

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

**November 03, 2009**

The City Council meeting of the City of Costa Mesa, California met in regular session November 03, 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  
City Attorney Kimberly Hall Barlow  
City Clerk Julie Folcik

(Council Member Monahan entered the meeting at 5:08 p.m. and Council Member Foley entered the meeting at 5:25 p.m.)

**II. PUBLIC COMMENTS**

Sandra Genis, Costa Mesa, referencing the closed session concerning real property, reminded the Council that discussion did not include consideration of whether to join a foundation, underwrite a bond for a foundation, or to fund a foundation.

**III. CLOSED SESSION:**

1. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case).
2. Conference with Real Property Negotiators - Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

Mayor Mansoor recessed the meeting at 5:06 p.m. to the closed session in Conference Room 1B.

The Mayor reconvened the meeting at 6:13 p.m.

**PLEDGE OF ALLEGIANCE - Major Harry H. Selling, U. S. Air Force (Retired), World War II Veteran**

**MOMENT OF SOLEMN EXPRESSION - Chaplain Lloyd Sellers, Associate Director of Hoag Memorial Hospital Presbyterian**

**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  
Recreation Manager Jana Ransom  
Principal Planner Claire Flynn  
City Clerk Julie Folcik

**CLOSED SESSION REPORT**

City Attorney Kimberly Hall Barlow reported that direction was given and no action was taken on the closed session items.

**PRESENTATIONS**

Mayor Mansoor congratulated Firefighter/Paramedics Chuck Torres and Trail Blincoe as being named Employees of the Month for November, 2009, in recognition for their response to two significant medical aid calls on the night of June 26, 2009. They both displayed the cooperation, courage, and compassion which prevented several tragic outcomes within a single night. The Mayor expressed his appreciation for their dedication to the public's safety.

**IV. PUBLIC COMMENTS**

1. Jacob Swilling, Costa Mesa, requested the City's assistance in addressing a concern with a tenant who is allegedly selling marijuana.
2. Anna Reagan, Costa Mesa, distributed the first newsletter of the Hamilton

Community Gardens to the Council.

3. Terry Haugh, Costa Mesa, expressed appreciation of the the Costa Mesa Senior Center recognizing the caring staff and the service that is provided; and shared his goal of building a bridge between the City and the Senior Center.
4. Gail Haugh, Costa Mesa, read a poem entitled *Connection Day Miracle* written by Terry Haugh which detailed her husband's experience with the Costa Mesa Senior Center.
5. Eloise Ott, Costa Mesa, announced a music that would be played at the Veterans Memorial on November 11, 2009, in honor of the veterans; and reported litter along the SR-55 and I-405 Freeways.
6. Martin Millard, Costa Mesa, suggested that the City acquire and redevelop slum areas; highlighted the City of Stanton noting their progressive approach to redevelop such areas within their city; and questioned the City's spending and fiscal responsibility.
7. Barbara Beck, Costa Mesa, announced a public hearing regarding the pending sale of the Orange County Fairgrounds to be held November 9, 2009, at the Costa Mesa City Hall and noted more information was available at [www.ocunfair.com](http://www.ocunfair.com).
8. Terry Shaw, Costa Mesa, speaking on behalf of the Costa Mesa Historical Society extended an invitation to the next event to be held on November 15, 2009. He announced in honor of Veterans Day the program would feature retired Lt. Col. Theodore "Ted" Tanner of the U.S. Air Force, and member of the Orange County Freedom Committee.
9. Sandra Genis, Costa Mesa, reminded the audience of a public meeting regarding the potential sale of the O.C. Fair and Event Center to be held on November 9, 2009, at City Hall.

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

Council Member Katrina Foley announced the City is accepting donations for the 1st Battalion, 5th Marine Regiment (1/5) of the U.S. Marine Corps and encouraged the donations of non-perishable items; noted that participation in the City's basketball league was down 50 percent and encouraged those interested to register; noted that donations were being accepted for program scholarships through the Costa Mesa Community Foundation; announced that the Pop Warner Orange Bowl was hosted at the Jim Scott Stadium; informed of the Challenger Program for disabled youth participants of football and cheer, and announced that the City would be starting such a program in the next year; referred to a string of thefts of computer hardware and data in Newport Beach and reminded individuals to protect data and safeguard homes; requested a report from the City Manager on the Bristol Street property (former site of Bristol

Street Mini Storage); and encouraged attendance of the town hall public hearing regarding the O.C Fairgrounds to be held on November 9, 2009, at City Hall.

Council Member Eric Bever referenced long-time community residents Don and Mildred Nicholson, and reported on the recent passing of Mr. Nicholson. He announced that memorial services would be held on November 9, 2009, at 2:00 p.m., at St. Andrews Church. Mr. Bever addressed comments by a public speaker on acquiring slum areas and pointed out the City's previous efforts to acquire property for pocket parks.

Mayor Pro Tem Wendy Leece commented on the acquiring of slum properties and noted that the City would be responsible for moving expenses of current residents; announced the first annual Costa Mesa Library Foundation Book Fair at Barnes & Noble Bookstore, which would be a fundraiser to support the central library; reported of her attendance to the Airport Aviation Committee Meeting noting the utilization of updated aviation technology for noise monitoring; referenced the Costa Mesa Community Foundation informed that if there was interested in initiating a scholarship program that it would require a formal request; and thanked a public speaker for reporting on litter along the freeways.

Mayor Allan Mansoor noted he had received some complaints regarding recent concerts during a Halloween event at the O.C. Fairgrounds and encouraged members of the public to let the O.C. Fair Board know of their concerns.

**VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 7.**

**MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7, except for Consent Calendar Item No. 5.**

**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.

1. Reading Folder.

**ACTION:** The following claims were received and processed by the City Clerk: Matthew O. Bourbeau; Carlos G. Ceron; Robert J. Gokoo, Esq. on behalf of Catherine Corvi; Dan S. LaZarr; Monticello Community.

The following letter of notification was received and filed: Southern California Edison Company (SCE) – Notice of an application for expedited authorization to change residential electric rates effective January 1, 2010, as permitted by newly enacted Public Utilities Code Section 739.9

A.09-10-014.

2. Regular Adjourned Meeting/Study Session Minutes of October 13, 2009, and Regular Meeting Minutes of October 20, 2009.

ACTION: Approved.

3. Warrant Resolution 2289, funding Payroll No. 921 for \$2,417,411.20 and Payroll No. 920A for \$2,059.26, and City operating expenses for \$704,469.56 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2290, funding City operating expenses for \$1,147,430.62

ACTION: Resolution adopted.

6. Release of Performance and Labor and Material Bonds (Certificate No. 733943S), in the amount of \$213,530 each, to Hyland Avenue I, LLC, (Developer), 3300 Hyland Avenue, Costa Mesa, in connection with Encroachment Permit No. PS08-00391 for street improvements located at 3300 Hyland Avenue, Costa Mesa.

ACTION: Approved.

7. Completion of Fairview Road/Adams Avenue Intersection Improvement, City Project No. 08-13, by California Engineering & Contracting, Inc., 16027 Brookhurst Street, Suite G-240, Fountain Valley.

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 twelve (12) months thereafter.

ITEM REMOVED FROM THE CONSENT CALENDAR

5. **Adopt plans and specifications, and working details for the construction of Walnut Place Drainage Improvements, City Project No. 09-23.**

(a). Reject bid submitted by Sandoval & Johnson Construction & Engineering Pipeline, Inc.

(b). Award construction contract to TTS Engineering, 16835 Algonquin Street, #453, Huntington Beach, in the amount of \$373,289.32.

Martin Millard, Costa Mesa, pointed out the approval of a contractor located in Huntington Beach and suggested that the City contract with local businesses.

**MOTION: Approve; approve bid rejection; approve contract and authorize the Mayor and City Clerk to sign.  
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.

RECESS: The Mayor declared the meeting recessed at 6:56 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:05 p.m.

## **VII. PUBLIC HEARINGS**

1. PUBLIC HEARING: A REVISION TO THE AQUATICS PROGRAM SINGLE SESSION FEES AND THE ESTABLISHMENT OF FEES FOR AN ANNUAL PASS FOR ADULT AND SENIOR SWIM PARTICIPANTS; and revision of the aquatics programming.

Recreation Manager Jana Ransom presented the staff report and along with Aquatics Recreation Specialist Cecily Renteria responded to questions from the Council relating to resident and non-resident swim rates, available swim programs locally and near the City, and how rates were calculated.

Council Member Bever expressed reservation as to the proposed cost for the annual pass noting the large discount and stating he would not support the rates of the annual pass as proposed.

Catherine Houghton, Costa Mesa, suggested revenue generating ideas such as opening the pool on Saturday and Sundays, expressed concern on increased costs for seniors and disabled persons, and suggested making available a three-month pass.

Barbara Beck, Costa Mesa, expressed appreciation for not closing the pool and keeping limited hours, and supported a punch pass.

Tia Lowell, Newport Beach, commented that the pool was a positive way to encourage the community to get healthy and was hopeful that the fees would be at a fair rate.

Janice Sullivan, Halecrest Swim and Tennis Club, noted the cost for using their facility which was also available to public use.

Discussion ensued between the Council and staff relating to the

procedure of approval on program changes, open swim, and an annual pass for juniors.

**MOTION: Adopt Resolution No. 09-69; approving fees with the following changes: the cost of a senior annual pass reduced to \$240 and established the cost of a senior three-month pass at \$65, the cost of an adult annual pass at \$300 and the cost of a adult three-month pass at \$80; and approved aquatics programming and staffing reductions.**

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

The Recreation Manager responded to questions from Mayor Pro Tem Leece regarding the annual maintenance and operation cost for the Downtown Community Center Pool, informing of the efforts that had been made to reduce operational costs.

**SUBSTITUTE MOTION:** Approved aquatics programming and staffing reductions; adopt proposed fee structure with the exception of the annual pass.

Moved by Council Member Eric R. Bever. Motion died for lack of second.

The vote for the original motion was taken.

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.

2. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-07 TO AMEND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO ALCOHOLIC BEVERAGE SALES.

**MOTION: Continue to the Regular Adjourned Meeting/Study Session of November 10, 2009.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

3. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE

AMENDMENT CO-09-09 TO AMEND TITLE 13, CHAPTER III, PLANNING APPLICATIONS, OF THE COSTA MESA MUNICIPAL CODE, TO EXCLUDE THE DENSITY OF AFFORDABLE HOUSING PROJECTS FROM BEING SUBJECT TO DISCRETIONARY REVIEW DURING THE DESIGN REVIEW AND MASTER PLAN PROCESS.

Principal Planner Claire Flynn presented the item and clarified for the Council that the changes were due to recent changes in state law.

**MOTION: Introduce Ordinance No. 09-13 for first reading, read by title only and waive further reading.**

**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.

4. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-10 TO AMEND TITLE 13, CHAPTER VII, ARTICLE 3, SECTIONS 13-118.1 AND 13-118.2 OF THE COSTA MESA MUNICIPAL CODE TO ALLOW YOUTH PROGRAM GROUP USERS TO APPLY FOR TEMPORARY SIGN AND BANNER PERMITS ON CITY ATHLETIC FIELDS.

Principal Planner Claire Flynn presented the staff report. She along with Recreation Division Manager Jana Ransom responded to questions from the City Council regarding group users, the process for the permitting of banners for youth groups, the current size regulations of banners, the permitted locations of the signs, off-seasonal signage, the calculations for size requirements, and regulations for banners on school property.

**MOTION: Introduce Ordinance No. 09-14 for first reading, to be read by title only and to waive further reading**

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

Council Member Foley asked the maker of the motion to revise the motion increasing the size of the individual banners to a maximum of four feet by ten feet or a maximum of 40 feet. Mayor Pro Tem Leece was comfortable with the existing language.

Council Member Monahan noted that a four foot by ten foot was a very common banner size.



Council Member Bever did not agree and was reluctant to change the sizes from what was in the current ordinance and expressed he could not support the motion if revised.

Council Member Foley noted that she would be supporting the motion as the banners were a way for the local businesses that are sponsoring the teams to promote themselves.

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.

## VIII. OLD BUSINESS

1. Report by the City Attorney regarding placement of an initiative on the ballot relating to the Orange County Fairgrounds Land Use designation.

City Attorney Kimberly Hall Barlow presented the staff report advising that the measure would be that of a legislative nature and one that could be either placed on the ballot by City Council action or by a citizen initiative petition. She responded to questions from the City Council regarding referencing specific uses and activities of the property within the initiative, and cost of the special election.

Council Member Monahan noted that the ballot initiative would specify the permitted uses of the property and once approved any changes in use would require the vote of the electorate; not that of Council.

The following individuals addressed the City Council and spoke in support of a City initiated ballot initiative to maintain the property uses of the Orange County Fair and Exposition Center: Terry Shaw, Costa Mesa, Jeff Wilcox, Costa Mesa, Jim Righeimer, Costa Mesa, Ethan Temianka, Costa Mesa, Jane Pasco, Costa Mesa, Beth Refakes, Costa Mesa, Tamara Goldman, Costa Mesa, Sandra Genis, Costa Mesa, Cindy Brenneman, Costa Mesa.

Martin Millard, Costa Mesa, cautioned the Council by warning of the legal battle with the State in its efforts to sell the property.

MOTION: Direct staff to research and return with all options regarding placement of an initiative on the ballot relating to the Orange County Fairgrounds land use designation.

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

Council Member Foley expressed preference that the sale be "shut-down"

and her support of the initiative, to ensure that the fairgrounds and exposition center will always remain in Costa Mesa. She requested the City Attorney to ensure that the proposed initiative language restricts commercial and housing development at that site.

Council Member Monahan felt that the language of the motion should specify that the property is to remain a fair and exposition/event center. Mayor Mansoor agreed to add to the motion.

**MOTION: Direct staff to research and return with all options regarding placement of an initiative on the ballot relating to the Orange County Fairgrounds and Events Center land use designation.**

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

Council Member Bever, expressed concern that the language could be too restricting and cautioned "not to foreclose on the future uses."

Council Member Foley pointed out that the goal was to protect the existing uses.

Mayor Mansoor expressed appreciation for the public's support and the efforts to guarantee that the fair stays in Costa Mesa.

Council Member Bever asked the Mayor to consider sending a letter to the cities of Orange County encouraging their councils to adopt a resolution to keep the fair in Costa Mesa.

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**

No New Business was scheduled.

## **X. REPORTS**

There were no reports.

## **XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 8:27 p.m., to November 10, 2009, 4:30 p.m., for a Study Session. The next regular meeting to be held on November 17, 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