

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

November 17, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session November 17, 2009, at 5:02 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
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Council Members Absent: None

Officials Present:	City Manager Allan Roeder City Attorney Kimberly Hall Barlow Acting Development Services Director Kimberly Brandt City Clerk Julie Folcik
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II. PUBLIC COMMENTS

There were no public comments.

III. CLOSED SESSION:

1. Conference with Legal Counsel - Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (two cases).
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 5:04 p.m., to the closed session in Conference Room 1B.

The Mayor reconvened the regular meeting at 6:38 p.m.

PLEDGE OF ALLEGIANCE - Captain Timothy C. Richards, U.S. Army (Retired), Vietnam War Veteran

MOMENT OF SOLEMN EXPRESSION - Assistant Pastor David Manne, Calvary Chapel Costa Mesa

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
Senior Planner Minoo Ashabi
Legislative & Public Affairs Manager Ann Shultz
City Clerk Julie Folcik

CLOSED SESSION REPORT

City Attorney Kimberly Hall Barlow reported no action was taken on Closed Session Item No. 1. In reference to Closed Session Item No. 2, the following motions were made by the Council:

MOTION: Direct staff to proceed, to explore, and to put together a bid package to submit to the Department of General Services of the State of California by January 8, 2009, for acquisition of the Fairgrounds site. 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, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

MOTION: Direction was given with respect to the formation of a subcommittee; authorize the expenditure of up to \$250,000 by staff with the approval of the City Manager for the preservation of the Fairgrounds site

subject to an appropriate budget adjustment to be brought back at the next regular meeting.

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

Noes: None.

Absent: None.

IV. PUBLIC COMMENTS

1. Erin Lavelle, Costa Mesa, reported that the Huscroft House located at 546 Bernard Street was for sale to a private rehabilitation facility. She expressed concern relative to the intended use if the property is sold and requested that staff address the item and at a future meeting.

At the request of Council Member Foley, Acting Development Services Director Kimberly Brandt stated that the owner of the Huscroft House is currently in escrow with the Safe Harbor Treatment Center for Women organization and noted that a meeting was set with the business owner in the next week.

2. Christopher Elquizabal, Costa Mesa, referring to the anti-solicitation ordinance complained that the use of such an ordinance was to target day-laborers, and therefore suggested equal enforcement of the ordinance amongst businesses.
3. Sybil Scotford, Costa Mesa, referred to the sale of the Huscroft House and requested that a member of the neighborhood be present at the meeting between the organization and City staff.
4. Sandra Genis, Costa Mesa, thanked the City Council and staff for the coordination of the Hearing on the Sale of the Orange County Fairgrounds; urged the Council to include the floor area ratio limits and trip fees from the General Plan on any proposed ballot measure for the Fairground site; offered her services to the City related to the drafting of land use regulations and initiatives; and reported on the passing of Jan Vandersleuth who has assisted in making things better in Costa Mesa.
5. Eloise Ott, Costa Mesa, thanked the City Council for their efforts on the Fairgrounds Hearing; commended the improvements on Newport Boulevard; suggested a phone hotline for littering; and spoke about the different kinds of masks available that limit the transmission of viruses.
6. Robin Leffler, Costa Mesa, referred to variances and concessions granted

to the Huscroft House after it's move to the current site and expressed concern as to the use of the property as a rehabilitation house; noting that another Alcohol Rehabilitation home was located just round the corner from the Huscroft House generates a lot of police and paramedic calls.

7. Chris McEvoy, Costa Mesa, referring to the Banning Ranch Development Project where a proposed major thoroughfare from Pacific Coast Highway to 19th Street is planned; and expressed concern as to the traffic impacts to the Westside.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Katrina Foley in her inquiry if the City had responded with comments relating to the development of Banning Ranch and Sunset Park it was confirmed by staff that comments had been submitted and that the Draft Environmental Impact Report (EIR) was expected by the end of the year at which time the City would have a chance to review it for comments. She announced that the Costa Mesa High School Cheer had been selected by ABC Nightline to be recognized for their academic, community, and athletic achievements and to commend Cheer Coach Cory Johnson for her leadership and volunteerism.

Council Member Gary Monahan in reiterating the action taken by Council relating to the Closed Session Item on the Orange County Fairgrounds, urged the continuous support of the public for keeping the Fairgrounds in Costa Mesa.

Mayor Pro Tem Wendy Leece recognized the Kiwanis Club of Costa Mesa for their 60th Anniversary of celebration of service and commended them for their commitment to the area youth with the key club activities at the Orange Coast College and in the high schools; announced she attended the Mariners Christian School Veterans Program; encouraged donations to the Holiday Care Package Program for the 1st Battalion, 5th Marine Regiment USMC; announced a fundraiser to support the Community Emergency Response Team (CERT) Program to be held at the Newport Rib Company on November 18, 2009; and responded to a public speaker that a number to report litter would be provided to her.

VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 9

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8, except for Consent Calendar Item No. 9.

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.

1. Reading Folder.

ACTION: The following claims were received and processed by the City Clerk: Carlos G. Ceron; Beth Collins; Law Offices of Michael R. Cully & Associates on behalf of Jeremyah Freeman; Chuck Purkey; and Anh To.

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

For N and D Restaurants Inc., Seasons Restaurant located at South Coast Plaza for an original type 47 (on-sale general for a bona fide eating place).

For TMH SC LLC, The Meat House located at 103 East 17th Street, Suites 10-11, for a person-to-person and premise-to-premise transfer of a type 20 (off-sale beer and wine).

2. Regular Meeting Minutes of November 3, 2009.

ACTION: Approved.

3. Warrant Resolution 2291, funding Payroll No. 922 for \$2,381,524.12 and Payroll No. 921A for \$2,340.12, and City operating expenses for \$499,452.10 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2292, funding City operating expenses for \$543,044.46.

ACTION: Resolution adopted.

5. Acceptance and allocation of the Edward Byrne Memorial Justice Assistance Grant (JAG) funds for fiscal year 2009-2010.

(a). Budget Adjustment No. 10-014 for \$30,525.

ACTION: Approved acceptance and allocation; approved Budget Adjustment No. 10-014 and authorized the Mayor to sign.

6. Adopt plans and specifications, and working details for the rehabilitation of Vanguard Way (from Fair Drive to Newport Boulevard), City Project No. 09-21, and award a construction contract to All American Asphalt, Post Office Box 2229, Corona, in the amount of \$517,646.

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

7. Adopt plans and specifications, and working details for the rehabilitation of

Bear Street (from Baker Street to Bristol Street), City Project No. 09-24, and award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$537,663.

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

8. Completion of Fairview Road/I-405 Improvement Project, City Project No. 07-23, by Griffith Company, 2020 South Yale Street, Santa Ana.

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 PULLED FROM THE CONSENT CALENDAR

9. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS; from the California Statewide Development and Community Revitalization Act of 2008 (Statewide Park Program) for the Lion's Park Improvement Project.**

At the request of Mayor Pro Tem Leece, Public Services Director Peter Naghavi briefly summarized the staff report.

MOTION: Adopt Resolution No. 09-70.

Moved by Mayor Pro Tem Wendy Leece, 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.

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: From the meeting of November 10, 2009, a continued 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, CHAPTER IX, ARTICLE 16, OF THE COSTA MESA MUNICIPAL CODE REGARDING LIQUOR STORES, CONVENIENCE STORES, AND MINI-MARKETS.

MOTION: Continued to the meeting of January 5, 2010, at 7:00 p.m.

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.

2. PUBLIC HEARING: AMENDMENT TO CITY COUNCIL POLICY 500-8 TO CLARIFY DELEGATION OF CITY COUNCIL AUTHORITY FOR APPROVAL OR ISSUING A PROTEST RELATED TO ALCOHOLIC BEVERAGE LICENSES.

Senior Planner Minoo Ashabi summarized the staff report and responded to questions from the City Council.

MOTION: Adopt amendment to City Council Policy 500-8 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.

VIII. OLD BUSINESS

1. From the meeting of November 3, 2009, second reading and adoption of ORDINANCE 09-13: 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.

Robin Leffler, Costa Mesa, urged the Council not to override the discretionary review noting a project may be permitted however, may not be appropriate for the area.

MOTION: Adopt Ordinance No. 09-13, read by title, and waived 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.

2. From the meeting of November 3, 2009, second reading and adoption of ORDINANCE 09-14: 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.

The Acting Development Services Director presented the staff report and responded to questions from the Council relating to location of banner placement, banner maintenance and size.

Discussion ensued between Council Member Monahan and staff relating to change in the maximum size of the banners.

MOTION: Reintroduced Ordinance No. 09-14, as amended, for temporary signs on public property the maximum size of the total signage shall not exceed 80 square feet, and individual signs shall not exceed 40 square feet; and banners on public baseball and softball fields that individual banners shall not exceed 40 square feet, read by title and waived further reading.

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

Council Member Foley referred to Section 13-118.1 (c)(4) and suggested revising language to limit one temporary sign per group-user per street frontage at any give time. Council Member Monahan agreed and restated his motion.

MOTION: Reintroduced Ordinance No. 09-14, as amended, for temporary signs and banners on public property establishing a maximum banner size of 40 square feet for an individual sign and a total of 80 square feet for two signs, and that the number of signs be limited to one temporary sign per group-user per street frontage; read by title and waived further reading.

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, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Council Member Eric R. Bever

Absent: None.

3. Request to Governor Schwarzenegger to cancel the proposed sale of the Orange County Fairgrounds.

Council Member Foley along with Mayor Pro Tem Leece made a presentation that chronicled the history of events relative to the sale of the Fairgrounds from the adoption of the General Plan designation, to the State's consideration and efforts to sell the Orange County Fairgrounds and the City's response in opposition. She noted the importance of stopping the sale. The Council also noted the additional efforts to maintain the fairgrounds that are being made to secure the land-use designation, such as the development of a Specific Plan and an initiative that will appear on the June 2010 ballot as well as possible acquisition. The Council reiterated their unified support to "Shut Down the Sale" and keeping the Fairgrounds in Costa Mesa.

The following people spoke in favor of cancelling the proposed sale of the Orange County Fairgrounds: Nicole Shefmire, Costa Mesa; Allan Beek, Newport Beach; Kathy Hobstetter, Costa Mesa; Lisa Sabo, Newport Beach; Mimi Roden, Fountain Valley; Michael Bierman, Costa Mesa; Sandra Masino, Costa Mesa; Waltraud "Wally" Weaver, Costa Mesa; Jay Humphrey, Costa Mesa; Sandra Genis, Costa Mesa; Alan Remington, Costa Mesa; Dorothy Caruso, Costa Mesa; Cindy Brenneman, Costa Mesa; Eloise Ott, Costa Mesa; Myshell Hansen, Costa Mesa; Stephanie Barger, Costa Mesa; Janice Posnikoff, Lake Forest; Greg Ridge, Costa Mesa; Marko Popovich, Newport Beach; Joy Williams; Greg Gillespie; Nathan Teagle; Sue Rotinberg; Terry Shaw, Costa Mesa; Portia Weiss, Newport Beach; Chris McEvoy, Costa Mesa.

Brad Shefmire, Costa Mesa, read a letter he received from Assemblyman Curt Hagman in response to his opposition to the sale of the Fairgrounds pointing out the need for a "big voice," and encouraged the public to rally support to terminate the sale.

Reggie Mundekis, Orange, informed that the Orange County Counsel had requested the Attorney General to investigate the O.C. Fair Board relative to the sale and has been advised to contact Orange County District Attorney Tony Rackauckas; and encouraged everyone to contact the Governor and Assemblyman offices to "stop the sale."

Vern Nelson, Huntington Beach, performed a song he wrote entitled "Tainted Sale" which expressed his opposition to the sale of the fairgrounds.

Robin Leffler, Costa Mesa, a letter would be sent on behalf of Mesa Verde Homeowners Association to legislatures encouraging them to terminate the sale. She pointed out that her precinct has the highest voter turnout within the City.

Ruben Smith, representative of O.C. Fair Preservation Society

Foundation, noted he was a past president of the O.C. Fair Board and suggested to contact the U.S. Attorney's Office to look into the matter and terminate the sale.

Christine Carr, Newport Beach, commented on the negative impact of the sale of the Fairground to the youth members of the Youth Employment Services (YES) Organization.

Chris Cutting, Orange, noted he is the Student Government President for Orange Coast College representing college students and the Coast Community College District. He advised that a letter of questions has been submitted to the State Department of General Services on behalf of the District.

Lisa Reedy, Costa Mesa, suggested that the City hire a lobbyist to stop the sale of the Fairgrounds.

Byron De Arakal, Costa Mesa, encouraged the Council to proceed aggressively with a Specific Plan by vote and to pursue acquisition of the Fairgrounds independent of the County and O.C. Fair Board.

Mayor Mansoor agreed with gathering support from other city councils but also encouraged the public to rally support and to contact their elected officials by writing letters on the matter.

MOTION: Direct staff to prepare a letter, to be signed by all City Council Members, and sent to all Orange County Legislators and the Speaker of the Assembly requesting to put forth legislation to cancel the sale of the Orange County Fairgrounds; direct staff to prepare a letter, to be signed by all City Council Members, to demand that the Governor terminate the sale; and authorize Mayor Pro Tem Leece and Council Member Foley to communicate the City's position to the Governor, State and Local Elected Officials/Representatives and to work with the City Manager, making it a priority, to stop the sale. Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.

Council Member Bever noted the various events held at the fairgrounds that are a source of community pride. In response to a question from the Council Member the City Manager informed that the City had contacted all of the City Manager's in Orange County regarding the concern relative to the apparent expectation of the State in the disposal of state assets without regard to local zoning and land use control. He stressed the negative impact and severity of the issue on a statewide basis.

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 8:55 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 9:10 p.m.

IX. NEW BUSINESS

1. Consideration of the Display of the Nation Motto In God We Trust in the Council Chambers.

Mayor Pro Tem Leece presented the staff report and gave a history of the motto *In God We Trust* pointing out that it is a National Motto of the United States.

The following people spoke in favor of displaying the National Motto in the City Council Chambers: Jack Hammett, Costa Mesa; Mike Decker, Costa Mesa; Vern Nelson, Costa Mesa; Eloise Ott, Costa Mesa; Edward Kao, Costa Mesa; Phil Diment, Costa Mesa; Julie Allione, Costa Mesa; Dorothy Caruso, Costa Mesa; Greg Gillespie; Curt (Last name inaudible); Nathan Teagle; Robin Leffler, Costa Mesa; Terry Shaw, Costa Mesa; John Rodeffer, Costa Mesa; Timothy Richards, Costa Mesa; Carmen Walderman; Steve Paul.

The following people expressed their opposition in the displaying the National Motto in the City Council Chambers: Stephanie Cambell, Costa Mesa; Richard Gillock, Costa Mesa; Joann Fitt, Costa Mesa; Betts Harley, Costa Mesa; Andrew Barnes, Costa Mesa; Chris McEvoy, Costa Mesa; Humberto Caspa, Costa Mesa; Tom Egan, Costa Mesa.

Byron De Arakal, Costa Mesa, recognized the promotion of patriotism however recommended an alternative suggesting *We the People*.

Marcia Lam, Costa Mesa, while neutral on the issue felt secularity promoted a religion.

Paul Flanagan, Costa Mesa, noted the many identities of "God" but questioned the intent for the display.

MOTION: Approved display of the Nation Motto *In God We Trust* in the Council Chambers; approved Option Two in the display of the motto (Straight line below the seal on the wall behind the dais in dark metal cast in bronze, three inches high); and adopt Resolution No. 09-71.

Moved by Mayor Pro Tem Wendy Leece, 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.

X. REPORTS

There were no reports.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 10:18 p.m. The next Regular City Council Meeting will be held on December 1, 2009.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa