REGULAR MEETING OF THE CITY COUNCIL CITY OF COSTA MESA

October 20, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session October 20, 2009, 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.

PLEDGE OF ALLEGIANCE - Sgt. Vern P. Martin, U.S. Army Air Force (Retired), World War II Veteran

MOMENT OF SOLEMN EXPRESSION - Pastor Frank Custer, Lighthouse Coastal Community Church

ROLL CALL

Council Members Mayor Allan R. Mansoor

Present: 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 Assistant City Attorney Harold Potter

Acting Development Services Director Kimberly

Brandt

Public Services Director Peter Naghavi Chief of Police Christopher Shawkey

Police Captain Ron Smith

Helicopter Sergeant Timothy Starn

Budget & Research Officer Bobby Young

Management Analyst Carol Proctor

City Clerk Julie Folcik

PRESENTATIONS

There were no presentations.

IV. PUBLIC COMMENTS

1. <u>Tim Lewis, Costa Mesa, commended City staff for their response on graffiti and informed the Council that he has started his own graffiti reward for turning in taggers. He noted that he has produced signs offering a</u>

- hundred dollar reward for taggers and reported that it has decreased graffiti in his neighborhood.
- 2. Mary Lewis, Costa Mesa, spoke about the treatment of the homeless people in the City and the need for patience and resources to help the homeless.
- 3. Don Elmore, Costa Mesa, reported he had a problem with a loud party that took place at night and thanked City staff for addressing the matter. He opined that the noise ordinance regarding the decibels of noise allowed and process for handling of noise disturbances should be reviewed.
- 4. <u>Joseph Tinirello, Costa Mesa, stated he arrived to America in 1947 and served our Country in the United States Army and was honorably discharged. He opposed the war and spoke about the right to vote.</u>
- 5. Anna Reagan, Costa Mesa, inquired on the sale of the Community Garden at Charlie Street and supported the display of *In God We Trust* in the Council Chambers.
- 6. Robert Graham, Costa Mesa, thanked the City for the placement of stairs at Fairview Park. He reiterated his suggestion of creating an additional and safer access to the lower part of the park from Canary Street.
- 7. Eloise Ott, Costa Mesa, expressed support of displaying *In God We Trust* and encouraging Council to place the matter on an agenda; suggested a litter hotline; encouraged the hiring of veterans; reported she attended the Orchid Show; and suggested promoting affordable vacationing in Costa Mesa.
- 8. Martin Millard, Costa Mesa, referred to comments of a previous speaker on noise disturbances and suggested that staff look into the matter; stated he submitted a public records request for a gang update; and opposed Community Development Block Grant (CDBG) funding of a non-profit organization in Costa Mesa.
- 9. <u>Chris Eric, Costa Mesa, commented on a large billboard on the corner of 17th Street and Newport Boulevard noting that it should be removed.</u>
- 10. <u>Jim Fitzpatrick, Costa Mesa, reported that the entry light to the Council Chambers was not working.</u>

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Eric Bever noted that the Orange County Transportation Authority (OCTA) was running larger buses within the City and asked staff to contact OCTA to request the use of smaller buses for efficiency; referring to

comments of a public speaker noted the that there is graffiti on the building at the corner of 17th Street and Newport Boulevard.

Mayor Pro Tem Wendy Leece thanked public speakers for their concern on graffiti and commended their involvement and encouraged the public to report graffiti; expressed concern for the homeless and announced the availability of rehousing funds; asked for a review the noise ordinance and inquired on the status of the possible sale of the Community Garden.

City Manager Allan Roeder advised of negotiations with the adjoining property owner pointing out that the owner was not interested in pursuing the property, and noted it was still available to the gardeners until further notice.

Mayor Pro Tem Leece referred the suggestion of an entrance to Fairview Park Canary Street and asked staff for an update; addressed comments by public speaker on CDBG funding of MIKA, a non-profit organization, noting that funding are targeted for specific purposes; advised she is the liaison to the Orange County Vector Control and gave an update on the H1N1 Virus.

Council Member Katrina Foley announced that the month of October is Breast Cancer Awareness Month and encouraged support of breast cancer research; congratulated Costa Mesa High School for their victory at the Battle of the Bell event at Scott Stadium and thanked the community for supporting the development of the stadium; commented on the decline in participation in the City's youth sports programs and requested for a report on the City's efforts in making the programs successful; addressed the approval of CDBG funding pointing out that members of the Redevelopment & Residential Rehabilitation Committee (3R) recuse themselves from decisions where there is a conflict of interests; referred to the H1N1 Virus and encouraged parents to visit the Newport Mesa Unified School District website for updates on the swine flu within the school district.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 7.

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 7, except for Consent Calendar Item Nos. 5 and 6. 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

Garv Monahan

Noes: None. Absent: None.

1. Reading Folder.

ACTION: The following claim was received and processed by the City Clerk: Randy Bennett

The following request for Alcoholic Beverage Control Licenses were received and processed: Eye Candy Bikini Bar LLC, Eye Candy Bikini Bar located at 1562 Newport Boulevard for a person-to-person transfer of an existing type 42 (on-sale beer and wine – public premises).

Rare Hospitality Management Inc., The Capital Grille located at South Coast Plaza for a person-to-person and premise-to-premise transfer of a type 47 (on-sale general for a bona fide eating place).

Broadland Investments Inc., May Garden Restaurant located at 1400 Bristol Street, for a person-to-person transfer of an existing type 47 (on-sale general for a bona fide eating place).

The following letter of notification was received and processed: Southern California Gas Company – Notice of an application to expand injection capacity of the Aliso Canyon Natural Gas Storage Facility and anticipated increase in gas rates, Application No. A.09-09-020.

2. <u>Special Meeting Minutes of October 6, 2009, and Regular Meeting Minutes of October 6, 2009.</u>

ACTION: Approved.

3. Warrant Resolution 2287, funding Payroll No. 920 for \$2,407,384.60 and Payroll No. 919A for \$66,540.82, and City operating expenses for \$1,197,169.54 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2288, funding City operating expenses for \$773,875.84.

ACTION: Resolution adopted.

7. Public Convenience or Necessity finding for a Type 42 (on-sale beer and wine - public premises) Alcoholic Beverage Control (ABC) license for Trader Joe's located at 640 West 17th Street.

ACTION: Adopted Resolution No. 09-65 finding public convenience or necessity for the license.

ITEMS REMOVED FROM THE CONSENT CALENDAR

- 5. Adopt plans and specifications, and working details for the construction on I-405 Freeway and Fairview Road at the I-405/Fairview Road Interchange, Federal Project No. ESPLE-5312 (071), City Project No. 09-18.
 - (a). Accept withdrawal of bid submitted by Tal Cal Engineering, inc., 22641 Valerio Street, West Hills.
 - (b). Award construction contract to Sierra Landscape Company, Inc., 73771 Dinah Shore Drive, Suite 200, Palm Desert, in the amount of \$420,130.

In reference to a question from the Mayor, Public Services Director Peter Naghavi noted on the locations and types of plants included ice plants, trees, shrubs, and pine trees with colored plants within medians.

Martin Millard, Costa Mesa, commented on the Council's support of "buying in Costa Mesa" and felt that the Council should also award contracts to Costa Mesa businesses.

MOTION: Approved; approved bid withdrawal; approved contract and authorized the Mayor and City Clerk to sign Moved by Mayor Allan R. Mansoor, 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

Garv Monahan

Noes: None. Absent: None.

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DEDICATING LAND FOR PUBLIC USE FOR STREET, HIGHWAY AND UTILITY PURPOSES FOR THE IMPROVEMENT OF HARBOR BOULEVARD.

The Mayor referred to an area where Harbor Boulevard meets Joann Street Bike Trail and requested consideration for dedication and improvement opining that it was not fully utilized. The Public Services Director clarified the area of the dedication and noted the areas of improvement along Harbor Boulevard and the City Manager noted that the final design could include the incorporation of a rest area as referenced by the Mayor for consideration of the Council.

MOTION: Adopt Resolution No. 09-66.

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.

RECESS: The Mayor declared the meeting recessed at 6:52 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:03 p.m.

VII. PUBLIC HEARINGS

1. Annual review of the Citywide Traffic Impact Fee Program:

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS, approving the following staff and Traffic Impact Fee Ad Hoc Committee recommendations to continue Citywide Traffic Impact Fee of \$181.00 per Average Daily trip (ADT); continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; and to approve the annual accounting of the Citywide Traffic Impact Fee Program.

The Public Services Director presented the staff report.

Sandra Genis, Costa Mesa, encouraged the Council to maintain the current fee as recommended.

MOTION: Adopt Resolution No. 09-67. 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. From the meeting of October 6, 2009; appointments to the Redevelopment and Residential Rehabilitation (3R) Committee.

Management Analyst Carol Proctor presented the staff report and announced the available vacancies and the number of applications received.

Martin Millard, Costa Mesa, encouraged Council to appoint applicants

who are not involved in non-profit organizations who might be recipients of grant funding.

MOTION: Appointed Bob Wakeham, Cambria Briggs, Arlene Schafer, Philip Morello, and Colin McCarthy as regular members.

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

Discussion ensued among the Council and staff on the appointment of alternate members to regular members. Assistant City Manager Thomas Hatch clarified for the Council that Colin McCarthy was not interested in seeking a regular member position. Council Member Monahan removed his second.

MOTION: Appoint Bob Wakeham, Cambria Briggs, Arlene Schafer, Philip Morello, and Robert Dickson, Jr., as regular members. 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.

Council Member Foley pointed out the option to appoint two alternate member positions.

MOTION: Appoint Evan Little as an alternate member.

Moved by Council Member Katrina Foley. Motion died for lack of second.

- 2. From the meeting of June 16, 2009, Analysis of Reduction of AirBorne Law Enforcement (ABLE) Services.
 - (a). Budget Adjustment No. 10-0006 for \$88,369.

Chief of Police Christopher Shawkey introduced Police Captain Ron Smith and Helicopter Sergeant Timothy Starn who gave a presentation and summary of the staff report and responded to questions relating to incident calls, operational priorities, total revenues from outside agencies, program costs and operational fees charged.

Discussion ensued among the Council and City staff relating to the cost of contracted helicopter services compared to cities of the Joint Powers Authority (JPA).

Terry Shaw, Costa Mesa, encouraged approving the continuation of the

current program.

Martin Millard, Costa Mesa, expressed concern that the residents were subsidizing a program that was a benefit for other cities.

Beth Refakes, Costa Mesa, commented that the program was a deterrent and that it was a matter of safety; encouraged leaving the program as is and expressed concern with the deferral of maintenance costs for the equipment.

Steve (last name inaudible), Costa Mesa, suggested reducing the number of hours to cut costs and noise, and to put more patrols on the streets.

James Righeimer, Costa Mesa, expressed support of the program and noted that the cost of the program is more than what was indicated in the report due to staffing that is indirectly or directly connected with the program. He suggested that for those cities that are getting the service-on-demand should be encouraged to be a partner of JPA for their regular utilization of the program.

Ernie Feeney, Costa Mesa, inquired as to the cost and service priority of ABLE on the Fourth of July holiday.

Discussion ensued amongst the Council and staff regarding program costs, what other cities are paying for the use of the program, partnership agreements and overtime.

Mayor Mansoor commented that there was a difference between that of mutual aid and service calls, and expressed interest in having an understanding of what type of service the various cities are interested in from the program. Mayor Pro Tem Leece concurred as she felt it was prudent to inquire of the other cities if they would be interested increasing their participation and flying time.

MOTION: Approve Budget Adjustment No. 10-006 and authorized the Mayor to sign; directed staff to continue working with the Newport Beach Police Department, to reduce program costs, and to work with surrounding jurisdictions relative to the providing of contracted services.

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

Council Member Foley didn't feel that a letter, as was suggested, would be effective, as she felt that the approach would be viewed as an invitation to participate.

Mayor Mansoor clarified that the letter's purpose was for finding out and encouraging a city's interest in participation.

Council Member Bever suggested in addition to the letter for staff actively pursue working with the Mayor of Santa Ana and the other cities of Irvine, and Huntington Beach. It was agreed to incorporate appropriate wording in the letter to encourage the partnership efforts.

Council Member Foley indicated that she would like to see the letter before it was sent out to the various municipalities. She noted that she is very supportive of the program but expressed concern of spreading the service too wide and possibly compromising the local efforts.

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.

It was unanimously agreed to address New Business Item No. 4, out of order.

4. From the meeting of September 1, 2009, potential consolidation of Planning Commission and Parks & Recreation Commission.

City Manager gave a brief overview of the report. Mayor Mansoor stated his support of the item for consideration pointing out the costs savings and current budget situation.

Martin Millard, Costa Mesa, noted the decrease of development as well as the decrease in the Parks and Recreation Commission activity and therefore opined that the commissions should be combined. He informed of the requirement of a Planning Commission and felt that the Parks and Recreation Commission could be re-established at a later time.

Terry Shaw, Parks and Recreation Commissioner, encouraged the Council to retain the Parks and Recreation Commission noting that the two commissions focus on different issues.

Mike Brumbaugh, Parks and Recreation Commissioner, pointed out the different responsibilities of each commission and noted the privilege to serve on a commission.

Sandra Genis, Costa Mesa, urged the Council to retain the Parks and Recreation Commission; pointed out that the Planning Commissioners are the highest paid in Orange County suggesting a change in salary to save costs.

Beth Refakes, Costa Mesa, stated that the commissions serve two distinct purposes and have separate focuses noting the need of two commissions, suggested decreasing salaries of the Planning Commission to reduce costs; and opined that eliminating the commission would impact the involvement of local residents.

Chris McEvoy, Costa Mesa, suggested the reevaluation of the Planning Commissioner's stipend; and suggested holding meeting for both commissions on the same night as a cost-saving measure.

Greg Rich, Costa Mesa, opposed consolidating both commissions, and spoke about the different City projects and the importance of parks to the community.

MOTION: Receive and file report.

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

SUBSTITUTE MOTION: Approve consolidation of the Planning Commission and Parks & Recreation Commission; direct staff to take appropriate action to bring forward for consideration.

Moved by Mayor Allan R. Mansoor. Motion died for lack of second.

The motion carried by the following roll call vote:

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

Noes: Mayor Allan R. Mansoor

Absent: None.

- 3. From the meeting of September 1, 2009, Appointment(s) to the Planning Commission and Parks and Recreation Commissions.
 - (a). Planning Commission
 - (b). Parks and Recreation Commission

Management Analyst Carol Proctor gave a brief summary of the staff report and City Clerk Julie Folcik explained the nomination process.

Chris McEvoy, Costa Mesa, requested that the Council consider the applicants' development background and appoint someone who would keep the character of the City.

MOTION: Appoint Jim Fitzpatrick to the Planning Commission to serve the remainder of the term set to expire in February 2011. Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council

Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece

Absent: None.

IX. NEW BUSINESS

1. First Quarter Fiscal Year 2009-2010 Budget update.

The City Manager introduced the item noting it was a presentation on the current budget and progress on the adopted ten-point budget plan. Budget & Research Officer Bobby Young gave a presentation on the current budget covering total revenues and expenditures; reported on first quarter Budget Review for Fiscal Year 2009-2010; and gave an update on the Ten-Point Budget Management Strategies.

The Budget & Research Officer responded to questions from the Council relating to property and sales taxes, Federal Stimulus funding, and PERS Retirement Incentive projected cost savings, and the savings concerning the approval of the Costa Mesa Firefighter Association (CMFA) agreement.

MOTION: Receive and file report. 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, Council

Member Gary Monahan

Noes: None. Absent: None.

2. <u>Proposition 1A Securitization Program</u>

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

(b). Purchase and Sale Agreement

The Budget & Research Officer summarized the staff report noting that the State would be borrowing 3.3 million dollars of City Property Tax and participation of the program would allow the City to receive the entire revenues borrowed.

MOTION: Adopt Resolution No. 09-68; approve Purchase and Sale Agreement and authorize the Mayor and City Clerk to sign; and authorize the City Manager and his designee(s) to sign and execute necessary documents.

Moved by Mayor Allan R. Mansoor, 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.

RECESS: The Mayor declared the meeting recessed at 9:25 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 9:37 p.m.

3. Consideration of the preparation of a Specific Plan for the Orange County Fair and Events Center Property (Fairgrounds) at 88 Fair Drive

Acting Development Services Director Kimberly Brandt presented the staff report and responded to questions from the Council relating to the impact of the proposal on the existing uses, process relating to a Specific Plan, and consistency with the General Plan.

The following person spokes in favor of preparing a Specific Plan for the Orange County Fair and Events Center: Janice Posnikoff, Chuck Fry, Anna Regan, Lisa Sabo, Leslie Blanchard, Nicole Shefmire, Quorine Harwood, Addie Renfro, Jean Pasco, Greg Ridge, Nancy Ridge, Cammie (last name not given) on behalf of Mickey Kay Troxell, Chris McEvoy, Jim Righeimer, Ernie Feeney, Beth Refakes, Terry Shaw, Sandra Genis, and Brian Burnett.

Discussion ensued among the Council and staff relating to the legal issues concerning placing the issue on the ballots, Request for Proposal of the Fairgrounds, and placing the property on the historical registry.

MOTION: Direct staff to initiate preparation of a Specific Plan for the Orange County Fair and Events Center Property.

Moved by Council Member Katrina Foley, seconded by Mayor Allan R. Mansoor.

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.

4. Request of Council Member Monahan for a moratorium on enforcement of temporary signs and banners.

Council Member Monahan noted that the sign ordinance has not been recently reviewed by the Planning Commission and hoped Council would consider and support lowering the priority of the enforcement on temporary signs and banners. He pointed out the current economy and the impact on small business owners.

Maureen Coffey, Costa Mesa, spoke about the placement of signs at her business that are restricted and hoped that Council would consider review of the ordinance to keep her business in the city.

Ernie Feeney, Costa Mesa, commented on the unsightly banners and signs of businesses and expressed concern on loosening up regulations.

Beth Refakes, Costa Mesa, pointed out the cluttered banners posted on Newport Boulevard and opposed the idea of loosening the sign regulations.

Sandra Genis, Costa Mesa, opposed to reviewing the sign ordinance, and commented on quality merchants and the placement of business signs.

Council Member Monahan noted that the review of the sign ordinance would not loosen up regulations and would address current sign issues. He commented on temporary signs for small businesses and supported a relaxed enforcement for approximately 90 days, until the sign ordinance comes back for review.

MOTION: Direct staff to bring forward the sign ordinance to the Planning Commission for review.

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

Mayor Pro Tem Leece expressed support of reviewing the sign ordinance and questioned the types of temporary signs. Council Member Foley concurred that the sign ordinance should be addressed and agreed with Council Member Monahan on the use of discretion on enforcement during these economic times.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council

Member Katrina Foley, Council Member Gary Monahan

Noes: Council Member Eric R. Bever

Absent: None.

X. REPORTS

The City Manager noted on the significance of the sale of the Orange County Fair and Event Center and the efforts of City staff on the matter.

IX. ADJOURNMENT – The Mayor declared the meeting adjourned at 10:52 p.m.

The next Regular City Council Meeting to be held on November 3, 2009.

ATTEST:	Mayor of the City of Costa Mesa
City Clerk of the City of Costa Mesa	