

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

December 06, 2005

The City Council meeting of the City of Costa Mesa, California met in regular session December 06, 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 the Mayor.

I. ROLL CALL

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

Council Members Absent: Council Member Katrina Foley

Officials Present: Deputy City Clerk Julie Folcik
Public Services Director William Morris
City Attorney Kimberly Hall Barlow
City Manager Allan Roeder

II. PUBLIC COMMENT

There were no public speakers under Public Comment.

III. CLOSED SESSION: 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 City Council Meeting to a closed session in first floor Conference Room 1B, at 5:10 p.m.

The Mayor reconvened the regular meeting of the City Council at 6:10 P.M.

PLEDGE OF ALLEGIANCE

Council Member Foley

MOMENT OF SOLEMN EXPRESSION

Dr. Ray Ortlund

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Development Services Director Donald Lamm
Public Services Director William Morris
City Attorney Kimberly Hall Barlow
Deputy City Clerk Julie Folcik

CLOSED SESSION REPORT

The City Attorney reported that no action was taken.

PRESENTATIONS

The Mayor, thanked AT&T for their investment in the Community and introduced Al Henderson, SBC Area Manager, External Affairs who presented on behalf of SBC a donation to Vital Link for Computer Technology for School Children of \$5,000.00. The Mayor indicated that Vital Link is a local non-profit organization that creates the link between business and education providing opportunities for youth to access relative information and to guide them through their career search process.

Mayor Mansoor congratulated Fred Gaeckler as the recipient of the Mayor's Award for December 2005. Mr. Gaeckler was commended for his dedication of an impressive 16,700 hours and as a leader of the Costa Mesa Department Volunteer Division.

Orange County Human Relations Commission Annual Report was presented by Commissioner Pat Kron.

The Mayor congratulated Doug Lovell, Lead Facilities Maintenance Technician, Helen Nenandal, Facility Maintenance Technician, Mike Moran, Facility Maintenance Technician, Sean McCarthy, Maintenance Assistant, Mike Crownover, Maintenance Worker, Juan Santos,

Maintenance Worker, as Employees of the Month for December 2005. He commended the employees of the Facilities Maintenance Division for their demonstration of effective teamwork, and their resourcefulness in the renovation process of several offices in the City Manager's Office.

IV. PUBLIC COMMENTS

Judi Berry, Costa Mesa, spoke about the adoption of Measure "F" by voters and wondered how it effected the contributions made to Costa Mesa United.

Jim Kerins, Costa Mesa, addressed City Council regarding Measure "M" and expressed concern regarding the widening of the 405 Freeway, the necessity of the Gisler Street Bridge and the impact on the Mesa Verde neighborhood.

Mike Berry, Costa Mesa, read a portion of a resolution from the Costa Mesa Republican Assembly in support of the Costa Mesa Job Center closure.

Phil Morello, Costa Mesa, also read a portion of the resolution regarding in support of the Job Center's closure.

Wendy Leece, Costa Mesa, read the remainder of the resolution from the Costa Mesa Republican Assembly supporting the Job Center's closure.

Charlene M. Ashendorf, Costa Mesa, addressed the report of the Motel Task Force expressed concern regarding an open case on the Costa Mesa Motor Inn, and recommended bringing public awareness to reports of criminal activity at motels, and to offer a crime-free incentive.

Rich Willis, Costa Mesa business owner, expressed concern regarding "pop-up" halloween stores and the effect it had on his business (House of Humor).

Gilbert Flores, representative of League of United Latin American Citizens (LULAC), respectfully requested that the Council extend the closure of the Job Center for 3 months to allow LULAC and other non-profit organizations to find a suitable location for the relocation of the center.

Giovani Gonzales, spoke regarding the lack of fields for "adult" soccer players, the condition of the fields and requested better communication relative to field reservations.

Benny Diaz, Garden Grove, requested the City Council to reconsider the closing of the Job Center and felt it was important for the economy and reduces vandalism.

Tim Lewis, Costa Mesa, felt that the Job Center was important to the community and suggested extending the Residential Rehabilitation Incentive Program (RRIP).

Leon Martella, Costa Mesa, spoke regarding poverty and the Job Center.

Beatrice Almeida, Costa Mesa, a supporter of the Job Center and suggested the formation of a committee and disputed statements made in the resolution read by previous speakers.

Martin Millard, Costa Mesa, supported the closure of the Job Center, providing statistics on outside employers utilizing the Center.

Resident, Costa Mesa, opined that the Job Center provides a service that is a "win/win" situation for everyone, and that it has changed many peoples lives.

William Holiday, Costa Mesa, supported the organization of LULAC to help in finding a suitable location and the operation of the Job Center.

Heather Somers, Costa Mesa, announced that nominations for the Leadership Tomorrow Leadership Award are being accepted, and will be presented at the award banquet to be held at Park Prive on February 23, 2006. She gave the website address of info@leadershiptomorrow.org. for more information and to submit nominations.

Humberto Caspa, Costa Mesa, expressed his concern regarding comments made by a speaker.

VI. CONSENT CALENDAR

MOTION: To approve recommendations for Consent Calendar Item Nos. 1-21, except for Consent Calendar Item Nos. 2, 12, and 19.

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.

3. **Warrant Resolution 2084, funding City operating expenses for \$724,883.80.**

ACTION: Approved.

4. **Warrant Resolution 2085, funding Payroll No. 523 for \$2,204,750.10, and Payroll No. 522A for \$8,143.25, and City operating expenses for \$633,301.26, including payroll deductions.**

ACTION: Approved.

5. **Warrant Resolution 2086, funding City operating expenses for \$1,097,725.50.**

ACTION: Approved.

6. **Award contract for Ballistic Tile Safety Walls, Costa Mesa Police Department Shooting Range, Project No. 05-24, to Super Trap, Inc., 1601 Commerce Street, Corona, for \$25,533.88.**

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

7. **Award Bid Item No. 1087, Purchase of Two New 2006 Ford Focus Vehicles, to Raceway Ford, 5900 Sycamore Canyon, Riverside, for \$27,349.36.**

ACTION: Approved.

8. **Agreement with Merchants Landscape Services, Inc., 1639 East Edinger Ave., Suite C, Santa Ana, for a three-year Landscape and Turf Maintenance contract (Bid Item No. 1088), not to exceed \$300,000.00 per year.**

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

9. Sole-source purchase of 102 Pair of Lion/Haix Leather Turnout Boots from Allstar Fire Equipment, Inc., 12328 Lower Azusa Road, Arcadia, for \$26,926.73.

ACTION: Approved.

10. Power of Attorney with Orange County Sheriff's Department to negotiate with Sprint/Nextel regarding Countywide 800 MHz Countrywide Coordinated Communications System (CCCS) rebanding.

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

11. Accept sidewalk easement for 655 Town Center Drive, South Coast Repertory Theater, to accommodate an Americans with Disabilities Act compliant sidewalk (property owner Orange County Flood Control District with an ingress and egress easement granted to South Coast Plaza/C. J. Segerstrom and Sons).

ACTION: Accepted deed; and authorized the Mayor and the Deputy City Clerk to sign on behalf of the City and to record Easement Deed 3534.

13. Completion of street improvements at 3300 Hyland Avenue by R.J. & J. Construction, Inc., 2001 Mt. Vernon, Pomona, in connection with Encroachment Permit No. PS01-0000069.

ACTION: Accepted work; and order the bonds exonerated.

14. Completion of street improvements at 1475 South Coast Drive, by KEC Engineering, 200 North Sherman Avenue, Corona, in connection with Encroachment Permit No. PS02-00486.

ACTION: Accepted work; and order the bonds exonerated.

15. Completion of street improvements at 1475 South Coast Drive, by Sully Miller Contracting Company, 100 East Orangethorpe Avenue, Suite 200, Anaheim, in connection with Encroachment Permit No. PS03-00200.

ACTION: Accepted work; and order the bonds exonerated.

16. Costa Mesa Redevelopment Agency 2005 Annual Report.

ACTION: Received and filed.

17. Agreement with Camp Dresser & McKee Inc. (CDM), 18581 Teller Avenue, Suite 200, Irvine, for \$43,708.00, for preparation of the Initial Study/Mitigated Negative Declaration for the Irvine Company Apartment Communities Master Plan (PA-05-56), to develop an 890-unit apartment complex for the Sakioka, Lot 1 property (east side of Sakioka Drive between Anton Blvd. and Sunflower Ave.)

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

18. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE FOR THE FINANCING AND ACQUISITION OF COMPUTER HARDWARE AND SOFTWARE FOR PHASE TWO OF THE POLICE DEPARTMENT COMPUTER SYSTEM REPLACEMENT PROJECT, AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH.

ACTION: Adopted Resolution No. 05-82.

20. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED BY THE CITY FOR THE POLICE FACILITY EXPANSION/RENOVATION PROJECT AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO AS REQUIRED BY UNITED STATES DEPARTMENT OF TREASURY REGULATIONS SECTION 1.150-2.

ACTION: Adopted Resolution No. 05-84.

21. North Costa Mesa High-Rise Residential EIR Contract (EIR No. 1052):

(a) Award contract for environmental consulting to Culbertson, Adams, and Associates, Inc., 85 Argonaut, Suite 220, Aliso Viejo, for \$391,094.00.

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

2. Special meeting minutes of November 8, 2005, and regular meeting minutes of November 15, 2005.

MOTION: Approve, as corrected, correcting a typographical error of “conferences” on page 7, and of the date to read “February 5, 2006” on page 8, in the meeting minutes of November 15, 2005.

Moved by Mayor Allan Mansoor, 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.

12. Amended agreement with Meyer and Allen Associates, Inc., 2690 Beachwood, Los Angeles, for architectural services for the Police Facility Expansion and Renovation Project, and for the Facility Site Fencing Project.

(a) Accept Urban Area Security Initiative ("UASI") Reimbursement Grant in an amount not to exceed \$150,000.00, and appropriate the funding for the construction of the Facility Site Fencing Project.

(b) Budget Adjustment No. 06-029 for \$337,215.00 (Police Facility Expansion and Renovation Project), and \$36,525.00, transferred from Undesignated Fund, plus \$150,000.00 from the UASI Reimbursement Grant (totaling \$186,525.00), to provide funding for the Facility Site Fencing Project.

Heather Somers, Costa Mesa, spoke about her concerns as to the cost of the expansion and the way in which the City will finance it, and requested supporting financial data relative to the project.

MOTION: Approve, pending final review and approval by the City Attorney; and authorize the Mayor and Deputy 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.

19. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT FOR CAPITAL IMPROVEMENTS FOR THE TEWINKLE PARK ATHLETIC FIELD COMPLEX AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS

IN CONNECTION THEREWITH.

Heather Somers, Costa Mesa, expressed concern regarding the cost factor and requested a copy of the audit that had been recently prepared.

**MOTION: Adopt Resolution No. 05-84.
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.

The Mayor adjourned the City Council meeting at 7:25 p.m.

SPECIAL MEETING OF THE REDEVELOPMENT AGENCY

The Special Meeting of the Redevelopment Agency was called to order by Agency Member Mansoor at 7:26 p.m.

ROLL CALL

AGENCY MEMBERS PRESENT: Chairperson Linda Dixon
Vice Chairperson Eric Bever
Agency Member Katrina Foley
Agency Member Allan Mansoor
Agency Member Gary Monahan

OTHER OFFICIALS PRESENT: Executive Director Donald Lamm
Agency Attorney Kimberly Hall
Barlow
Neighborhood Improvement Manager
Muriel Ullman
Assistant Agency Secretary Julie
Folcik

1. Appointment of Redevelopment and Residential Rehabilitation Committee Members.

The Neighborhood Improvement Manager presented the agenda report.

Moved by Agency Member Allan Mansoor, seconded by Vice

Chairperson Eric Bever.

MOTION: Reappoint the following members to the 3R Committee: Arlene Schafer, Philip Morello, William Turpit, Jonathan Zich, William Wakeham and appointed Micheal Brumbaugh, as an alternate.

Motion carried by the following roll call vote:

Ayes: Chairperson Linda Dixon, Vice Chairperson Eric Bever,
Agency Member Katrina Foley, Agency Member Allan Mansoor, Agency Member Gary Monahan.
Noes: None.
Absent: None.

2. Warrant Resolutions CMRA-340, CMRA-341, and CMRA-342.

Moved by Vice Chairperson Eric Bever, seconded by Agency Member Linda Dixon.

MOTION: Adopt Warrant Resolutions CMRA-340, CMRA-341 and CMRA-342.

Motion carried by the following roll call vote:

Ayes: Chairperson Linda Dixon, Vice Chairperson Eric Bever,
Agency Member Katrina Foley, Agency Member Allan Mansoor, Agency Member Gary Monahan.
Noes: None.
Absent: None.

ADJOURNMENT

Agency Member Mansoor adjourned the Special Redevelopment Agency meeting at 7:30 p.m.

RECONVENE CITY COUNCIL MEETING

The Mayor reconvened the regular meeting of the City Council at 7:31 p.m.

VII. PUBLIC HEARINGS

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

1. PUBLIC HEARING: General Plan Amendment GP-05-01 and Rezone

R-05-01 for Richmond American Homes of California, Inc., to change the General Plan land use designation from High Density Residential and Public/Institutional to Medium Density Residential, and a rezone from Planned Development Residential-High Density (PDR-HD) and Institutional & Recreational (I & R) to Planned Development Residential-Medium Density (PDR-MD), for property located at 2501 Harbor Boulevard in a proposed PDR-MD zone. Environmental determination: Negative Declaration.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-05-01 AMENDING THE LAND USE DESIGNATION FROM HIGH DENSITY RESIDENTIAL AND PUBLIC/INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL FOR 2501 HARBOR BOULEVARD.

(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A PARCEL OF LAND FROM PLANNED RESIDENTIAL HIGH-DENSITY (PDR-HD) AND INSTITUTIONAL & RECREATIONAL (I&R) TO PLANNED DEVELOPMENT RESIDENTIAL-MEDIUM DENSITY (PDR-MD) FOR 2501 HARBOR BOULEVARD.

The Affidavits of Publication and of Mailing are on file in the City Clerk's Office.

The Principle Planner summarized the Agenda Report and answered questions from the City Council.

Robert Graham, Costa Mesa, expressed concern regarding the off-road bike trail parallel to the property and inquired as to the exit from the property.

Jim Fislser, Costa Mesa, expressed his support of the project.

MOTION: Adopt Resolution No. 05-85; and give Ordinance No. 05-17, first reading, to be read by title only and waive further reading. Moved by Council Member Gary Monahan, 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.

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

2. PUBLIC HEARING: General Plan Amendment GP-05-04, and Rezone R-05-03, for ICI Development Company Inc., to change the General Plan land use designation from High Density Residential to General Commercial and to rezone from R3 (Multiple Family Residential District) to C1-S (Shopping Center District) property located at 380 W. Wilson Street. Environmental determination: Negative Declaration.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-05-04 AMENDING THE LAND USE DESIGNATION FROM HIGH-DENSITY RESIDENTIAL TO GENERAL COMMERCIAL FOR 380 WEST WILSON STREET.

(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A PARCEL OF LAND FROM R3 (MULTIPLE FAMILY RESIDENTIAL) TO C1-S (SHOPPING CENTER DISTRICT) BY ADOPTION OF REZONE PETITION R-05-03 FOR 380 WEST WILSON STREET.

The Affidavits of Publication and of Mailing are on file in the City Clerk's Office.

A communication was received from Tamar Goldman, Costa Mesa, who suggested that a condition of approval be included banning back-up beepers on all trucks utilizing the facility.

The Senior Planner summarized the agenda report and he along with the City Attorney answered questions from the Council.

Council Member Dixon went on record that she thought "this is a terrific project" but was concerned for residents that live behind the property relative to the source of any noise.

Tamara Greenly, representing ICI Development Company, spoke to the concern of back-up beepers and indicated that elimination of the back-up beepers, which are installed for safety purposes, would be a financial hardship on the business. She also addressed questions regarding security and the hours of operation.

Sandy Johnson, Costa Mesa, expressed concern as to the egress from the property and suggested a Harbor Boulevard entrance.

Martin Millard, Costa Mesa, suggested a continuance for two weeks,

allowing time to review the decible level of the back-up beepers, a temporary muffler system, or sound wall enhancement.

Tamar Goldman, Costa Mesa, stated that while not opposed to the project she had still had issues relative to the beepers. In referencing a Condition of Approval No. 57 for the Home Depot Center, relative to the back-up beepers on the forklifts, she expressed concern as it relates to this project.

Council Member Dixon supported a condition that requires the lack of beepers.

Mayor Pro Tem Bever suggested that the item be tabled to allow the applicant to find a more suitable location for the dump station.

Phil Morello, Costa Mesa, expressed concern regarding the hours of operation.

Moved by Council Member Linda Dixon, seconded by Mayor Alan Mansoor.

MOTION: To continue the hearing for 45 days; to adopt Resolution No. 05-86, and to refer to the Planning Commission the suggestions for mufflers for back-up beepers, a sound-wall enhancement, to review a condition of approval indicating that no back-up beepers shall be used, and to review moving the disposal station to the suggested area at the front of the gate.

Substitute Motion moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.

SUBSTITUTE MOTION: To table the item, to follow the next item on the agenda, to allow the applicant time to contact ICI Development Company's principles regarding authorization for the relocation of the disposal station to the suggested area at the front gate.

The substitute motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

Mayor Mansoor recessed the meeting at 8:40 p.m. and reconvened the meeting at 8:50 p.m.

It was unanimously agreed to address the previously tabled item. Ms. Greenley, confirmed for the Council Members that it was agreed

to voluntarily move the disposal station to the left of the gate.

MOTION: adopt Resolution No. 05-86, with the addition of a Condition of Approval, as agreed to by the principles, to move the disposal station to Area 3 (area left of the entrance gate); and to give Ordinance 05-18, first reading, to be read by title only, and waive further reading.

Moved by Council Member Gary Monahan, 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.

IX. NEW BUSINESS

1. Request from Mayor Mansoor to enter into a Memorandum of Understanding with the Immigration and Customs Enforcement (ICE) Bureau to conduct Federal immigration investigations in Costa Mesa.

Mayor Mansoor expressed his reason for bringing this item to the City Council. The Chief of Police summarized the agenda report and he along with the Police Lieutenaent answered questions from the City Council.

Council Member Monahan read into the record a motion that he would later be proposing, commenting that the motion would allow the City's participation in the County Sheriff Department's program for training of sworn personnel to arrest criminals consistent with State and Federal Law; that it would target enforcement efforts against those who are involved in aggravated felonies and criminal street gang activity; and that it would provide a useful tool for law enforcement personnel, as opposed to assuming additional responsibilities, on behalf of the Federal Government. He further commented that training for ICE is only for sworn custody personnel and felt that training for civilian custody personnel should be reconsidered by ICE. He stated that those arrested for aggravated felonies and criminal street gang activity will be detained in the County jail, and this program would allow Costa Mesa Custody personnel to assist the County in identifying those in this Country illegally. He requested that if accepted by the County of Orange and ICE, that 12 months after implementation of the program this matter be brought back to Council for review.

Mayor Mansoor requested Council Member Monahan to consider adding

that Federal Immigration Enforcement be included in the job description for all new hires for jail personnel and sworn Police personnel. Council Member Monahan indicated that he would be willing to include the addition but felt that approval of the program by ICE was first needed.

Communications from the public in support of the MOU were received from: Mr. Isidro Lopez, Fullerton; Mary Hermes, Costa Mesa; Tim Cromwell, Costa Mesa; Sean Farrell, San Clemente; Shawn Leffingwell, Costa Mesa; Paul Nelson, Costa Mesa; Ned McCune, Costa Mesa; Don Elmore, Costa Mesa; Linda Newman; Michael Burns, Costa Mesa; Gayle Nyberg, Costa Mesa; Jewel Sheldon; Priscilla Espinoza; Larry Culbertson, San Juan Capistrano; Gustav R. Goetsch; D. Barrow, Upland; George Gush; Shawn Broes; Scott W. Palmer, Ontario, Will Schmitz, Philadelphia, PA; M. Taylor; Brent Waters, Dallas, TX; Robin Hvidston, Upland; Pat Schatz, Escondido; Dave DeNomme; Par Shuff, Fullerton; Judy Stromberg, Costa Mesa; Connie Bassler, Costa Mesa; Barry Johnson, Costa Mesa; Lynwood Rankin; Marianne Beachump; Fred Arnold, Costa Mesa; Gregory William Trepas, Costa Mesa; Harald G. Martin, Anaheim; Mark Ward, Carson; Linda Johnston, Costa Mesa; Tai Chen, Los Alamitos; Allen Withers, Costa Mesa; Justine Jarvis; Marshall Bryan, Costa Mesa; and C. Jansson.

Communications from the public in opposition to the MOU were received from: Auxiliary Bishop Jaime Soto, Diocese of Orange; Ben and Susan Shaw, Costa Mesa; Belinda Escobosa Helzer, Staff Attorney for the ACLU Orange County Branch Office; Kristin Hoeffler, Costa Mesa; Lynell Brooks; Meghan Durmond, Costa Mesa; Crissy Brooks; Bea Tirilli; Lynda Hernandez, Costa Mesa; Ross Nelson; Jennifer Nash; Lindsay Pike; Carlos Camacho, Associate Pastor South Eastern California Conference of Seventh-day Adventist; John Medina; and Steven Dzida, Irvine.

Other Communications were received from: Van Wright, Costa Mesa; David Rodriguez, Vice President of the League of United Latin American Citizens, National Far West Region; Martin Millard.

Robert Graham, Costa Mesa, felt it important to first establish an education program relative to the proposed program and that a message should be sent to the Federal Government on the City's stance regarding the controlling of the borders.

Edward (last name not audible), Costa Mesa, felt that the root of the problem is at the borders.

Richard Gillock, Costa Mesa, felt that the proposed program would instill fear of the Police Department and alienate the citizens.

Dr. Bar, advocate of children, expressed concern of racial profiling in the community.

Beatrice Almeida, Costa Mesa, cautioned regarding the issues of liability.

Guadalupe (last name not audible), opposed the MOU and felt that it would cause fear amongst latino residents.

Kimberly Claytor, Costa Mesa, expressed concern that the proposal would undermine years of work spent developing good relationships between the community and the Police Department.

Gilbert Flores, LULAC, opposing the MOU, commented that LULAC supports immigrant control and is working with the Federal Government for a fair immigration policy.

Linda (last name inaudible), Costa Mesa, commented that she opposes crime and emphasized the focus of the proposal on dangerous criminals.

Stephanie Campbell, Costa Mesa, opposing the proposal felt that the majority of people that would be impacted would be the latino, encouraging racial profiling.

Stephanie Pacheco, Fountain Valley, spoke in opposition to the ICE MOU, and felt that such issues should be solved at the federal level.

Unidentified speaker, spoke in opposition and asked for a delay of the decision.

Phil Morello, Costa Mesa, supported the proposal, stated that currently a police officer could not ask about the immigration status of someone detained and felt that the liability would to be minimal.

Steve Dzida, Costa Mesa, opposed the MOU as he felt that the the problem were the employers who hire the illegal immigrants.

Mike Berry, Costa Mesa, supported the proposal as it would help the the County Sheriff's Office.

Betsy Cundall, Costa Mesa, supported education of the proposed program for better understanding by residents.

Belinda Escobosa Helzer, Staff Attorney for the ACLU Orange County Branch Office, expressed opposition of the proposal by the ACLU and addressed discussion points.

Chris Blank, Costa Mesa, expressed opposition to the proposal and

emphasized it was a federal issue.

Resident, Costa Mesa, asked a hypothetical question regarding the "legal" child, of deported parents.

Flo Martin, Costa Mesa, felt that the proposal would divert the attention of the police officers, and requested equal protection for all the citizens of Costa Mesa.

Mirna Burciaga, Costa Mesa, expressed opposition to the proposal, commenting that the Police would not be seen as peace officers but as immigration officers.

Jack Morrison, Costa Mesa, expressed concern regarding racial profiling and the cost to the city.

Steve Stromberg, Costa Mesa, supported the MOU, stressed the proposal was aimed at criminals.

Steve Nelson, San Juan Capistrano, also expressed support and emphasized that the focus was on violent criminals.

David Kinkade, Costa Mesa, expressed support of the program.

Resident, Costa Mesa, stated that people come to America for a better life.

John Earl, Huntington Beach, spoke in opposition and felt it would create more ethnic conflict.

Omar Olmedo, Costa Mesa, felt it would accomplish erode the community's good relationship with law enforcement.

Francisco Ceja, Anaheim, opposed the proposal and felt the current relationship with the Police Department would be undermined.

Heather Somers, Costa Mesa, expressed concern regarding the program, the potential legal ramifications, and asked that the decision to be tabled for further study and education of the public.

Paty Madueno, Costa Mesa, member of the Orange County Congregation and Community Organization, opposed the proposal, stating that the organization has worked with the Police Department to foster a trusting relationship.

Coyotl Tezcalipoca, felt that this proposition would foster fear amongst undocumented workers.

Mayor recessed the meeting at 11:34 p.m. and reconvened the meeting at 11:48 p.m.

By unanimous consent it was agreed to suspend the rules of order, continue the meeting, and to postpone discussion on New Business Item No. 1 until after addressing New Business Item Nos. 2, 3, 5 and 6.

2. Newport-Mesa Unified School District draft Joint Use Agreement.

**MOTION: Continue to the item to a Council meeting in January 2006.
Moved by Council Member Katrina Foley, 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. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING AND REVIEW PROCEDURES.

**MOTION: Continue the item to a Council meeting in January 2006.
Moved by Council Member Katrina Foley, 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.

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AMENDMENTS TO THE STREETSCAPE AND MEDIAN DEVELOPMENT STANDARDS, AND THE LANDSCAPE AND SIGN GUIDELINES FOR THE NEWPORT BOULEVARD SPECIFIC PLAN, amending:

(a) The Streetscape and Median Development Standards: Section 2.02 and Section 6.03 to designate the proposed plant palette for Newport Boulevard between Industrial Way and Bristol Street; and Section 7.0, Streetscape Corridor Furniture Coordination, to identify the Carpinteria

Street Light.

(b) The Newport Boulevard Streetscape Study/Landscape and Sign Guidelines, Section 2, to designate the proposed parkway and median plant palette for Newport Boulevard between 19th Street and Bristol Street.

**MOTION: Continue the item to a Council meeting in January 2006.
Moved by Council Member Katrina Foley, 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.

6. Request from Council Member Foley to form the "Safe Streets Committee".

**MOTION: Continue the item to a Council meeting in January 2006.
Moved by Council Member Katrina Foley, 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.

The Mayor returned to taking Public Comment for New Business No. 1.

Erin Sloan, Costa Mesa, expressed support for the program and felt the limits were reasonable.

Rosa Reyes, Irvine, opposed the proposal.

James Jones, Costa Mesa, reported on the trend relative to the "No Child Left Behind" law.

John Trasvina, Los Angeles, spoke in opposition, advising the training time proposed is insufficient and of the exposure to civil right suits.

Bill Turpit, Costa Mesa, commented that the proposal would work against

the Community Policing philosophy of the Police Department.

Judith Gielow, Costa Mesa, spoke in opposition.

Robert Reeder, Costa Mesa, spoke in opposition of the proposal questioning its intent.

Jim Fisler, Costa Mesa, supported the recommendation.

Tim Lewis, Costa Mesa, suggested the Council identify what the entire problem is and how to address it as a community.

Martin Millard, Costa Mesa, speaking in support of the proposal, suggested a fail safe clause that would indicate that if the County does not approve the program, Costa Mesa would still go forward.

William Holiday, Costa Mesa, supports the MOU.

Unidentified speaker asked the Council to study the problem before making a determination.

Kathleen Eric, Costa Mesa, supporting the proposal, felt that it is a public safety issue.

Judy Berry, Costa Mesa, expressed concern of what is defined as a major crime.

Council Member Monahan clarified that the proposal is strictly for crime related issues and confirmed that currently the background check does not include immigration status.

Motion made by Council Member Gary Monahan, seconded by Mayor Allan Mansoor.

MOTION: 1. Directed a request to the County Board of Supervisors to include Costa Mesa Police personnel under the County's application to Immigration and Customs Enforcement (ICE) for Cross-Designation training in accordance with the Draft Proposal by the Orange County Sheriff's Department of October 2005, and if approved training would be limited personnel from the City's SED Gang Detail and the Detective Bureau; and 2. Direct a request to Immigration and Customs Enforcement (ICE) to secure a Memorandum of Understanding (MOU) for Cross-Designation training of Civilian Custody personnel employed by the City of Costa Mesa, and authorize the City Manager and the Chief of Police to negotiate the terms of the MOU with ICE, with the final document to be brought to the City Council for consideration along with any budget

authorizations or amendments, as needed.

Council Member Dixon stated she would not support the motion as she felt that the League of California Cities should be contacted to coordinate an effort between the the Orange County Sheriff's Department and the cities in Orange County, that the Police Department already has the tools for deporting a criminal here illegally and that a strong message should be sent to the Federal Government to protect the borders.

Mayor Mansoor asked the maker of motion to include direction to open dialog with Congressman Rohbacher's office to assist in working with ICE. Council Member Monahan agreed.

Council Member Foley would not support the motion as she felt that the element regarding educating the public about the proposal was lacking; that there are outstanding questions and would like an opportunity to meet with the Orange County Sheriff's Department and ICE to discuss them.

Substitute Motion was moved by Council Member Foley, seconded by Council Member Dixon.

SUBSTITUTE MOTION: To continue the item to a study session and request representatives from the Orange County Sheriff's Department and from ICE be present to provide a summary, analysis and status of the issues; that a meeting be arranged with interested community members who are working on the issue with the Sheriff's Department, in order to educate the public on the proposal and the limitations that it will have.

The substitute motion failed by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley

Noes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Absent: None.

Council Member Foley asked the maker of the original motion to add direction that the City work with community leaders (such as the ACLU, and LULAC) for an ongoing dialogue during the process.

Council Member Monahan, while supportive of the suggestion did not feel it necessary to include it in the motion, and did not wish to duplicate the Orange County Sheriff Departments efforts.

Council Member Foley felt the proposal was vague on maintaining an open dialog with local authorities and community organizations.

The Mayor called for the vote on the original motion.

MOTION: 1. To direct a request to the County Board of Supervisors to include Costa Mesa Police personnel under the County's application to Immigration and Customs Enforcement (ICE) for Cross-Designation training in accordance with the Draft Proposal by the Orange County Sheriff's Department of October 2005, and if approved training would be limited personnel from the City's SED Gang Detail and the Detective Bureau; and 2. To direct a request to Immigration and Customs Enforcement (ICE) to secure a Memorandum of Understanding (MOU) for Cross-Designation training of Civilian Custody personnel employed by the City of Costa Mesa, and authorize the City Manager and the Chief of Police to negotiate the terms of the MOU with ICE, with the final document to be brought to the City Council for consideration along with any budget authorizations or amendments, as needed; and 3. Direct that dialog be opened and to work with Congressman Dana Rohrabacher to assist in the work with ICE.

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 Gary Monahan

Noes: Council Member Linda Dixon, Council Member Katrina Foley

Absent: None.

4. General Plan Screening Requests:

(a) GPS-05-06 for 1941 Church Street/1944 Newport Blvd.

Charles Margoland, property owner of 1944 Newport Boulevard explained the need for the request.

MOTION: Accept for processing.

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, Council Member Linda Dixon, Council Member Katrina Foley, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: None.

(b) GPS-05-08 for Westside Lofts Site (1640 Monrovia Ave.)

Communications were received from Mike Harrison and John T. Hawley opposing the request stating the high residential projects did not reflect the vision of the Westside improvements; and Dan Gribble, relative to rights of the property and business owners.

Mike Harrison, Costa Mesa, reiterated his comments that the proposal for a High Density Residential did not reflect the direction given for the Westside improvements.

**MOTION: Accept for processing.
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

(c) GPS-05-09 for Pacific Mesa Properties (660/670 West 17th St.)

**MOTION: Accept for processing
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, Council Member Linda Dixon,
Council Member Katrina Foley, Mayor Pro Tem Eric Bever,
Council Member Gary Monahan

Noes: None.

Absent: None.

(d) GPS-05-10 for All Industry Investment (1690 Placentia/755-785 West 17th St.)

**MOTION: Accept for processing.
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.

V. COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Katrina Foley, ask for information regarding a traffic accident that occurred at Fairview and Paularino.

Council Member Linda Dixon, reminded that the Police Department is collecting Toys-for-Tots and that the Senior Center is collecting gifts for seniors who don't have family in the area.

XI. ADJOURNMENT

The Mayor adjourned the meeting at 1:36 a.m. to Tuesday January 3, 2006.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa