

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

**May 19, 2009**

The City Council meeting of the City of Costa Mesa, California met in regular session May 19, 2009, 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: Mayor Allan R. Mansoor  
Mayor Pro Tem Wendy Leece  
Council Member Eric R. Bever  
Council Member Katrina Foley  
Council Member Gary Monahan

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Administrative Services Director Stephen Mandoki  
Human Resources Administrator Lance Nakamoto  
Administrative Secretary Leilani Ayers

Council Member Foley arrived at 5:27 p.m.

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION:**

1. Pursuant to Government Code Section 54957.6., conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA).

The Mayor recessed the meeting to the closed session held in Conference Room 1B at 5:03 p.m.

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

**PLEDGE OF ALLEGIANCE - Costa Mesa Boy Scout Troop 188**

**MOMENT OF SOLEMN EXPRESSION - Associate Pastor Nathan Abbate, Calvary Chapel**

**ROLL CALL**

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Acting Development Services Director Kimberly Brandt  
Public Services Director Peter Naghavi  
Legislative and Public Affairs Manager Ann Shultz  
Neighborhood Improvement Manager Muriel Ullman  
CDBG/Home Coordinator Mike Linares  
Management Analyst Alma Penalosa  
Administrative Secretary Leilani Ayers  
Office Specialist II Christine Lam

**CLOSED SESSION REPORT**

City Attorney Kimberly Hall Barlow reported no action was taken on the Closed Session item.

**PRESENTATIONS**

Mayor Mansoor introduced the presentation of Certificates of Recognition for Employees with 25, 30 and 35 years of service with the City of Costa Mesa. City Manager Allan Roeder provided an overview of the 55<sup>th</sup> Annual Recognition of Employee Service Program and presented a video highlighting employees that would be receiving service recognition awards on May 28, 2009, at 9:00 a.m., at the Neighborhood Community Center.

**IV. PUBLIC COMMENTS**

1. Valerie Boston, Costa Mesa, reported that a neighbor is trying to build a brick wall and of the problems that he is encountering due to lack of previous building plans; and opined that addresses should be marked in the rear of the properties.
2. John Goddard, Costa Mesa, complimented Council Member Wendy Leece for her involvement with the Costa Mesa Senior Center.
3. Ashley Danno, Costa Mesa, spoke on behalf of the American Coast Theater Company (ACTC) and announced the schedule of plays for the upcoming third season and that tickets are available for on-line purchase at [www.americancoasttheater.org](http://www.americancoasttheater.org) or to contact 714-619-6424 for more information.
4. Darlene Letnis, Costa Mesa, spoke about incidents at the Costa Mesa Senior Center relating to programs and the treatment of seniors.
5. Jacque Kravitz, Costa Mesa, stated she was a volunteer at the Costa Mesa Senior Center and noted the inaccurate statements made against the Center. She expressed concern about the loss of funding for programs and services provided by the Senior Center.
6. Judy Lindsay, Costa Mesa, states she is a member of the Costa Mesa Senior Center Board and expressed disappointment with Council Members and local citizens for accusations against the Center.
7. Rebecca Rigali, Costa Mesa, stated she is an instructor at the Costa Mesa Senior Center; pointed out the benefits of unique programs and commended the Senior Center staff and their services.
8. Anna Kozma, Newport Beach, referred to the negative statements against the Senior Center and pointed out the positive programs and services provided by the Center.
9. Elizabeth Scheele, Costa Mesa, implored the Council to keep the Costa Mesa Senior Center "as is," and shared about her enjoyable experience at the Center.
10. James R. White, Costa Mesa, shared the various programs and services offered at the Costa Mesa Senior Center and encouraged seniors to visit their website at [www.costamesasenior.org](http://www.costamesasenior.org).
11. Carol Fortier, Costa Mesa, commended the services provided by the Costa Mesa Senior Center and expressed support of the Center's leadership and staff.
12. Ernie Feeney, Costa Mesa, announced the Huntington Beach Senior Center is offering hot meals and free movies and activities for seniors displaced by the Senior Center audit and closure during the first week in

June.

13. Kathleen Eric, Costa Mesa, spoke about graffiti on the Westside and reported problems along 18th Street, Wallace Avenue, Center Street, and Pomona Avenue.
14. John Feeney, Costa Mesa, thanked Director of Public Services Peter Naghavi and his staff for improvements at the I-405 Freeway and Fairview Road; and spoke in opposition to the Emergency Medical Services (EMS) fees.
15. Mike Berry, Costa Mesa, commented on an article relating to crime in the City and questioned the cities referenced as comparisons, and suggested a standardized reference to cities with common borders.
16. Martin Millard, Costa Mesa, expressed opposition to Council's approval of Emergency Medical Services (EMS) fees and felt there was a need to cut City expenses.
17. Paul Flanigan, Costa Mesa, opined that there was not a rational basis for the claims against the Costa Mesa Senior Center .
18. Aviva Goldman, Executive Director of the Costa Mesa Senior Center, reported that the senior meal program would not be available during the closure of the Senior Center. She noted the result of a survey relative to the service, reporting that only five seniors were interested. She requested to meet with Council Member Leece to resolve issues with the Center.
19. Marian Chris, Costa Mesa, stated she is a volunteer at the Senior Center and commented on an incident involving a non-member; reported when it was resolved. She noted that the membership has increased at the center.

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

Council Member Gary Monahan encouraged the voters to vote before the closing of voting booths and requested the matter of a Tree Root Policy be agendized to a future meeting.

Mayor Pro Tem Wendy Leece reported she attended the League of California Cities meeting relating to local government funding and encouraged the Council to contact the Governor requesting not to remove local funding; announced the Kiwanis Golf Tournament was held on May 18, 2009, and raised approximately \$6,000 in donations for the Costa Mesa Community Foundation; advised that the Costa Mesa Historical Preservation Committee is working on a brochure on the Newport Boulevard historical markers and detailed building histories; referred to comments by a public speaker regarding 2679 East 17th Street and the displaying of addresses on the rear of properties and requested staff for an

update; expressed interest in implementing the Neighborhood Pride program; requested information from the City Manager regarding curfew sweeps; requested staff to look into the amendment of a zoning code relating to film permits and conditional use permits noting conflicting information in the process; expressed interest in meeting with the Executive Director of the Costa Mesa Senior Center to resolve issues at the Center and voiced her concern on the transparency of the Center.

Council Member Katrina Foley referred to a notification letter from Southern California Edison regarding the increase of rates and expressed interest in sending a letter in opposition of the fee increases.

## **VI. CONSENT CALENDAR**

### **CONSENT CALENDAR ITEM NOS. 1 THROUGH 9.**

**MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 9, except for Consent Calendar Item No. 6.**

**Moved by Council Member Gary Monahan, seconded by Council Member Eric R. Bever.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

#### **1. Reading Folder.**

**ACTION:** The following claims were received and processed by the City Clerk: Baiba Reitere; Michelle Dhamrongsithi on behalf of Brian Tunstall.

The following requests for Alcoholic Beverage Control Licenses were received and processed:

For Notkon LLC, for Tiki Bar (formerly ROC) located at 1700 Placentia Avenue, for a person-to-person transfer of a type 48 (on-sale general, public premises).

For Jain Malti, for Bucks Bin located at 1089 Baker Street, Suite A, for a person-to-person transfer of a type 21 (off-sale general).

For Sherbanee Enterprises Inc., for Turnip Rose (Previously Vegas Nightclub) located at 1901 Newport Boulevard, Suite 100 and LL101, for a premise-to-premise and stock transfers of a type 47 (on-sale general for a bona fide eating place), type 58 (caterer permit), and type 68 (portable bar).

2. Adjourned Regular Meeting Minutes of April 14, 2009; Regular Meeting Minutes of April 21, 2009 and May 5, 2009.

ACTION: Approved Regular Meeting minutes for May 5, 2009; continued the Adjourned Regular Meeting minutes of April 14, 2009, and Regular Meeting minutes for April 21, 2009.

3. Warrant Resolution 2265, funding Payroll No. 909 for \$2,531,849.75, and Payroll No. 908A for \$2,108.17, and City operating expenses for \$939,178.74 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2266, funding City operating expenses for \$1,516,012.32.

ACTION: Resolution adopted.

5. Supplier Agreement with Office Max, 7300 Chapman Avenue, Garden Grove, for the purchase of office supplies through the America Saves cooperative price agreement, beginning July 1, 2009.

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

7. Completion of Roadway Rehabilitation of Harbor Boulevard from Wilson Street to Newport Boulevard, Federal Project No. STPL-5312 (051), City Project No. 07-05, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration seven (7) months thereafter.

8. Completion of Roadway Rehabilitation of South Coast Drive from 500 feet West of Harbor Boulevard to Hyland Avenue, Federal Project No. STPL-5312 (062), City Project No. 07-09, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration seven (7) months thereafter.

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECREATION DIVISION AND HUMAN RESOURCES DIVISION RISK MANAGEMENT SECTION OF THE ADMINISTRATIVE SERVICES

DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO  
ORDINANCE NO. 75-60.

ACTION: Withdrawn.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

6. **Adopt plans, specifications, and working details for the rehabilitation of Five Alleys: Alley No. 61, Alley No. 65, Alley No. 80, Alley No. 107, and Alley No. 108, City Project No. 09-06, and award construction contract to NPG, Inc., 1354 Jet Way, Perris, in the amount of \$432,807 (base bid only).**

Council Member Leece commended the Public Services staff for their efforts and expressed appreciation to City residents for their patience and concerns.

Valerie Boston, Costa Mesa, spoke about the needed improvements of the alleys and expressed appreciation to City staff.

**MOTION: Approve; authorize the Mayor and City Clerk to sign.  
Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem Wendy Leece.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

**VII. PUBLIC HEARINGS**

1. **PUBLIC HEARING: 2009-2010 Community Development Block Grant Public Service Grant Allocations.**

CDBG/HOME Coordinator Mike Linares summarized the staff report and Neighborhood Improvement Manager Muriel Ullman was present to respond to questions from the Council.

Council Member Foley recused herself from the discussion and decisions relating to the Costa Mesa Senior Center claiming a conflict of interest due to business interests.

Arlene Flanigan, President of the Senior Center Board, thanked the City for the allocated funding to the Senior Center. She noted the impact of the economy on donations to the Center and announced that the Board would assess the impact of decreased donations during their closure in June.

**MOTION: Approve grant allocations for the Costa Mesa Senior**

**Center (CMSC) – Social Services and the CMSC – Lunch Box.  
Moved by Mayor Allan R. Mansoor, seconded by Council Member  
Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council  
Member Eric R. Bever, Council Member Gary Monahan

Noes: None.

Abstain: Council Member Katrina Foley

Absent: None.

RECESS: The Mayor declared the meeting recessed at 7:23 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:32 p.m., with  
all Council Members present except for Council Member Bever.

Dustin Manhart, Community Senior Serve, supported the  
recommendations and stated that they are willing to provide meals for  
seniors while the Center will be closed during June; however, required an  
appropriate serving area.

Council Member Bever entered the Council Chambers at 7:34 p.m.

Sasha DaCosta, Costa Mesa, spoke about the Youth Employment  
Services (Y.E.S.) and the help they provided in finding her a job.  
She expressed appreciation for the program and recognized the extra  
effort by Y.E.S. staff.

Tracy Royan, Costa Mesa resident and President of Y.E.S., spoke about  
the services of Y.E.S., and thanked the Redevelopment and Residential  
Rehabilitation (3R) Committee and City Council for their  
recommendations and support.

Maricela Rios, Chief Officer of Human Options, shared about the services  
provided and noted the budget reductions made to the program. She  
expressed appreciation of the recommendations and hoped the Council  
would approve.

Valerie Boston, Costa Mesa, commended the Y.E.S. organization and the  
services provided.

Chrissy Brooks, Costa Mesa resident and Executive Director of Mika,  
thanked the 3R Committee and announced a partnership with Wells  
Fargo to expand their program in the City.

**MOTION:** Approve the requested grant amounts of Project Independence  
and Elwyn; deny grant allocations to Community & Schools Collaborative,  
Colette's Children's Home, and Human Options; allocate \$59.00 of  
"Additional Amount Available to Program" to fund the requested amounts



of \$20,000 for Project Independence and \$25,000 for Elwyn; and allocate the remaining \$1,789 of "Additional Amount Available to Program" to Mercy House.

Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.

**SUBSTITUTE MOTION:** Approve remainder of grant allocations.

Moved by Council Member Eric R. Bever, seconded by Council Member Katrina Foley.

Discussion ensued among the Council relating to the recommendations of the 3R Committee and the objective process. Council Member Monahan requested the maker of the substitute motion to add the "Additional Amount Available to Program" to either Project Independence or Elwyn. Council Member Bever agreed to allocate that amount to Elwyn and the seconder agreed. The motion restated:

**SUBSTITUTE MOTION: Approve remainder of grant allocations with the "Additional Amount Available to Program" of \$1,848 allocated to Elwyn.**

**Moved by Council Member Eric R. Bever, seconded by Council Member Katrina Foley.**

The substitute motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley

Noes: Council Member Gary Monahan

Absent: None.

2. PUBLIC HEARING: Fiscal Year 2009-2010 Funding Priorities for Community Development Block Grant (CDGB) and Home Investment Partnership Program (HOME).

(a). Recommended allocation for the Fiscal Year 2009-2010 Community Development Block Grant (CDBG) Application.

(b). Recommended allocation for the Fiscal Year 2009-2010 HOME Investment Partnership Grant.

(c). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; authorizing the City Manager to act as the official representative of the City in order to submit the Annual Action Plan, and all certificates and assurances contained therein, and directing and authorizing the City Manager to act in connection with the submission of the Annual Action Plan, and to provide

such additional information as may be required.

Management Analyst Alma Penalosa presented the staff report and the Neighborhood Improvement Manager gave an overview of the Housing and Economic Recovery Act of 2008 Fund, American Recovery and Reinvestment Act Fund, and the Neighborhood Stabilization Program 1. She responded to questions from the City Council relating to funding commitments and requirements.

**MOTION: Approve recommended allocation for the Fiscal year 2009-2010 Community Development Block Grant (CDBG) Application. Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

**MOTION: Approve recommended allocation for the Fiscal Year 2009-2010 HOME Investment Partnership Grant. Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

**MOTION: Adopt Resolution No. 09-36. Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

## **VIII. OLD BUSINESS**

1. Continued from the meeting of May 5, 2009, second reading and adoption of Ordinance 09-3: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE

AMENDMENT CO-09-01 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY DETACHED UNITS WITH FIVE OR MORE BEDROOMS IN R1 ZONES AND SMALL LOT, DETACHED, SINGLE-FAMILY COMMON INTEREST DEVELOPMENTS.

Acting Development Services Director Kimberly Brandt recommended adoption of Ordinance No. 09-3, and responded to questions from the Council concerning zoning. Council Member Bever expressed reservation questioning the original intent of the Planning Commission.

MOTION: Send the item back to the Planning Commission to solve the issues that initiated the process for amending the zoning code.  
Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem Wendy Leece.

**SUBSTITUTE MOTION: Adopt Ordinance No. 09-3, read by title only, and waive further reading  
Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

Discussion ensued among the Council relating to the original motion, addressing group homes and remodels, and the concern of code application to new construction only. The Acting Development Services Director referred to Table 13-85(a) of the ordinance and clarified for the Council the proposed amendments to the zoning code.

The substitute motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever

Absent: None.

2. Continued from the meeting of May 5, 2009, second reading and adoption of Ordinance 09-6: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 9-179 AND ADDING SECTION 7-19 OF THE COSTA MESA MUNICIPAL CODE REGULATING FIREWORKS.

(a). Review of Council Policy 400-2 - Regulations Governing Fireworks - pertaining to the restrictions on the number of fireworks stands within the limit of 40 fireworks sales stands.

Legislative & Public Affairs Manager Ann Shultz presented the staff report.

Valerie Boston, Costa Mesa, expressed support of the ordinance; pointed out the jurisdiction of the Fire Chief and thanked him for allowing fireworks

sales.

**MOTION: Adopt Ordinance No. 09-6, read by title only, and waive further reading.**

**Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley

Noes: Council Member Gary Monahan

Absent: None.

Discussion ensued among the Council relating to Council Policy and the number of fireworks stands allowed for each type of organization.

**MOTION: Eliminate regulation nos. 3, 4, and 5 of the Policy.**

**Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

Council Member Foley questioned the impact of removing the regulations and the possibility of majority of permits issued to one organization. Council Member Monahan withdrew his original motion.

**MOTION: Direct staff to amend the Council Policy regulation nos. 3, 4, and 5 by increasing the amount of permits allowed for each category by one.**

**Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

## **IX. NEW BUSINESS**

1. Administrative Hearing Waiver (submitted by property owner) for Emergency Abatement at 2256 Orange Avenue (APN 426-073-28).

ACTION: Withdrawn

## **X. REPORTS**

The City Manager reported on discussions by the Governor relating to borrowing local government property tax and sale of State assets, and requested the Council's permission to bring back a resolution concerning their position on the

sale of the Orange County Fair & Event Center. The Council expressed their unanimous support to not sell the Fairgrounds and to keep it as open space. The City Attorney announced at the request of Council Member Monahan to agendize the matter of placing the item on the November ballot to keep the Fairgrounds as open space. The City Manager suggested to the Council to keep an open mind of the possibility of removing the asset from state ownership and to preserve under local control.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 8:37 p.m. The next Regular City Council Meeting will be held on June 2, 2009.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa