

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

November 15, 2005

The City Council meeting of the City of Costa Mesa, California met in regular session November 15, 2005, at 6:00 p.m., in the Council Chambers of City Hall, 77, Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

III. ROLL CALL

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

Council Members Absent: Council Member Linda Dixon

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
Development Services Director Donald Lamm
Director of Public Services William Morris
Finance Director Marc Puckett
Principal Planner Kimberly Brandt
Deputy City Clerk Julie Folcik

PLEDGE OF ALLEGIANCE

Mayor Mansoor

**MOMENT OF SOLEMN EXPRESSION
Chaplin**

Rabbi Haim Asa, Fairview Hospital

PRESENTATIONS

The Mayor congratulated Cynthia Larkins, Property and Evidence Bureau Supervisor in the Police Department as the Employee of the Month. She was recognized for her leadership and assistance resulting in a smooth transition during a construction phase in the Police Department.

Superior Court Judge Roy Evans advised of the Orange County Superior Court Annual Grand Jury Recruitment. He requested that interested Orange County residents contact www.orangecountygrandjury.org, www.occourts.org or call (714) 834-6747 for an application and more information.

IV. PUBLIC COMMENTS

Fred Davis, Costa Mesa, requested that the City Council consider agendaing a revision to the zoning code regarding the construction of second-story windows mitigating invasion of privacy from neighboring properties.

Ann Hogan Shereshevsky, Costa Mesa, suggested the establishment of a senior advisory committee to address issues such as housing, elder-abuse, and health care. She also announced that in December, she will be attending in December the White House Conference on Aging to be held in Washington D.C.

Nadine Andreen, Costa Mesa, also known as the "Mouth of Costa Mesa", spoke of her her history of activism in Costa Mesa.

V. COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Eric Bever congratulated Steve Cahn as the new editor of the Daily Pilot, and congratulated the Cultural Arts Committee for the success of Artist Showcase held the previous week.

Council Member Katrina Foley thanked Nadine Andreen for her years of services to the community, reported that she attended the Artist's Showcase, the Bubba Capco Memorial Golf Tournament; and St. John's Bosco's Veteran's Day Program. She thanked the Police Department for their responsiveness to residential concerns of the Mesa Del Mar neighborhood and asked for a report relative to the results since the extra attention to the neighborhood. She also requested discussion on the possibility of a safety report to be presented monthly at the Council meeting regarding Police, Fire and other Safety elements.

VI. CONSENT CALENDAR

MOTION: Approve recommendations for Consent Calendar Item Nos. 1-8, except for Consent Calendar Item Nos. 2, 5, and 7.

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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Linda Dixon

1. Reading Folder.

ACTION: Received and Processed.

3. Warrant Resolution 2082, funding City operating expenses for \$855,352.25.

ACTION: Approved.

4. Warrant Resolution 2083, funding Payroll No. 522 for \$2,210,280.11, and City operating expenses for \$993,249.90, including payroll deductions.

ACTION: Approved.

6. **Award contract for Costa Mesa Police Substation Renovation, 567 West 18th Street, Project No. 05-25, to Enkay Engineering, 1639 Monrovia Avenue, Costa Mesa, for \$27,989.00, to address air quality issues relating to roof leaks and mold.**

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

8. **Agreement with MTSI Inc., 145 South State College Blvd., Suite 180, Brea, for \$50,000.00, to fund the services of a Network Administrator for the Management Information Systems Division.**

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

2. **Regular meeting of November 1, 2005.**

MOTION: approve as corrected: correcting a typo in John Feeney's name and the word soccer on page 2 and a reference on page 13, 2nd paragraph, to read "Mayor Mansoor".

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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Linda Dixon

5. **Agreement with California Forensic Phlebotomy, Inc. 25012 Marguerite Parkway, Suite H-235, Mission Viejo, for Bid Item No. 1086, Blood Withdrawal Testing Services, for a three-year period, in an amount not to exceed \$75,000.00 per year.**

Ann Hogan Shereshevsy, Costa Mesa, inquired as to the purpose of this item.

MOTION: Approve; and authorize the Mayor and the Deputy City Clerk to sign on behalf of the City.

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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Linda Dixon

7. **Award contract for Wilson Street/Pomona Avenue Traffic Signal Installation, Project No. 05-23, to Inspection Engineering Construction, Inc.,**

2973 Harbor Boulevard, Suite 516, Costa Mesa, for \$148,000.00.

(a) Budget Adjustment No. 06-025 for \$148,000.00.

Mayor Mansoor expressed concern regarding "other detrimental effects to the neighborhood" with the placement of a traffic signal at that corner.

MOTION: Approve; and authorize the Mayor and the Deputy City Clerk to sign on behalf of the City.

Moved by Council Member Gary Monahan, seconded by Mayor Pro Tem Eric Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Allan Mansoor

Absent: Council Member Linda Dixon

ADJOURNMENT OF THE MEETING TO THE SPECIAL MEETING OF THE PUBLIC FINANCE AUTHORITY

The meeting of the City Council was recessed and the Special Meeting of the Public Finance Authority was called to order by Chairman Mansoor at 6:27 p.m.

There being no public comment the Chairman proceeded with the business of the Authority.

The Secretary read into the record the meeting notice announcing the special meeting of the Costa Mesa Public Finance Authority and advised that notice of the special meeting was distributed and posted as required by law.

1. P. F. A. meeting minutes of September 8, 2003.

MOTION: Approve.

Moved by Chairman Allan Mansoor, seconded by Authority Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Chairman Allan Mansoor, Vice Chairman Eric Bever, Authority Member Katrina Foley, Authority Member Gary Monahan.

Noes: None.

Absent: Authority Member Linda Dixon.

2. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COSTA MESA PUBLIC FINANCING AUTHORITY AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$3,000,000 COSTA MESA PUBLIC FINANCING AUTHORITY REVENUE REFUNDING BONDS, SERIES 2005A; THE REFUNDING OF THE OUTSTANDING COSTA MESA PUBLIC

FINANCING AUTHORITY 1991 LOCAL AGENCY REVENUE BONDS, SERIES A AND AN ESCROW AGREEMENT RELATING THERETO, AN AMENDED AND RESTATED INDENTURE OF TRUST, AN OFFICIAL STATEMENT AND A CONTRACT OF PURCHASE RELATING TO THE AFORESAID SERIES 2005A BONDS; AND CERTAIN OTHER ACTIONS IN CONNECTION WITH SUCH TRANSACTIONS.

The Treasurer presented an overview of the request for adoption of the resolution and answered questions from the Authority Members.

**MOTION: Adopt Resolution No. P.F.A. 05-1.
Moved by Authority Member Gary Monahan, seconded by Chairman Allan Mansoor.**

The motion carried by the following roll call vote:

Ayes: Chairman Allan Mansoor, Vice Chairman Eric Bever, Authority Member Katrina Foley, Authority Member Gary Monahan.

Noes: None.

Absent: Authority Member Linda Dixon.

The Special Meeting of the Public Finance Authority was adjourned and the regular meeting of the City Council was reconvened by Mayor Mansoor at 6:34 p.m.

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VIII. OLD BUSINESS

1. **From the meeting of November 1, 2005, second reading and adoption of Ordinance No. 05-15, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY FENCING ON VACANT PROPERTIES.**

**MOTION: Adopt Ordinance 05-15, to be read by title only and waive further reading.
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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Linda Dixon

Council Member Monahan recused himself from the discussion and decision of the

following item claiming a conflict of interest due to leasing of his property within 500 feet of the rezone location. Council Member Monahan exited the chambers.

2. **From the meeting of November 1, 2005, second reading and adoption of Ordinance No. 05-16, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING 124 MELODY LANE FROM R2-HD (MULTIPLE-FAMILY RESIDENTIAL, HIGH DENSITY) TO R3 (MULTIPLE-FAMILY RESIDENTIAL) BY ADOPTION OF REZONE PETITION R-05-02.**

MOTION: Adopt Ordinance 05-16, to be read by title only and waive further reading.

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 Katrina Foley

Noes: None.

Abstain: Council Member Gary Monahan

Absent: Council Member Linda Dixon

IX. NEW BUSINESS

1. **Proposed Council Policy Regulating Discretionary Fund Expenditures.**

City Manager presented the agenda report.

David Kinkade, Costa Mesa, referencing the staff report, recommended authorization of suggested Items 1-4; that there be a limit of \$2,000.00 per Council Member; and a total of \$500.00 for Items 2, 3 and 4.

Beth Refakes, Costa Mesa, concurred with the previous speaker and explained she could not support Item No. 5 as there was not a definition of "qualified" for the specified organization types.

MOTION: To limit the use of professional development appropriations to conference and seminars in an amount not to exceed \$2,000.00 per Council Member annually; that individual Council Members will be responsible for deciding what conferences and seminars to attend and any out of state travel will require prior approval of the full City Council; the limit of per council member may be adjusted annually as part of the budget adoption process.

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 Katrina Foley, Council Member Gary Monahan
Noes: None.
Absent: Council Member Linda Dixon

The Mayor recessed the meeting at 6:49 p.m.

The Mayor reconvened the meeting at 7:00 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: Continued from the meeting of October 18, 2005, appeal from Lee Jamieson, Owner, Bristol Street Mini Storage, LLC, of the Planning Commission's denial of the six-month extension of time for Conditional Use Permit PA-05-30 for the County of Orange/Bristol Street Mini Storage, LLC, for the outdoor storage of recreation vehicles and a mini-storage facility (originally approved under PA-94-24 and PA-04-12) from September 1, 2005, to March 1, 2006, located at 1100 Bristol Street in a C1 (Local Business District) zone. Environmental determination: exempt.**

Council Member Monahan supported a 90-day Tolling Agreement through February 15, 2005, allowing time for discussions between the City, County of Orange and the Orange County Flood Control District; to continue the item to December 6, 2005, scheduling to a closed session, and offered that he would be willing to serve as a representative from Council on the negotiating team.

There was no public comment.

MOTION: Approve entering into a 90-day tolling agreement with the applicant; directed that during such time updates are regularly to be provided to Council; and scheduled a closed session at the December 6, 2005 Council meeting, to discuss direction for the negotiations.

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 Katrina Foley, Council Member Gary Monahan
Noes: None.
Absent: Council Member Linda Dixon

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

2. **PUBLIC HEARING: Refunding bonds by the City of Costa Mesa Public Financing Authority to refund all of the outstanding Costa Mesa Public**

Financing Authority 1991 Local Agency Revenue Bonds, Series A, and to finance up to \$1 million in certain public capital improvements, including the acquisition, construction and equipping of certain capital improvements known as the "TeWinkle Park Athletic Field Complex" located at 970 Arlington in the City, and capital improvements to other existing City facilities and street improvements within the boundaries of the City.

The Finance Director presented the agenda report.

MOTION: Adopt Resolution No. 05-81: Refunding bonds by the City of Costa Mesa Public Financing Authority to refund all of the outstanding Costa Mesa Public Financing Authority 1991 Local Agency Revenue Bonds, Series A, and to finance up to \$1 million in certain public capital improvements, including the acquisition, construction and equipping of certain capital improvements known as the "TeWinkle Park Athletic Field Complex" located at 970 Arlington in the City, and capital improvements to other existing City facilities and street improvements within the boundaries of the City.

Moved by Mayor Pro Tem Eric Bever, 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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Linda Dixon

X. REPORTS

The City Manager reminded the City Council and the public that the December 6, 2005, City Council meeting would be the last meeting of the year. He reported that the Arson Unit of the Costa Mesa Fire Department was recognized at the Orange County Fire Association and the Orange County Fire Chief's Association Over-Achiever's Event, held recently.

XI. ADJOURNMENT

The Mayor adjourned at 7:09 p.m. to Tuesday, December 6, 2005.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa