

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

AUGUST 2, 2005

The City Council of the City of Costa Mesa, California, met in regular session August 2, 2005, at 5:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by Mayor Pro Tem Monahan.

ROLL CALL

Council Members Present: Mayor Pro Tem Gary Monahan
Council Member Linda Dixon
Council Member Katrina Foley
Council Member Eric Bever
(arrived at 5:20 p.m.)

Council Members Absent: Mayor Allan Mansoor

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall
Barlow
Deputy City Clerk Julie Folcik

REQUEST FOR
CLOSED SESSION

The City Attorney presented the following requests for closed session:

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

Pursuant to Section 54957.6 of the California Government Code, a closed session has been scheduled for the City Council to confer with the designated agency representatives Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager, regarding labor negotiations with the Costa Mesa Firefighters Association (CMFA).

PUBLIC COMMENT

There were no speakers under Public Comment.

ADJOURNMENT TO
CLOSED SESSION

At 5:08 p.m., Mayor Pro Tem Monahan adjourned the City Council meeting to a closed session in first floor Conference Room B to discuss the items previously announced by the City Attorney.

MEETING
RECONVENED

Mayor Mansoor reconvened the Council meeting at 6:30 p.m., followed by the Pledge of Allegiance to the Flag led by Mayor Pro Tem Monahan, and a moment of silence in honor of members of the United States military and Police and Fire Department personnel.

ROLL CALL

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder
 City Attorney Kimberly Hall
 Barlow
 Development Services Director
 Donald Lamm
 Public Services Director William
 Morris
 Assistant to the City Manager
 Steve Hayman
 Recreation Manager Jana
 Ransom
 Deputy City Clerk Julie Folcik

CLOSED SESSION REPORT The City Attorney announced that the no action had been taken during closed session on the following items:

No Action Taken Significant exposure to litigation (Subdivision (b) of Section 54956.9 of the California Government Code), regarding anticipated litigation - one (1) case.

No Action Taken City Council conference with the designated agency representatives Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager (Section 54957.6 of the California Government Code), regarding labor negotiations with the Costa Mesa Firefighters Association (CMFA).

PRESENTATION Mayor's Award Mayor Mansoor announced that Taffy and Tony Dalby, Volunteer Facilitators of the Costa Mesa Chapter of Operation Interdependence, were the recipients of the Costa Mesa Mayor's Award for August, 2005. He commended Mr. and Mrs. Dalby for their support of United States military personnel by sending care packages to ease the burden of separation during a challenging time.

PRESENTATION Employees of the Month Mayor Mansoor congratulated Juan Manzo, Recreation Leader III, Administrative Services Department; and Mel Lee, Senior Planner, Rachel Gamboa, Office Specialist II, and Bob Baumgardner, Code Enforcement Office, Development Services Department, on being named Employees of the Month for August, 2005, in recognition of their commitment and dedication to the citizens of Costa Mesa.

PUBLIC COMMENT Paularino School Fields John Feeney, Costa Mesa, addressed field usage at Paularino School, reporting that there are persons who utilize ball fields without permits, even though fencing and a locked gate has been installed to eliminate trespassing. He asked who was responsible for overseeing the fields. Mayor Mansoor replied that staff will follow up on this inquiry, and asked the City Manager to correspond with the Newport-Mesa Unified School District to determine their field policy.

Fireworks Mildred Nicholson, Costa Mesa, objected to 4th of July fireworks because they negatively affect her health, and commented on a statement made by Mayor Pro Tem Monahan in support of fireworks. Mayor Pro Tem Monahan responded that he has been on the record for 10 years supporting fireworks, and believed that they are an American tradition.

Donald Nicholson, Costa Mesa, reiterated his objections to fireworks, noting that animals are also adversely affected.

Bark Park Al Melone, Costa Mesa, reported that he is the owner of small dogs and is having difficulty at the Bark Park because of larger dogs. He maintained that the Costa Mesa Bark Park Foundation is run by large dog owners, and asked that the City review the situation and, at a minimum, relocate the Foundation meetings to a neutral area with handicap access. The City Manager replied that the Public Services Department and the Recreation Division coordinate with the Foundation, and the above matter will be reviewed.

Alley Repair Matt Krueger, Costa Mesa, asked that Alley Nos. 107 and 108, between Esther Street and Walnut Avenue, be considered for repair. Mayor Mansoor requested staff to determine when these alleys will be improved, and asked that the alley near Broadway, discussed at the July 12, 2005, study session, be included.

Canvas Gazebo Ed Eyeran, Costa Mesa, indicated that he was recently cited by Code Enforcement (Costa Mesa Municipal Code Section 20-11.5) for a canvas gazebo in his front courtyard. He was perplexed, believing that the code section originally addressed aluminum frame structures in driveways in residential neighborhoods. He commented that there is a trend to utilize the canvas gazebos, or cabana-style canopies, for both shade and protection from the elements, and they are of good quality and attractive. Mr. Eyeran asked for a moratorium on this rule until further discussion occurs. Mayor Pro Tem Monahan asked staff to provide Council with a copy of the pertinent code section, and to place this item on a future agenda. Council Member Foley asked for information in relation to why a structure within a courtyard or behind a fenced wall would be a code violation.

Marie Aiken, Costa Mesa, who was also cited by Code Enforcement, submitted photographs of her enclosed canvas structure.

Shereshevsky Comments Anne Hogan Shereshevsky, Costa Mesa, thanked those who had donated to her trip to Washington, D.C. for the White House Conference on Aging. She addressed the City Manager's report regarding fireworks, stating that where there are legal fireworks, the illegal ones follow, and criticized the Mayor Pro Tem's fireworks comment. She reported that a large truck parks on Elden Avenue, between 21st and 22nd Streets and impairs her view of Elden when she exits from the alley behind her home.

National Night Out; Skate Park Dedication Cindy Brenneman, Costa Mesa, commented that National Night Out was this evening, an event in which cities across the country participate in order for citizens to meet Fire and Police Department personnel, and she expressed disappointment that Costa Mesa did not participating this year. She believed that the long-term benefits from this program, as well as D.A.R.E. (Drug Abuse Resistance Education), cannot be measured. Mrs. Brenneman announced that the Volcom Skate Park dedication will be held on August 23, 2005, 4:00 p.m. to 6:00 p.m.

Zoning Igal Israel, Costa Mesa, asked if the businesses at 2278 Newport Boulevard and 109 and 109½ 23rd Street are operating legally since they are located in an R2-MD (Multiple-Family Residential District, Medium Density) zone. The Development Services Director replied that, to the best of his knowledge, the businesses were being operated legally.

The following item was removed from the Consent Calendar: Item

CONSENT
CALENDAR

No. 14, Resolution modifying building and construction fees to establish and promote a Residential Remodeling Incentive Program.

MOTION/Approved
Except Item No. 14

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

READING FOLDER

The following Reading Folder items were received and processed:

Claim

Claim received by the Deputy City Clerk from Judith A. Wright.

Public Utilities
Commission

Notification to the Public Utilities Commission pursuant to the Provisions of General Order No. 159A, that Nextel has obtain all requisite land use approval for mounting antennas on an existing Southern California Edison utility tower west of 3598 Cadillac Avenue (minor conditional use permit ZA 05-23).

Follow-Up Report

Staff responded to a request from Mr. and Mrs. Eric Kreis at the meeting of June 7, 2005, regarding overcrowding and related issues at 1782 Iowa Street.

MINUTES/June 7 and
21, and July 5, 2005

Minutes of the regular meetings of June 7, June 21, and July 5, 2005, were approved as distributed.

WARRANTS

The following warrants were approved:

Approved Warrant
2067/Payroll 514

Warrant Resolution 2067, funding Payroll No. 514 for \$2,060,427.04, and City operating expenses for \$811,826.84, including payroll deductions.

Approved Warrant
2068

Warrant Resolution 2068, funding City operating expenses for \$1,467,934.81.

ADMINISTRATIVE
ACTIONS/Approved
Amendment to Agree-
ment with Oce-USA,
for High-Speed Copier

An amendment was approved to an agreement with Oce-USA, Inc., Suite 700, Irvine, to lease-purchase an Oce Varioprint 2110 black and white high-speed copier and to extend the existing maintenance contract on the Oce 3165 for five (5) years, for \$35,168.00, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Approved Agreement
with KABBARA for
Design of Streets

An agreement was approved with KABBARA Engineering, 121 North Harwood Street, Orange, for an amount not to exceed \$120,700.00, for design of four streets and one alley, through Community Development Block Grant (CDBG) Funds, for street improvement projects in Fiscal Year 2005-06, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Awarded 2004-2005
Slurry Seal and Crack
Seal, Project 05-11,
to Hardy & Harper

Bids received for 2004-2005 Slurry Seal and Crack Seal, Project No. 05-11, are on file in the City Clerk's office. The contract was awarded to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, for \$646,734.57 (base bid), and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Authorized Staff to
Negotiate Contract
for Electrical Panels,
Project No. 05-15

Regarding the Upgrade of Electrical Panels at City Hall, First Floor, 77 Fair Drive, Project 05-15, staff was authorized to negotiate a contract with a qualified contractor within the projects existing budget of \$30,000.00, and the City Manager and Deputy City Clerk were authorized to sign on behalf of the City.

The following action was taken regarding Costa Mesa Police

Accepted Withdrawal of MJ Contractor Bid for Fencing, Project No. 05-19; Authorized Rebid

Facility Site Fencing, Project No. 05-19: Withdrawal of the bid submitted by MJ Contractors, Inc., 9 Orchard Road, Suite 106, Lake Forest. was accepted, and staff was directed to re-advertise the project.

Accepted Work by Damon for Missing Link Sidewalk, Project No. 04-25

Missing Link Sidewalk, Project No. 04-25, was completed to the satisfaction of the Public Services Director on June 17, 2005, by Damon Construction Company, 8851 Watson Street, Cypress. 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 12 months thereafter.

Approved MOU with OCTA, Fountain Valley, and Huntington Beach for SARX EIR

The Memorandum of Understanding (MOU) was approved with Orange County Transportation Authority (OCTA), the City of Costa Mesa, the City of Fountain Valley, and the City of Huntington Beach, for a Santa Ana River Crossing Study (SARX) Supplemental Environment Impact Report for the Garfield Avenue/Gisler Avenue Bridge over the Santa Ana River, and the Mayor was authorized to sign on behalf of the City.

Received and Filed Community Objectives

2004-2005 Fourth Quarter Community Objectives Update were received and filed, and Community Objectives 98-B12, 03-B3, and 03-D2, were moved to the Ongoing/Completed List.

Adopted Resolution 05-53, Authorizing Finance Records Destruction

Resolution 05-53 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE FINANCE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Residential Remodeling Incentive Program

Item No. 14 on the Consent Calendar was presented: A resolution modifying building and construction fees to establish and promote a residential remodeling incentive program. Council Member Dixon asked if there would be follow-up action, such as a report. The City Manager replied that staff would, at the conclusion of the program, prepare a summary report in order to receive direction from Council regarding implementing the program in 2006 and the time frame. Mayor Pro Tem Monahan commented that the resolution addressed only "owner occupied" and thought that tenants often did improvements.

MOTION/Adopted Resolution 05-54

On motion by Mayor Pro Tem Monahan, seconded by Council Member Bever, and carried 5-0, Resolution 05-54 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, MODIFYING BUILDING AND CONSTRUCTION FEES TO ESTABLISH AND PROMOTE A RESIDENTIAL REMODELING INCENTIVE PROGRAM, deleting the phrase "and owner occupied" from Page 1, Section 1.

OLD BUSINESS
Friends of the Costa Mesa Library Donation

The Deputy City Clerk presented from the meeting of July 5, 2005, consideration of funding and an agreement for the donation of \$7,500.00 for the expense of moving the Friends of the Costa Mesa Libraries' Bookstore Building. The Assistant City Manager reviewed the Agenda report dated July 19, 2005, and responded to questions from Council.

Mayor Mansoor commented that libraries are part of the city's infrastructure, and reading is the heart of a good education. He did not believe funds should be taken from the General Fund which would be contrary to Council direction.

Martin Millard, Costa Mesa, wondered if libraries are still used, stating that he does most of his research on the internet. He asked if a large facility was needed, and encouraged Friends of the Library to proceed without City funding. He opposed government funding the arts.

MOTION/To Approve
Funding

A motion was made by Council Member Foley, seconded by Council Member Dixon, to approve funding the \$7,500.00 donation from the General Fund.

SUBSTITUTE
MOTION/Approved
Funding

A substitute motion was made Mayor Mansoor, seconded by Mayor Pro Tem Monahan, to approve funding the \$7,500 donation through the "Signs of Support" program funds, directed staff to include in the agreement that the City has the option regarding disposition of the trailer at the end of the five-year term.

Council Member Dixon opposed the substitute motion, stating that the money from "Signs of Support" was directed to the Cultural Arts Committee, who have received little support from Council. She added that the money is intended for the artistic needs of the community. Council Member Foley disagreed that using the General Fund would be "dipping into our savings", stating that the City is a healthy, fiscally sound community, and she observed that budget adjustments are made throughout the year. Mayor Mansoor believed that this addressed fiscal discipline, stating that it was appropriate and responsible to the community to go through a budget process, and not to deviate. Mayor Pro Tem Monahan supported the substitute motion, agreeing that the General Fund balance should not be disturbed by miscellaneous projects. Council Member Bever asked that the motions address disposition of the building.

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

NEW BUSINESS
Cultural Arts
Committee Appoint-
ments

The Deputy City Clerk presented approval for continuation of and appointments to the Cultural Arts Committee (CAC). The Recreation Manager summarized the Agenda Report dated July 20, 2005. Council Member Bever, committee liaison, felt that the committee was larger than necessary, and suggested reducing the number of members from ten to eight.

Martin Millard, Costa Mesa, mentioned that his name is on the list of candidates for the committee, and asked that it be withdrawn in light of the Council's vote on the previous item.

MOTION/Appointed
Burkhart, Clark, and
Gutierrez

A motion was made by Council Member Foley, seconded by Council Member Dixon, to appoint Joey Burkhart, Nancy Clark, and Frank Gutierrez to the Cultural Arts Committee, for two-year terms expiring August, 2008.

Council Member Bever suggested that the motion include direction for the committee.

SUBSTITUTE
MOTION/To Appoint
Members

A substitute motion was made by Council Member Bever, seconded by Mayor Mansoor, to appoint Joey Burkhart and Frank Gutierrez to the Cultural Arts Committee, limiting the number of committee members to eight, and to retain the following goals and objectives: 1. Retain the Costa Mesa Artist Directory; 2. Continue with Youth Art Gallery program in the Costa Mesa City Hall Lobby; and 4. Pursue a possible chalk art festival event in Costa Mesa,

deleting Goal No. 3 and Nos. 5 thru 10.

Council Member Bever proposed changing No. 10 to the establishment of a casual meeting place to host monthly art forums, allowing artists and writers to showcase their recent works and to foster the generation of a creative nucleus from which to build upon the City's arts community. Council Member Dixon did not think that Council should determine the projects for a committee. Council Member Foley thought it appropriate to discuss the items as mentioned in the substitute motion with the committee. Mayor Pro Tem Monahan opposed the motion stating that the persons who had applied for membership would all bring something valuable to the committee.

The substitute motion failed to carry 3-2, Mayor Pro Tem Monahan, Council Member Dixon, and Council Member Foley voting no.

Mayor Pro Tem Monahan asked that the committee bring a working "roadmap" to Council defining their direction on intended projects.

The original motion carried 4-1, Council Member Bever voting no.

NEW BUSINESS
City Council Order of
Business

The Deputy City Clerk presented the consideration of commencement time and the order of business for City Council meetings. The Assistant City Manager summarized the Agenda Report dated July 21, 2005.

Council Member Dixon commented that one of her reasons for suggesting an earlier start time were remarks she had heard from residents regarding the lateness of the meetings. She indicated that she would like the meetings to begin at 5:30 p.m. and the starting time for public hearings would be 6:00 p.m. Council Member Bever thought that members of the community may have difficulty attending the meeting at 5:30 p.m., and thought that the audience would benefit from moving Council Member Comments to earlier in the meeting. Mayor Mansoor wished to retain the 6:30 p.m. start time, and supporting moving Council Member Comments.

Sam Clark, Costa Mesa, commented that he had spoken with others who indicated that it would be difficult to attend if the meeting commenced at 5:30 p.m.

Cindy Brenneman, Costa Mesa, did not object to the change in time, and observed that it would be difficult to completely avoid long meetings and late evenings. She mention that residents have other means of contacting City Council such as e-mails and letters.

Costa Mesa residents Terry Shaw and Beth Refakes preferred retaining the 6:30 p.m. start time.

Mayor Mansoor responded to those who questioned a designated start time for public hearings by stating that that the intent is to inform the public of the earliest time that public hearings will begin.

Anne Hogan Shereshevsky, Costa Mesa, proposed a compromise start time of 6:15 p.m.

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Dixon, to adopt resolution 05-55, A RESOLUTION

MOTION/Adopted
Resolution 05-55

OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING THE TIME OF COMMENCEMENT AT 6:00 P.M. AND CHANGING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS, as amended, with Closed Session commencing at 5:00 p.m., followed by the Agenda Review Study Session to be held at 5:30 p.m.; that the regular meeting is to begin at 6:00 p.m.; that public hearings shall be noticed for 7:00 p.m., and the order of business modified with the Council Comments following Public Comments.

SUBSTITUTE
MOTION/To Retain
6:30 p.m. Start Time

A substitute motion was made by Mayor Mansoor, seconded by Council Member Bever, to retain the 6:30 p.m. City Council meeting start time, to modify the order of business to hear Council Comments following Public Comments, to notice public hearings for 7:00 p.m., and to delete Paragraph 3 of the resolution, "WHEREAS, the Council is attempting to provide for as much public feedback as possible; and".

The City Manager suggested that should Council Member Comments be moved to the beginning of the meeting, any requests from Council Members could be discussed during City Attorney or City Manager Reports.

The substitute motion failed to carry 3-2, Mayor Pro Tem Monahan, Council Member Dixon, and Council Member Foley voting no.

In response to a previous comment that some members of the public thought that an early start to the Council meeting was an attempt to curtail residents from speaking, Council Member Foley stated that she has always encouraged public participation.

The original motion carried 4-1, Mayor Mansoor voting no.

NEW BUSINESS
Streetscape and
Median Development
Standards

The Deputy City Clerk presented resolutions amending the Streetscape and Median Development Standards for Fairview Road accent trees and to add a priority list for the development of landscape improvements for certain parkways and neighborhood entryways. The Public Services Director reviewed the Agenda Report dated July 21, 2005.

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, the following action was taken:

MOTION/Adopted
Resolutions 05-56 and
05-57

Resolution 05-56 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE STREETScape AND MEDIAN DEVELOPMENT STANDARDS, incorporating the priority list for landscaping parkway and neighborhood entryways.

Resolution 05-57 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE STREETScape AND MEDIAN DEVELOPMENT STANDARDS, as amended, approving the Willow Pittosporum, Goldenrain Tree, Callery Pear, and Lavender Trumpet Tree as the accent trees for the section of Fairview Road from the San Diego Freeway to Newport Boulevard.

Council Member Foley paid her respects to long time Costa Mesa resident Frank Michelena who passed away the previous weekend. She commented on the award ceremony at the Neighborhood

COUNCIL
COMMENTS

Community Center which inducted former mayor Robert Wilson into the Circle of Service, and asked that a presentation from the Child Care and Youth Services Committee regarding child care issues in Costa Mesa be placed on the Study Session for August 9, 2005. Council Member Foley invited residents to attend the Volcom Skate Park dedication on Tuesday, August 23, 2005, 4:00 p.m. to 6:00 p.m., and requested that the Parks and Recreation Commission discuss the addition of a second dog park in the City at an upcoming meeting, and also identify an appropriate location. In reply to Cindy Brenneman's discussion of "National Night Out" during Public Comments, she stated that the event was cancelled due to low participation, not the lack of funding. The City Manager confirmed that a number of factors contributed to suspension of this event, and the City may participate again in the future. Council Member Foley referred to a letter from Congressman Dana Rohnbacher's office asking if the City has adopted the National Incident Management System (NIMS) which is required in order for the City to be eligible for certain Federal funds relating to public safety. She announced that the City is currently recruiting members for various committees and asked residents to apply, stating that the deadline for submitting letters of interest is Friday, September 16, 2005, 5:00 p.m. She indicated that there is information regarding the Residential Remodeling Incentive Program on the City's website, www.ci.costa-mesa.ca.us, and asked that information also be included regarding the Home Energy Efficiency Rebate Program which is found on Southern California Edison website, www.sce.com. She added that brochures regarding the rebate program are being provided at the Building Division counter in City Hall. Council Member Foley provided an update on the Measure M Committee where she represents Council. She reported an increase in graffiti in the north Costa Mesa area from Harbor Boulevard north of Fair Drive through to Bristol Street, and asked for a report from the Police Department which includes the enforcement and prevention efforts which are underway, as well as the curfew laws.

Council Member Dixon announced that Saturday, August 6, 2005, is "Bath Stille" Day at the Bark Park, and offered to serve as a Council representative to the existing Bark Park Foundation.

Bark Park

League of Cities;
Triangle Square

Council Member Bever commented on his attendance at the League of California Cities, Mayors and Council Members Executive Forum, and after conversation with Council Members from other cities, observed that Costa Mesa is very fortunate regarding the quality of their staff, and fiscal responsibility. He apologized for comments made at the meeting of July 19, 2005, regarding using eminent domain to improve the situation at Triangle Square.

The Mayor adjourned the meeting at 8:45 p.m. to the meeting of Tuesday, August 2, 2005.

ADJOURNMENT

