

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

April 07, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session April 07, 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 Gary Monahan

Council Members Absent: Council Member Katrina Foley

Officials Present: City Manager Allan Roeder
Assistant City Attorney Harold W. Potter
City Clerk Julie Folcik
Administrative Secretary Leilani Ayers

II. PUBLIC COMMENTS

There were no public comments.

The Mayor reconvened the regular meeting at 5:04 p.m., to the closed session in Conference Room 1B.

III. CLOSED SESSION:

1. Closed Session: Pursuant to California Government Code Section 54957, Public Employment: Police Officer; Request for Special Leave of Absence.
2. Pursuant to Government Code Section 54957.6., conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA).

The Mayor reconvened the regular meeting at 6:00 p.m.

PLEDGE OF ALLEGIANCE - Council Member Eric Bever

MOMENT OF SOLEMN EXPRESSION - Assistant Pastor Nathan Abbate, 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 Gary Monahan

Council Members Absent: Council Member Katrina Foley

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
Assistant City Attorney Harold W. Potter
Development Services Director Donald Lamm
Public Services Director Peter Naghavi
Senior Planner Minoo Ashabi
Senior Planner Mel Lee
Management Analyst Carol Proctor
Legislative & Public Affairs Manager Ann Shultz
Chief of Police Christopher Shawkey
City Clerk Julie Folcik
Administrative Secretary Leilani Ayers

CLOSED SESSION REPORT

Assistant City Attorney Harold Potter reported that Closed Session Item No. 1 was approved (4-0, with Council Member Foley absent). No action was taken for Closed Session Item No. 2.

PRESENTATIONS

Mayor Mansoor congratulated all the Communications Officers of the Telecommunications Division as being selected Employees of the Month of April 2009. He recognized their dedication and professionalism at a job that combines quick thinking, emergency training skills, emotional callers, and stressful situations. He commended them for their knowledge, skills and helpfulness in responding to a wide variety of calls on a daily basis.

IV. PUBLIC COMMENTS

1. Hildegard Gonzales, Costa Mesa, commented on the proposed expansion in services of the Soup Kitchen and expressed appreciation to the Council for the improvements on the Westside.

City Manager Allan Roeder advised that the application submitted by the Soup Kitchen had been withdrawn.

2. Beatriz Fernandez, Orange, representative of the U.S. Census spoke about Census 2010 and the importance of federal funding to local grants. She pointed out that in 2000, the City had a 72% response rate which was one of the lowest in the County. She requested a proclamation from the City or partnership agreement and the support of the City Council.
3. Terry Shaw, Costa Mesa, spoke on behalf of the Costa Mesa Historical Society and announced the release of their new book entitled "Images of America Early Costa Mesa." He announced the grand release presentation to be held on April 26, 2009, 2:00 p.m., at 1870 Anaheim Avenue, or for more information to visit their website at www.costamesahistory.org.
4. Mike Berry, Costa Mesa, questioned the accessibility of the warrant resolutions to the public and noted a correction to the sign at the podium requiring speakers to disclose their address before addressing the Council.
5. Judi Berry, Costa Mesa, commenting on the City budget, questioned the \$14 million dollar shortfall and urged the Council to come up with a plan to deal with the budget shortage and reduce City spending.
6. Kathleen Eric, Costa Mesa, referred to an advertisement in the Senior Center Chronicle relating to "Gold Fever" and cautioned seniors in participating in these events, as she expressed concern as to receiving a true value in compensated for gold items sold.
7. Chris McEvoy, Costa Mesa, expressed disappointment with the Mayor for not representing the City at a recent visit of President Barack Obama. He commended the City Council for how they handled the church acquisition item at the last regular meeting.
8. Ernie Feeney, Costa Mesa, commented on the many complaints about the Mayor not attending the Presidential event at the Orange County Fairgrounds.
9. Valerie Boston, Costa Mesa, spoke about the City's "Keep Kids Alive Drive 25" program and submitted an application. She inquired about the status of the placement of stop signs at Westminster Avenue and Palmer Street.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Allan Mansoor addressed comments made by public speakers, noting that all staff reports, including warrant resolutions are public information and that the disclosure of a speaker's address was not a requirement. He announced

that a regularly adjourned City Council meeting will be held on April 14, 2009, at 6:00 p.m. in lieu of a Study Session to address budget items. He commented on the President's visit to the Orange County Fairgrounds and referred to his response to the Daily Pilot where he expressed his frustration on financial policies, and the unprecedented government spending and borrowing.

Council Member Eric Bever referred to an editorial by Peter Buffa in the Daily Pilot regarding the visit of President Obama, and noted a lack of effort by the organizers' in contacting the Mayor's Office.

Mayor Pro Tem Wendy Leece commented on the organization of the Presidential visit; referred to a public speaker's comment on the Gold Fever event at the Senior Center and inquired if a portion of proceeds would benefit the Center; advised that budget discussions with the City Manager are ongoing that a plan was forthcoming. She reported she attended the League of California Cities' Environmental Quality Policy Committee and noted discussions pertained to the reduction of Green House Gases (GHG); advised she attended the Daughters of Revolution event and commended Costa Mesa students who were awarded for their essays submitted; announced Lynn Hall, professional speaker on exotic doves, will be appearing at the Bealeric Center on April 11, 2009, at 7:00 p.m.; and reported she attended the meeting of the Citizen's Aviation Committee sponsored by the City of Newport Beach concerning the expansion of John Wayne Airport. Upon her request, Development Services Director Donald Lamm gave a status report on the Back Bay air quality study.

VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 10.

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 10, except for Consent Calendar Item No. 7.

Moved by Council Member Gary Monahan, seconded by Council Member Eric R. Bever.

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 Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

1. Reading Folder.

ACTION: The following claims were received and processed by the City Clerk:

Law Offices of David Drexler on behalf of Catherine Corvi; Marku Curameng; Mike Quinlan on behalf of Connell Chevrolet; Steven Hammett; and Robert Stephen Rothwell.

2. Regular Adjourned Meeting/Study Session Minutes of March 10, 2009; and Regular Meeting Minutes of March 17, 2009.

ACTION: Continued to the meeting of April 21, 2009.

3. Warrant Resolution 2258, funding City operating expenses for \$549,510.03.

ACTION: Adopted resolution.

4. Warrant Resolution 2259, funding Payroll No. 906 for \$2,523,298.83, and City operating expenses for \$825,392.86 including payroll deductions.

ACTION: Adopted resolution.

5. Warrant Resolution 2260, funding City operating expenses for \$1,183,237.95.

ACTION: Adopted resolution.

6. Amendment to the current custodial supply contract with Waxie Sanitary Supply, 3220 South Fairview Road, Santa Ana, per Formal Bid No. 1099 extending the contract term for an additional year, in the amount not to exceed \$90,000.

ACTION: Approved.

8. Agreement with the County of Orange, District Attorney's Office, for prosecution services for municipal code violations.

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

9. Completion of replacement of the telephone and data cabling systems for the Police Facility, as part of the Police Facility Expansion and Renovation Project, by Prime Electrical Services, Inc., 480 Enterprise Street, San Marcos.

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; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

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

ACTION: Adopted Resolution No. 09-22.

ITEM REMOVED FROM THE CONSENT CALENDAR

7. **Nuisance Abatement of property located at 2258 Orange Avenue, City Project No. 09-08.**

Director of Public Services Peter Naghavi summarized the staff report and responded to questions from the Council relating to the abatement process, contract amount, placement of property lien, fees and interests.

MOTION: Authorized City staff to negotiate a contract for nuisance abatement work in an amount not to exceed \$50,000.

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 Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

Mayor Mansoor noted that it was not yet time for Public Hearings pursuant to Resolution No. 05-55, and proceeded to New Business Item No. 1.

IX. NEW BUSINESS

1. Appointments to various Council-appointed committees.

a. Child Care and Youth Services Committee

b. Cultural Arts Committee

c. Historical Preservation Committee

Management Analyst Carol Proctor briefly summarized the staff report.

MOTION: Continue appointments of the Cultural Arts Committee to the meeting of April 17, 2009.

Moved by Council Member Gary Monahan, seconded by Council Member Eric R. Bever.

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 Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

MOTION: Appoint Dave Gardner, Stephanie Love Callen, Christopher Ganiere as regular members to the Historical Preservation Committee.

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 Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

MOTION: Appoint Kathleen Eric, Frank Gutierrez, Nancy Clark, Monica Morita as regular members; and appoint Barbara Steck as an alternate member to the Cultural Arts Committee.

Moved by Council Member Eric R. Bever, 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 Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: Continued from the meeting of February 3, 2009; appeal of the Planning Commission's determination regarding Planning Application PA-07-39 for Anna R. Lauri of Red Mountain Retail Group, authorized agent for Harbor Hamilton, LLC, for a master plan for remodel of three existing buildings and construction of four new buildings for a 19,000 square-foot commercial center, located at the southwest corner of Harbor Boulevard and Hamilton Street at 2089, 2099 Harbor Boulevard, and 511 Hamilton Street in a PDC (Planned Development Commercial) zone. Environmental determination: Mitigated Negative Declaration.

The Mayor noted that the application had been withdrawn by the applicant.

MOTION: Receive and file.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.

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 Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

2. PUBLIC HEARING: Continued from the meeting of March 3, 2009; appeal of Planning Commission's determination regarding Planning Application PA-08-23, for J7 Architecture, authorized agent for Christ Lutheran Church, for renovation of an existing church campus, including demolition of 6,180 square feet (parsonage, residential structure, classroom, fireside) and 9,749 square feet of new building addition

containing a two-story administration office, café, and a youth lounge for a net increase of 3,569 square feet and a variance from maximum allowable height (27 feet required, 33 feet proposed) for the properties located at 758 and 760 Victoria Street and 2199 Raleigh Avenue in an R-1 (Single-Family Residential District) zone. Environmental determination: exempt.

Senior Planner Minoo Ashabi presented the staff report.

Mayor Pro Tem Leece commended the applicant and developer for working with the surrounding residents to address concerns during their community meeting.

Jerry Hornbuckle, Costa Mesa, thanked Christ Lutheran Church for addressing the concerns of the neighbors, however, spoke of the need to address the traffic on Congress Street.

Mike Gibson, Senior Pastor of Christ Lutheran Church, noted that the meeting process in addressing the neighborhood concerns was positive and a benefit. He assured that traffic issues were being addressed and expressed appreciation to the City Council for their support in the process.

Jerry Simpson, Costa Mesa, expressed concern for the hours of construction that are allowable until 8:00 p.m., and stated that he would like to see the seven-foot wall between the church and residences be built up to eight feet.

Chris Fewel, Costa Mesa, commended the meeting between the Christ Lutheran Church and residents and encouraged the Council to approve the planning application.

Don Elmore, Costa Mesa, complained of the use of the paging system at the church, the traffic speeding along Congress Street, and suggested that the church remove the green mesh fencing.

Kim Carr, Costa Mesa, recalled the concerns from the previous expansion of the church; he expressed appreciation of the process in communicating with the surrounding neighbors; and suggested the utilization of the three driveways onto Victoria Street to help in addressing the traffic flow issues.

Terry Jacobson, J7 Architecture, stated that he felt the meeting between the church and residents was positive and constructive. He noted that the church had submitted a traffic circulation plan to staff, and in addressing the perimeter fencing height, recommending a six-foot fence.

He responded to questions from the Council relating to the fence height and cost, fencing type, landscape improvements, the use of the PA

system, and traffic circulation improvements.

MOTION: Adopt Resolution No. 09-23 modifying the Planning Commission's decision based upon findings established in Exhibit "A" and subject to conditions of approval in Exhibit "B".

Moved by Council Member Gary Monahan, 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 Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

RECESS: The Mayor declared the meeting recessed at 7:35 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:52 p.m.

3. PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-09-05, for Scott Mitchum, authorized agent for Murray Seidner, for an amendment to the condition of approval for PA-08-24 to reduce customer loan amounts from \$2500.00 to \$500.00 for ancillary pawnbroker services, located at 1860 Newport Boulevard in C2 zone (General Business District). Environmental determination: exempt.

Senior Planner Mel Lee presented the staff report and responded to questions from the City Council.

Murray Seidner, property owner, Costa Mesa, commented on business transactions and the impact of the economy on his business and encouraged the Council to approve reducing customer loan amounts to \$500.

Jim Caviola, Attorney for Mr. Seidner, encouraged the reductions in the loan amount noting the current conditions of the economy. He requested that the condition be approved in order for the company to continue in business.

Beth Refakes, Costa Mesa, expressed concern on the amount of pawn shops on Newport Boulevard and questioned if the other existing pawn shops had the same loan condition.

In reference to a question from the Mayor the Senior Planner advised that there was one remaining jewelry store with the condition of approval for a \$2,500 loan amount limit.

MOTION: Modify the Planning Commission's decision in respect to condition number four that would allow a decrease in the minimum loan

amount from \$2,500 to \$500.

Moved by Mayor Pro Tem Wendy Leece. Motion died for lack of second.

The Mayor noted his concern of the amount of pawn shops in the area and expressed his support in upholding the Planning Commission's decision to deny the applicant's request.

Mayor Pro Tem Leece felt that there was a need for such a business given the current economy and resubmitted her motion.

MOTION: Adopted Resolution No. 09-24 modifying the Planning Commission's decision based upon findings established in Exhibit "A" and modification of conditions of approval numbers four to read as follows:

1. No loans less than \$750 shall be permitted.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Eric Bever.

Council Member Bever requesting that the motion be amended for the customer loan amount to be no less than \$1,000. Mayor Pro Tem Leece agreed. The motion restated.

MOTION: Adopted Resolution No. 09-24, modifying the Planning Commission's decision based upon findings established in Exhibit "A" and modification of conditions of approval numbers four to read as follows:

1. No loans less than \$1,000 shall be permitted.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Eric R. Bever.

SUBSTITUTE MOTION: Adopt a resolution to uphold the Planning Commission's decision.

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 Gary Monahan

Noes: Mayor Allan R. Mansoor

Absent: Council Member Katrina Foley

The Mayor announced that Public Hearing Item Nos. 4 and 5 would be addressed collectively.

4. PUBLIC HEARING: Review of Planning Application PA-09-02, for Willard Chilcott, for a design review for a two-unit, two-story common interest development with less than a 10-foot average side setback for one of the units (8 ft. proposed), (rear unit previously approved under DR-06-06), located at 2160 Myran Drive, in an R2-MD zone (Multiple-Family Residential District, Medium Density). Environmental determination: exempt.
5. PUBLIC HEARING: Review of Planning Application PA-09-03, for Willard Chilcott, for a design review for a two-unit, two-story common interest development with less than a 10-foot average side setback for one of the units (8 ft. proposed), (rear unit previously approved under ZA-04-15), located at 2172 Myran Drive, in an R2-MD zone (Multiple-Family Residential District, Medium Density). Environmental determination: exempt.

Mayor Pro Tem Leece requested the continuance of Public Hearing Item Nos. VII-4 and VII-5 to provide the opportunity for the full Council to hear the items.

MOTION: Proceed with Public Hearing Item Nos. VII-4 and VII-5. Moved by Council Member Eric R. Bever, seconded by Council Member Gary Monahan.

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

Absent: Council Member Katrina Foley

Mayor Pro Tem Leece presented her reasons for the review, felt that the proposed developments were not compatible with the surrounding community. She opined that the Planning Commission ignored the application of design guidelines as referred to in the the City's General Plan on Design Element. She noted that the guidelines were to "promote and protect the unique identity and to preserve the character and scale of established residential neighborhoods in the City." She felt that the proposed development would have an adverse impact to the surrounding neighbor.

Senior Planner Mel Lee gave an overview of the project and responded to questions from the City Council relative to open space requirements, access and turn-around, and density of the development.

Tiny Hyder, Costa Mesa, expressed concern as to where the children would play, parking, and felt that the project was not compatible and harmonious to the existing neighborhood.

Donna (no last name given), Costa Mesa, suggested that the developer

work with the neighbors to address concerns and to create a building that maintain the character of the neighborhood.

Terry Shaw, Costa Mesa, felt that the project was too dense for the street, that it was a boxy design and was not harmonious with area.

Pam Frankle, Costa Mesa, neighbor to the proposed development, described the area as private, small, and unique; stated she felt the project would destroy the character of the neighborhood. She encouraged that city to request the developer to create something more compatible.

Chris McEvoy, Costa Mesa, felt that the integrity of the community should remain intact, noting that neighborhoods such as this one were becoming rare.

**MOTION: Adopt Resolution No. 09-25 upholding the Planning Commission's decision based upon findings established in Exhibit "A" and subject to conditions of approval in Exhibit "B".
Moved by Council Member Eric R. Bever, seconded by Council Member Gary Monahan.**

Council Member Bever noted that the applicant had met the legal requirements with the changes that the he had presented to staff bringing the second story into full compliance.

In response to Mayor Pro Tem Leece, Ms. Pamela Frankel added that she was concerned about the status of the palm trees which were to be replaced yet had not been addressed in the plan, requested a condition of approve that would require her existing fence to remain in place; and expressed concern regarding the size of the existing turn-around at the end of the street.

Mayor Pro Tem Leece requested the maker of the motion to add as a condition of approval that "4-feet be added to the turnaround." Council Member Bever did not support the adding of the condition.

Mayor Pro Tem Leece reiterated her opposition to the approval as she felt that the buildings did not comply with the existing guidelines and would be setting a precedence.

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

Absent: Council Member Katrina Foley

6. PUBLIC HEARING: Requests for three proposed Code Amendments regarding vehicle parking requirements and related standards in

residential areas.

- a. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-01 OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO OFF-STREET PARKING STANDARDS FOR SINGLE FAMILY DETACHED UNITS WITH FIVE OR MORE BEDROOMS IN R1 ZONES AND SMALL LOT, DETACHED, SINGLE FAMILY COMMON INTEREST DEVELOPMENTS.

MOTION: Continue to the meeting of April 21, 2009, at 7:00 p.m.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.

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 Gary
Monahan

Noes: None.

Absent: Council Member Katrina Foley

- b. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-02 OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO MAXIMUM DRIVEWAY-WIDTH STANDARDS FOR RESIDENTIAL DEVELOPMENTS.

MOTION: Continue to the meeting of April 21, 2009, at 7:00 p.m.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.

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 Gary
Monahan

Noes: None.

Absent: Council Member Katrina Foley

- c. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-03 OF TITLE 20 OF THE COSTA MESA MUNICIPAL CODE RELATED TO VEHICLE PARKING ON RESIDENTIAL DRIVEWAYS.

MOTION: Continue to the meeting of April 21, 2009, at 7:00 p.m.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.

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 Gary
Monahan

Noes: None.

Absent: Council Member Katrina Foley

VIII. OLD BUSINESS

No Old Business was scheduled.

IX. NEW BUSINESS

2. Fireworks Options and Enforcement

Mayor Pro Tem Leece recounted the work that had been done to find common ground on the issue of fireworks.

Assistant City Manager Thomas Hatch provided a brief report, highlighting the proposed administrative citation process, the raising of the fine amount, identification of the "hot spots" and the use of technology to notify residents of those areas.

Council Member Monahan expressed his support of the use of fireworks noting that "it was a tradition"; expressed his opposition to a ban on fireworks, the current policy of the downward floating cap on fireworks stands, and felt that enforcement was something that could be improved upon.

Council Member Bever noted that in cities that have banned fireworks there are still fireworks issues, felt that the approaches that have taken thus far have been effective and did not support the proposed administrative citation process.

Mayor Mansoor felt it important to continue a strong enforcement of the current regulations and to focus efforts on those utilizing fireworks that are not considered "safe and sane".

Valerie Boston, Costa Mesa, reported that she worked in the pyrotechnics profession and informed that Calfire offers an excellent education program to train personnel of the Police Department and the Fire Department in identifying illegal fireworks.

Janet Crockman, Costa Mesa, felt that revenue for enforcement could be raised by the sales tax on fireworks as well as raising of the fines.

Terry Shaw, Costa Mesa, supported staff recommendation and suggest the use of unmarked Police vehicles as part of the enforcement.

Katherine Sepulveda, Newport Beach, supported the the fundraising efforts for the sports programs, noting that without it it would greatly affect the programs and the children who participate in them.

Bruce Brockman, Costa Mesa, did not support the raising of fees if the enforcement of existing laws were not being fully administered.

Beth Refakes, Costa Mesa, reported that her neighborhood is a "hot spot", noted that drought conditions may contribute to the banning of fireworks use, supported the increase in fines for illegal use but felt that option 2 presented in the staff report would not be effective.

Chris McEvoy, Costa Mesa, suggested that a golf tournament could be held to raise funds to help cover the cost of clean-up and enforcement.

Mick Fish, Costa Mesa, supported the use of fireworks however suggested that adult supervision when using fireworks could be stressed when educating the public.

MOTION: Approve the issuance of Administrative Citations for those caught using fireworks illegally (Option 1); and approve the determination of "hot spots" and illegal firework problem areas and the notification of residents about firework safety and fine amounts (Option 2).

Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem Wendy Leece.

The Chief of Police responded to questions of the City Council regarding the success of proscutions, citations, and the cost of enforcement. Council Member Bever expressed concern that the raising of fines and making them "administrative" could result in negative public perception that the city was primarily interested in raising revenues through the fireworks citations; he also supported the continued reliance of the courts to adjudicate the cases.

Council Member Monahan expressed his reluctance to raising the fines and made the following substitute motion.

SUBSTITUTE MOTION: Approve the issuance of Administrative Citations for those caught using fireworks illegally (Option 1), and maintaining the cap on fines at \$500; approve the determination of "hot spots" and illegal firework problem areas and notification of residents about firework safety and fine amounts (Option 2); and direct staff to remove the downward floating cap on permitted stands, reinstating the number of permitted fireworks stands to 40.

Moved by Council Member Gary Monahan, seconded by Mayor Allan

R. Mansoor.

The substitute motion carried by the following roll call vote:

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

Noes: Council Member Eric R. Bever

Absent: Council Member Katrina Foley

X. REPORTS

City Manager announced the special adjourned City Council meeting to be held on April 14, 2009, noting it was an opportunity for the Council to provide direction regarding the Fiscal Year 2009-10 budget. He congratulated Development Services Director Don Lamm for his recent appointment as City Manager for the City of Westminster.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 9:52 p.m., to April 14, 2009, at 6:00 p.m., for an Adjourned Regular Meeting. The next Regular City Council Meeting will be held on April 21, 2009.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa