

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

**February 21, 2006**

The City Council meeting of the City of Costa Mesa, California met in regular session February 21, 2006, 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**

**MOMENT OF SOLEMN**

**ROLL CALL**

Council Members Present:	Mayor Allan Mansoor Mayor Pro Tem Eric Bever Council Member Linda Dixon Council Member Katrina Foley Council Member Gary Monahan
Council Members Absent:	None
Officials Present:	City Manager Allan Roeder City Attorney Kimberly Hall Barlow Development Services Director Donald Lamm Public Services Director William Morris City Clerk Julie Folcik

(Council member Foley entered at 6:37 p.m.)

**PRESENTATIONS**

Mayor Mansoor congratulated the Administrative Services and Development Services Employees who were named Employees of the Month for February 2006, in recognition of their hard work and personal commitment to the successful implementaton of the Residential Remodeling Incentive Program (RRIP) in the Fall of 2005: Salem Abderraham, Plan Check Engineer, Development Services Thanh Bui, Systems and Programming Supervisor, Administrative Services Leigh Chalkley, Central Services Supervisor, Administrative Services Charles Chamoun, Plan Checker, Development Services, Regina Diaz, Permit Processing

Specialist, Development Services Ben Ellingson, Combination Inspector, Development Services Martha Ford, Plan Check Engineer, Development Services Jim Golfos, Chief of Code Enforcement, Development Services Gary Hook, Building Inspector, Development Services Silvia Kennerson, Building Technician II, Development Services Bonnie Kubota, Building Technician II, Development Services Henry Martinez, Combination Inspector, Development Services Burt Morgan, Chief Plans Examiner, Development Services Khahn Nguyen, Building Official, Development Service Dawn Nichols, Office Coordinator, Development Services Pete Tenace, Combination Inspector, Development Services.

#### MADD Orange County DUI Enforcement Awards

Bob Marlow representing Mother's Against Drunk Driving (MADD), and Sgt. Richard Allum presented awards to the following Officers for their efforts to improve the safety of the community by the removal of impaired drivers from the streets: Officer Jeff Horn, Officer Alberto Lopez, Officer Jeff McCann, Officer Gerry Stukkie, Officer George Rose, Officer Chris Bates, Officer John Elliott, and Officer Shawn Leffingwell. On March 16th at Nixon Library in Yorba Linda, from 12:00 p.m. to 2:00 p.m., Officers Mike Yamada and Jose Torres will be recognized at the annual recognition award luncheon for arrests that total over 100 each.

#### **IV. PUBLIC COMMENT**

Alma Ramirez, Anaheim, spoke of various religions and ethnicity in Orange County.

James Robert Reade, Anaheim, recounted a history of accomplishments of Dr. Hector Garcia, Hispanic Civil Rights Activist, and how it relates to recent activities relative to Civil Rights.

Paul Flanigan, Costa Mesa, inquired, "What have we done to our nice Costa Mesa?"

Rosalinda Guillen, Santa Ana, expressed concern with families that will be negatively affected by the ICE proposal and asked that they be remembered during the moment of silence.

Scott Sink, Anaheim, expressed the MOU for the ICE Program is creating fear in parts of Orange County, voiced concern that victims of crimes or witnesses have no guarantee of deportation and demanded the ICE Proposal be reversed.

Humberto Caspa, Costa Mesa, spoke to the resignation of a 3-R committee member.

Sean Duenser, La Mirada, asked the Council to rescind any resolution for ICE Proposal as Police are here to protect citizens of the United States, not act as Immigration Officers.

(Council member Foley entered at 6:37 p.m.)

Peter Alexander, Costa Mesa, voiced that everyone is homeless and they are aliens in a world of illusions.

Ann Hogan-Shereshevsky, Costa Mesa, spoke of household battery disposal and requested Council to locate a place in Costa Mesa convenient for residents; expressed concern regarding the ACCESS Fare 1/2-cent tax.

Phil Morello, Costa Mesa, expressed support for the Mayor's proposal of the ICE program.

Alfonso Ramirez, Costa Mesa, expressed opposition to the ICE proposal and requested that Mayor Mansoor speak to the community regarding the problem in Costa Mesa.

Council Member Foley requested actual translations of Spanish speakers for the Council.

Sandra Genis, Costa Mesa, expressed opposition to the proposed Water Pipeline project, announced a meeting at Huntington Beach City Hall on February 27, 2006 at 6:00 p.m., and encouraged people to attend.

Coyotl Tezcatlipoca, requested a meeting with Council regarding ICE, recited his phone number (714) 299-8817, and demanded that the Day Labor Center be reopened and demanded the reversal of the ICE program decision.

Navi Muitzilopochtli, Westminster, spoke in opposition to the ICE program and closing the Day Labor Center, expressing that during Police issues, racism does exist.

Christine Lopez, Westminster, expressed opposition to the ICE

Program.

Beth Refakes, Costa Mesa, spoke about the undergrounding of the utilities, suggested assessment districts be assessed during major development and utilize underground utilities.

(inaudible) Ramos - spoke on immigration and expressed concern of families that could become separated due to deportation.

Harvey Burger, Huntington Beach, expressed that he does not support citywide undergrounding of utilities, and hoped that the City would not raise sales tax.

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

Mayor Allan Mansoor emphasized that the ICE Program was for the enforcement of criminals; was disappointed with misstatements that occurred in several publications, shared his views on several matters that may be on the ballot.

Council Member Linda Dixon Thanked Ann Hogan Shereshevsky, for her commets regarding the disposal of household batteries, and requested that information pertaining to the disposal of batters be placed on City's website and cable channel.

Mayor Pro Tem Eric Bever, advised of the Costa Mesa Sanitary District's events to collect hazardous materials.

## **VI. CONSENT CALENDAR**

**MOTION: To approve the recommended actions for Consent Calendar Item Nos. 1 - 23, except for Consent Calendar Item Nos. 12, 16, and 17 and 24.**

**Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

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

ACTION: Received and processed.

2. **Regular meeting of February 7, 2006.**

ACTION: Approved.

3. **Warrant Resolution 2096, funding City operating expenses for \$580,217.96.**

ACTION: Approved.

4. **Warrant Resolution 2097, funding Payroll No. 603 for \$2,149,178.93 and Payroll No. 602A for \$8,125.00, and City operating expenses for \$1,215,402.56, including payroll deductions.**

ACTION: Approved.

5. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SALARY RESOLUTION 05-67 OF THE COSTA MESA CITY EMPLOYEES ASSOCIATION; relative to the Computer Operations/Networking Supervisor Classification.**

ACTION: Adopted Resolution No. 06-14.

6. **Agreement with the Harbor Soaring Society, P.O. Box 1673, Costa Mesa, for the use of a portion of Fairview Park for flying radio-controlled model aircraft.**

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

7. **Completion of Signal CCTV Cable Communications, Project No. 04-22, by Moore Electrical Contracting, Inc., 463 North Smith Avenue, Corona.**

ACTION: The work was accepted; the City Clerk was authorized to file a Notice of Completion; authorization was to release retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 12 months thereafter.

8. **Completion of 2004-2005 Slurry Seal and Crack Seal, Project No. 05-11, by Hardy & Harper, Inc., 1312 E. Warner Avenue, Santa Ana.**

ACTION: The work was accepted; the City Clerk was authorized to file a Notice of Completion; authorization was to release retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 12 months thereafter.

9. **Completion of W. 17th Street and Raleigh Avenue Rehabilitation, Project No. 05-18, by R.J. Noble Company, 15505 E. Lincoln Avenue, Orange.**

ACTION: The work was accepted; the City Clerk was authorized to file a Notice of Completion; authorization was to release retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 12 months thereafter.

10. **Completion of pavement reconstruction for the El Camino Drive Rehabilitation, Project No. 05-22, by All American Asphalt, P.O. Box 2229, Corona.**

ACTION: The work was accepted; the City Clerk was authorized to file a Notice of Completion; authorization was to release retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated six (6) months thereafter.

11. **Award Contract for Harbor Boulevard at Gisler Avenue Intersection Improvements, Project No. 05-27, to Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs, in the amount of \$449,225.**

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

13. **Purchase of a New 2006 Ford 3/4-Ton Cab Chassis/Utility Bed, Bid No. 1092, from Raceway Ford, 5900 Sycamore Canyon, Riverside, in the amount of \$31,499.09.**

ACTION: Approved.

14. **Purchase of three (3) traffic signal controller cabinets from Econolite Control Products, Inc., 3360 La Palma Avenue, Anaheim, in the amount of \$38,380.55.**

ACTION: Approved.

15. **Approve Final Map for Tract No. 16694 located at 330/340 Bay**

**Street, Costa Mesa, for subdivision of 32 lots for single residential use and six (6) lots for common use.**

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

18. **Three-year Price Agreement for Asphalt Materials, Bid No. 1089, from R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, in an amount not to exceed \$180,000.00, annually.**

ACTION: Approved.

19. **Purchase of New 2006 Ford 1-Ton Cab Chassis/Dump Stake Bed, Bid No. 1091, from Raceway Ford, 5900 Sycamore Canyon, Riverside, in the amount of \$28,711.87.**

ACTION: Approved.

20. **Purchase of a 2006 John Deere 4320 Compact Tractor, Bid No. 1093, from Eberhard Equipment, 2506 S. Harbor Boulevard, Santa Ana, in the amount of \$25,524.27.**

ACTION: Approved.

21. **Sole Source Purchase of two (2) Fire Department Pumpers (vehicles), from American La France of Los Angeles, 13800 Valley Boulevard, Fontana, in the amount of \$831,138.25.**

ACTION: Approved.

(a) Budget Adjustment No. 06-045 in the amount of \$66,000.00.

ACTION: Approved.

22. **Completion of street improvements at 2653 Orange Avenue, by Southern Sun Construction Co., Inc., 17775 Main Street, Suite B, Irvine, in connection to Encroachment Permit No. PS04-00808.**

ACTION: Accepted work and authorized refund of cash deposit.

23. **Completion of street improvements at 1122 Bristol Street, by Miller Contracting Company, 18207 East Mc Durmott, Irvine, in connection to Encroachment Permit No. PS03-00573.**

ACTION: Accepted work and ordered the bond exonerated.

**12. Costa Mesa Police Facility Site Fencing, City Project No 05-28:**

- (a) Budget Adjustment No. 06-049 in the amount of \$190,000.00.
- (b) Direct staff to negotiate a contract with a qualified contractor.

**MOTION: Approve Budget Adjustment No. 06-049; direct staff to negotiate a contract with a qualified contractor, and authorize the City Manager and the City Clerk to sign. Moved by Council Member Gary Monahan, seconded by Mayor Allan Mansoor.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

**16. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING JOINT POWERS AGREEMENT FOR THE INTEGRATED LAW AND JUSTICE AGENCY FOR ORANGE COUNTY; authorizing the City Manager or the Chief of Police to execute any related documents.**

- (a) COPLINK System Use Policy.

Mayor Mansoor had pulled this item. The City Manager responded to questions from the Mayor.

Council Member Foley questioned why the Sheriff is choosing not to participate. The City Manager responded, Sheriff does not support a Joint Powers Authority.

Tim Whitaker, Santa Ana, spoke in support of the Joint Powers Agreement.

**MOTION: Adopt resolution; authorized Mayor and Clerk to sign; subject to conditions set out in staff report and notify other participants of condition; approve the COPLINK System Use Policy and authorize Chief of Police to sign. Moved by Mayor Allan Mansoor, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley,



Council Member Gary Monahan

Noes: None.

Absent: None.

17. **Agreement with Templeton Planning Group, 1470 Jamboree Road, Suite 200, Newport Beach, for preparation of an environmental document for the proposed 135-unit Westside Lofts development, located at 1640 Monrovia.**

The Director of the Development Services informed of a supplemental report that clarifies a revision of the amount that would be covered by the contractor, \$53,600 for the Environmental document. He responded to questions from Council.

Council Member Foley felt that an EIR should be conducted, and expressed concern that it would otherwise set a precedence for the development on the Westside.

Sandra Genis, Costa Mesa, pointed out that the purpose of an EIR is to inform people in the decision making process and felt that an EIR should be conducted.

**MOTION: Approve; authorize Mayor and Clerk to sign  
Moved by Mayor Allan Mansoor, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Gary Monahan

Noes: Council Member Katrina Foley

Absent: None.

Council Member Foley expressed that this was going to set a precedence for the development on the Westside, requested staff to work diligently and take a conservative approach and put as much information as would be in an EIR.

24. **Council Policy 000-12 for Procedure for consideration of Amicus Requests and Attorney General Opinion Requests.**

Sandra Genis, Costa Mesa, expressed concern with the proposed procedure, relative to raising opposition to a decision.

**MOTION: Adopt Council Policy 000-12.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan Mansoor.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

## **VII. PUBLIC HEARINGS - 7:00 p.m. (Resolution No. 05-55)**

The City Clerk announced that this was the time and place set for a public hearing to consider:

### **1. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE REQUIRED MINIMUM NUMBER OF UNITS IN A COMMON INTEREST DEVELOPMENT.**

The affidavit of publication is on file in the City Clerk's Office.

The Development Services Director presented the Agenda Report.

**MOTION: Give Ordinance No. 06-4 first reading, to be read by title only and waive further reading.**

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

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

## **VIII. NEW BUSINESS**

### **1. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING CHAPTER II OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE APPOINTMENTS OF THE MAYOR AND THE MAYOR PRO TEMPORE.**

The City Attorney summarized the agenda report.

Council Member Foley express support for a one-year term for the Mayor and the Mayor Pro Tem.

Council Member Monahan and Mayor Mansoor expressed support of the current two-year term.

Council Member Dixon also supported a change in the term and suggested an 18-month term.

**MOTION: Give Ordinance No. 06-5, first reading, to be read by title only and waive further reading.  
Moved by Mayor Allan Mansoor, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

**XI. ADJOURNMENT -**

The Mayor adjourned the meeting at 7:48 p.m. to March 7, 2006.

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa