **From the meeting of January 17, 2006, second reading and adoption of Ordinance 06-2, AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES. ENVIRONMENTAL DETERMINATION: EXEMPT**

**MOTION: Adopt Ordinance No. 06-2, to be read by title only and waive further reading**

**Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. **From the meeting of January 17, 2006, second reading and adoption of Ordinance 06-3, AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 9, CHAPTER II, ARTICLE 8 OF THE COSTA MESA MUNICIPAL CODE AND ADOPTION OF A RESOLUTION TO ESTABLISH A "CLEAN-UP" FEE.**

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING A FIREWORKS "CLEAN-UP" FEE FOR FIREWORK SALES; for a \$100.00 fee to reimburse the City for costs of cleaning City streets, public right-of-way, City Parks and open space after the 4th of July celebration has concluded.

Ann Hogan-Shereshevsky, Costa Mesa, expressed that fireworks need to be banned and asked for clarification on the "clean up" fee.

Beth Refakes, Costa Mesa, felt that the number of fireworks stands should be reduced; and suggested information be placed in the City Newsletter listing the hours of discharge and state that fireworks are only legal on the 4th of July.

**MOTION: Adopt Ordinance 06-3, to be read by title only and waive further reading.**

**Moved by Mayor Allan Mansoor, seconded by Council Member**

**Gary Monahan.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**IX. NEW BUSINESS**

**1. "Measure M" program reauthorization update presented by Orange County Transportation Authority (OCTA).**

Council Member Gary Monahan exited the Council Chambers at 8:00 p.m.

Monty Ward, representing the OCTA, presented an update and handed out the pamphlet regarding Measure "M". He highlighted the the projects that have come from Measure M fund and their benefits and pointed out the necessity for the renewal of Measure "M". He responded to questions from the City Council.

Ann Hogan-Shereshevsky, Costa Mesa, inquired if the "Center Line" is dead and asked for clarification on the 1/2 cent tax add-on.

Martin Millard, Costa Mesa, expressed interest in the poll that was taken relative to the extension of the 55 Freeway and expressed that the 55 freeway and Triangle Square need to be addressed now.

Lupe Moreno, Santa Ana, spoke in opposition against Measure M.

Beth Refakes, Costa Mesa, voiced concern regarding cut through traffic through the east side, felt that the Orange Crush (55, 57 and 22 Freeways) need to be addressed, and that the widening of the 22 reeway may elevate some problems.

Alma Ramirez, Anaheim, felt that the Orange County buses are unsatisfactory.

The Mayor recessed the meeting at 8:45 p.m.

**The Mayor reconvened the meeting at 8:55 p.m. and returned to taking Public Comment.**

Coyotle Tezcatlipoca, expressed several demands are not being met, invited Council to a dialogue to reach a concrete solution.

Kike Ochoa, Garden Grove, voiced opposition to ICE, indicating that people in the community are living in fear.

Alfonso Ramirez, commented that people come from other countries to boost the economy.

Montserrat Leon, Santa Ana, voiced opposition to the ICE proposal and felt that police are meant to bring peace to the community, not to instill fear.

Lupe Moreno, Santa Ana, Santa Ana Library Commissioner, expressed that illegal immigration is against Federal Law.

Gerson Ortiz, Costa Mesa, expressed opposition to a statement that all illegal aliens are criminals.

Gisselle Suaso, Costa Mesa, organizer for (inaudible), expressed that people in the Community are in fear, invited Council to join Community discussions regarding the ICE proposal; recited her phone number (714) 235-0801.

Martin Millard, Costa Mesa, spoke to the comments of a previous speaker, and felt that what the Council has done, relative to ICE, was logical.

Nai Huitzilopochtli, Westminster, expressed that he did not agree with an arrest that occurred at a previous Council meeting.

Duane Roberts, Anaheim, read a statement from the Bill of Rights of the US Constitution.

Dan Rudisill, Mission Viejo, made reference to a previous speaker and encouraged Council to participate in the discussions.

**X. REPORTS**

**1. City Attorney**

**2. City Manager**

**XI. ADJOURNMENT**

The Mayor adjourned the meeting at 9:27 p.m. to Tuesday, February 21, 2006.

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa