

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

April 20, 2010

The City Council meeting of the City of Costa Mesa, California met in regular session April 20, 2010, at 5:03 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 Absent: None

Officials Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Eric R. Bever
Council Member Katrina Foley
Council Member Gary Monahan
City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Development Services Director Kimberly Brandt
City Clerk Julie Folcik

II. PUBLIC COMMENTS

There were no public comments.

III. CLOSED SESSION

1. Conference with Legal Counsel - Existing Litigation: Asociacion De Jornaleros De Costa Mesa and the Colectivo Tonantzin v. City of Costa Mesa; United States District Court, Central District, Court Case Number SACV10-00128 CJC (RNBx), pursuant to Government Code Section 54956.9 (a).
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.

The Mayor recessed the meeting at 5:06 p.m. to Conference Room 1B for the Closed Sessions.

Mayor Pro Tem Leece reconvened the regular meeting at 6:12 p.m.

PLEDGE OF ALLEGIANCE - John Scott Williams, U.S. Army First Lieutenant (Retired), Vietnam War Veteran

MOMENT OF SOLEMN EXPRESSION - Pastor Michael Decker, Palm Harvest Church

ROLL CALL

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

Council Members Absent: Mayor Allan R. Mansoor

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
City Clerk Julie Folcik

(Mayor Mansoor entered the meeting at 6:28 p.m. and exited the meeting, as did Council Member Monahan, at 7:08 p.m.)

CLOSED SESSION REPORT

The City Attorney reported that no action was taken on Closed Session Item No. 1. and reported that the following action was taken on Closed Session Item No. 2:

MOTION: Authorize a proposal for purchase of the Orange County Fair and Event Center be made to the State of California. Motion 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.

PRESENTATIONS

Raymond Griffith, Commander of American Legion Post #455, Costa Mesa, presented information regarding the organization, and requested the

Historical Society's assistance in researching the legion's history within the city.

Mayor Pro Tem Leece announced that Public Hearing Item No. VII-1 was requested to be taken out of order and continue the item to June 1, 2010. There being no objection the item was addressed.

VII. PUBLIC HEARINGS

1. Continued from the meeting of March 16, 2010, PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING TITLE 11 (OFFENSES - MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE REGARDING GRAFFITI.

MOTION: Continue hearing to June 1, 2010 at 7:00 p.m.

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

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: None.

Absent: Mayor Allan R. Mansoor

IV. PUBLIC COMMENT

Shiloh Godshall, Costa Mesa, reported prostitution at the intersection of Harbor Blvd. and Gisler St. and requested the city's intervention to eliminate the problem.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Katrina Foley reiterated the approval by Council to move forward with the purchase of the fairgrounds and thanked staff for their efforts in preparing the documentation; announced that she and Council Member Monahan were going to Sacramento to deliver the proposal; and encouraged the public to continue making contact with the governor's office to implore him to make a deal with the city.

Council Member Gary Monahan reported the success of the Costa Mesa United Mesa Verde Golf Classic and encouraged those that might be interested in being involved in next year's event to contact Costa Mesa United.

Mayor Pro Tem Wendy Leece also noted the success of the Costa Mesa United Mesa Verde Golf Classic and reported that Ed Fawcett of the Costa Mesa Chamber of Commerce was recognized as the 2010 Honoree; announced that the next Citizen's Emergency Response Team (CERT) training sessions would be held on April 30-May 2, 2010; and indicated that Frequently Asked Questions relative to group homes was available on the city's website and asked staff to follow-up on business license requirements for group homes.

Mayor Mansoor entered the meeting at 6:28 p.m.

Mayor Mansoor noted that a request had been made to take New Business Item No. IX-4 out of order.

MOTION: Take New Business Item No. IX-4 out of order. Motion by Mayor Mansoor, seconded by Council Member Monahan.

Council Member Foley and Mayor Pro Tem Leece expressed concerns that those interested in addressing the item may not yet be present at the meeting expecting that it was to be heard later, therefore suggested that it be heard after 7:00 p.m.

The motion carried by the following roll call vote:

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

Noes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Absent: None.

4. Request from Council Member Monahan for consideration of proposed changes in regulation of fireworks.

Council Member Monahan presented the staff report and noted there had been a number of youth groups interested in selling handheld devices such as sparklers and extending the sale of fireworks from 8 p.m. to 9 p.m. on the July 4th.

John Rubright, Costa Mesa, AYSO 120 representative, indicated that 70 percent of his organization's total fireworks sales were made are on the 4th of July, and therefore supported the extra hour for fireworks sales.

Ken Sanford, Costa Mesa, Estancia High School Football Booster Club, expressed appreciation to the Council for allowing the youth groups to sell fireworks, supported the additional hour for fireworks sales on the July 4th, and suggested that staff conduct research to see if other cities have had any problems with the sale of handheld devices.

Shiloh Godshall, Costa Mesa, indicated the cost of youth sports is increasing, and noting therefore that fundraising was necessary. She expressed support of the extra hour for fireworks sales.

Colin McCarthy, Costa Mesa, opined that fireworks was an important part of the city's culture, and supported the extra hour for fireworks sales and the use of hand-held devices.

Debbie Spear, Costa Mesa, Costa Mesa Aquatic Booster's Club Treasurer, expressed support for the extra hour of fireworks sales as well as the sale and use of sparklers.

Sandra Genis, Costa Mesa, spoke in opposition to the extension of the sale of

fireworks.

Darcy Wagner, Costa Mesa, expressed support of the extra hour of fireworks sales and the sale of "Morning Glories."

John Kelly, Fullerton, noted he works in the fireworks industry and provided background into the differences of sparklers and that of Morning Glories and addressed safety concerns. He also expressed his support in extending the fireworks sales for an extra hour.

Brian Harris, Costa Mesa, Fundraising Chair for the Youth Services Association of Orange County, reported that the fireworks stands are very busy in the last hour of sales on July 4th, and felt that the extra hour would not only earn extra money but reduce having to turn people away when closing the stands. He also asked that Council approve the sale and use of "Morning Glories."

Steve Mensinger, Costa Mesa, Pop Warner President and the Estancia Eagles Football President, stated that the sale of fireworks was an enormous revenue source for youth sports, and expressed support in allowing the extra hour for fireworks sales and the sale of handheld devices.

Beth Collins, Costa Mesa, supported the extra hour of fireworks sales.

Kathy Hoffstetter, Costa Mesa, supported the extra hour of fireworks sales but felt the primary issue was with those stands that continue to sell beyond the timeframe.

MOTION: Approve extending the closing of the fireworks stands to 9:00 p.m. on the 4th of July.

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

Assistant City Manager Thomas Hatch responded to questions from the Council regarding the enforcement and safety concerns expressed by the Police Department and the Fire Department relative to the time extension.

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.

MOTION: allow the sale of handheld devices that have been deemed "Safe and Sane" by the State Fire Marshall.

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.

The Mayor recessed the meeting at 7:08 p.m.

(Mayor Allan Mansoor and Council Member Gary Monahan exited the meeting at 7:10 p.m.)

The Mayor Pro Tem Leece reconvened the meeting at 7:15 p.m.

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 Nos. 2 and 5.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Allan R. Mansoor, Council Member Gary Monahan

1. Reading Folder.

ACTION: The following claims were received by the City Clerk for processing: Todd Cornelius; Ryan A. Haeger; Henry Nge; Ariane S. Salvati; Sonia Sesmas; Katherine Stewart.

The following Request for Alcoholic Beverage Control License was received by the City Clerk for processing:

For GFM Issa Inc., dba Mesa Verde Liquor, located at 1520 Baker Street, Costa Mesa, for a person-to-person transfer under existing type 21 (off-sale general).

The following Letter of Notification was received by the City Clerk:

Southern California Gas Company – Notice of Application for the Review of the Firm Access Rights System and Anticipated Increase in Natural Gas Rates Application No. A.10-03-028.

3. Warrant Resolution 2313, funding Payroll No. 10-07 for \$2,287,606.86 and Payroll No. 10-06A for \$3,313.24 and City operating expenses for \$1,153,669.10 including payroll deductions.

ACTION: Approved Resolution.

4. Warrant Resolution 2314, funding City operating expenses for \$434,141.68.

ACTION: Approved Resolution.

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE TRAINING BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

ACTION: Adopted Resolution No. 10-25.

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF FISCAL YEAR 2009 HOMELAND SECURITY GRANT PROGRAM ("HSGP") FUNDS.

ACTION: Adopted Resolution No. 10-26.

ITEMS REMOVED FROM CONSENT CALENDAR

2. Regular Meeting of March 16, 2010 and Regular Meeting of April 6, 2010.

MOTION: Approve Regular Meeting Minutes for March 16, 2010, and continue the Regular Meeting of April 6, 2010.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Allan R. Mansoor, Council Member Gary Monahan

5. Agreement with HML Tennis, LLC (formerly Hank Lloyd's Orange County Tennis) for a five (5)-year extension for the operation of the Costa Mesa Tennis Center.

Council Member Foley expressed appreciation to Hank Lloyd in his successful operation of the Tennis Center, and recommended that staff allow Mr. Lloyd to build a snack shack if the opportunity becomes available.

MOTION: Approve and authorize the Mayor and City Clerk to sign.

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

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever,
Council Member Katrina Foley
Noes: None.
Absent: Mayor Allan R. Mansoor, Council Member Gary Monahan

VIII. OLD BUSINESS

1. Continued from the meeting of April 6, 2010, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN THE SOUTHERN CALIFORNIA GAS COMPANY AND THE CITY OF COSTA MESA.

(a) Agreement with Southern California Gas Company for 2010-2012 Orange County Cities Energy Efficiency Partnership Program.

Assistant City Manager Thomas Hatch presented the staff report. He responded to questions from the City Council regarding future council action, and possible program changes .

MOTION: Adopt Resolution No. 10-27, and approve the agreement with Southern California Gas Company and authorize City Manager to sign.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Allan R. Mansoor, Council Member Gary Monahan

IX. NEW BUSINESS

1. Amendment to the Field Use and Allocation Policy (FUAP), Inclement Weather Sub-policy, to allow The Farm fields 1 through 4 to be considered separately from fields 5 and 6 when determining playability due to inclement weather.

Recreation Manager Jana Ransom presented the staff report.

John Rubright, Costa Mesa, AYSO Region 120, encouraged the Council to separate Field Nos. 1 through 4 from Field Nos. 5 and 6, due to different play-ability of the fields after rains.

MOTION: Approve changes to the FUAP Inclement Weather Sub-policy.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Allan R. Mansoor, Council Member Gary Monahan

2. Summer Concert Season Planning

(a) Authorization of up to ten (10) hours of City staff time to work with the Costa Mesa Community Foundation Board of Directors to plan up to four concerts to be held at Fairview Park in July, 2010.

(b) Authorization of up to an additional forty (40) hours of City staff time to administer the 2010 Concert Series should the Costa Mesa Community Foundation secure donated funds to cover the direct costs.

(c) Authorize the Administrative Services Director to approve up to four (4) contracts with Reality Entertainment, not to exceed \$7,000 total, to provide bands and sound services for up to four (4) concerts if funding is secured by the Costa Mesa Community Foundation sufficient to cover the full direct costs of the concerts.

Bill Turpit, President of the Costa Mesa Community Foundation, presented the staff report and indicated that the Foundation had identified the Concerts in the Park as a community pride initiative, and therefore approved the allotment of \$7,000 for two concerts and committed to the raising of funds for the other two concerts for the summer series.

Recreation Manager Jana Ransom responded to questions regarding staff time required in the organizing, music licensing, the use of a promoter and the use of community talent.

Mike White, Costa Mesa, offered to work with the city in presenting a Christian music concert.

Jennifer Christ, Costa Mesa, Costa Mesa Community Foundation member, expressed her support in hiring of a promoter and pointed out that a promoter typically bring bands or audiences that would not generally participate, in addition to relieving the city of contract liability concerns.

MOTION: Authorize up to ten (10) hours of City staff time to work with the Costa Mesa Community Foundation Board of Directors to plan up to four concerts to be held at Fairview Park in July, 2010; and approve authorization of up to an additional forty (40) hours of City staff time to administer the 2010 Concert Series should the Costa Mesa Community Foundation secure donated funds to cover the direct costs.

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

Council Member Bever expressed his support in allowing for the

Community Foundation to organize the summer concert series. He felt that as the Foundation had a working plan to fund the concert series and to hire an events planner for organizing the events, that devoting staff time was not necessary.

MOTION: To provide the park and the necessary facilities and to authorize the Costa Mesa Community Foundation to plan and organize the 2010 Concerts Series of up to four (4) concerts, with funding secured by the Foundation sufficient to cover the full direct costs of the concerts. Moved by Council Member Eric R. Bever. Motion died for lack of second.

**MOTION: Continue the item to the next meeting.
Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.**

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Noes: Council Member Eric R. Bever

Absent: Mayor Allan R. Mansoor, Council Member Gary Monahan

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE I (GENERAL PROVISIONS) OF THE COSTA MESA MUNICIPAL CODE REGARDING ADMINISTRATIVE CITATIONS.

The City Attorney presented the staff report.

MOTION: Introduce Ordinance No. 10-5 for first reading, to be read by title only and to waive further reading.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Allan R. Mansoor, Council Member Gary Monahan

X. REPORTS

- XI. ADJOURNMENT - The Mayor Pro Tem declared the meeting adjourned at 8:10 p.m., to the next Regular City Council Meeting to be held on May 4, 2010.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa