

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

JUNE 7, 2004

The City Council of the City of Costa Mesa, California, met in regular session June 7, 2004, at 6:30 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor, followed by a moment of silence which was observed in memory of former President Ronald Reagan, the Pledge of Allegiance to the Flag led by Mayor Pro Tem Mansoor, and a moment of solemn expression lead by Pastor Craig Coffin, Calvary Chapel of Costa Mesa.

ROLL CALL

Council Members Present: Mayor Gary Monahan
Mayor Pro Tem Allan Mansoor
Council Member Libby Cowan
Council Member Chris Steel
Council Member Mike Scheafer

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Acting City Attorney Tom Wood
Development Services Director
Donald Lamm
Public Services Director William
Morris
Sr. Deputy City Attorney Marianne
Milligan
Legislative and Public Affairs
Manager Ann Shultz
Deputy City Clerk Julie Folcik

ORDINANCES AND
RESOLUTIONS

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 5-0, to read all ordinances and resolutions by title only.

Igal Israel, Costa Mesa, in objection to the previous vote, reported that the California Government Code requires all ordinances to be read in full, or at the start of each item containing an ordinance, the Council may determine by majority vote to read only the title. Mayor Monahan replied that the Acting City Attorney had previously offered his opinion on this subject, and opined that the City was in compliance.

PRESENTATION
Mayor's Award

Mayor Monahan announced that Timothy Montag was the recipient of the Costa Mesa Mayor's Award for June, 2004, in recognition of his act of courage in the face of life-threatening circumstances. He commended Mr. Montag for taking the initiative to assist someone involved in a car accident before an emergency response unit could arrive.

PRESENTATION
"Fairview Park Miti-
gation Bank Program"

The Development Services Director announced that The Orange County Chapter of the American Planning Association, at its awards ceremony in Orange on May 20, 2004, bestowed upon the City an Outstanding Planning Award for the "Fairview Park Mitigation Bank Program". He showed photographs of the park's vernal pools which have been restored through this innovative program.

PRESENTATION Employees of the Month	Mayor Monahan congratulated the June, 2004, Employees of the Month for their efforts in coordinating the spring Neighbors for Neighbors program: Jaquie Reeves, Rosemary Dodson, Paul Miller, Eric Berg, Richard Boucher, John Calderon, Steve Galvin, George Gonzales, Victor Hernandez, Tony Macias, Bob McNealey, Jim Ortiz, Terry Pawlowski, Mario Perez, Raul Perez, Eric Robbins, Gaetano Russo, German Torres, Phil Willey, Jim Ortiz, Richard Brunette, and Robby Waite.
PUBLIC COMMENT Costa Mesa Citizen Corps	Diane Hill, Costa Mesa, read a press release from Jerry Verwolf, Costa Mesa Emergency Services Coordinator, regarding the implementation of a Citizen Corps comprised of volunteers. She reported that the task force will focus on coordinating city-wide emergency response organizations on several levels, and will provide Community Emergency Response Team (CERT) training as needed. Mrs. Hill announced that Gordon West and herself are co-chairpersons of the volunteer management team, and encouraged CERT graduates to call (714) 546-4252, or email cmprepared@comcast.net .
Mesa del Mar Street Conditions	Michael D'Alessandro, Costa Mesa, member of the Mesa del Mar Homeowners Association, complained about street conditions in his neighborhood, stating that the streets are riddled with potholes and are overdue for repaving. He called the pothole hotline "ineffective". He observed that traffic from TeWinkle Park, the Orange County Fairgrounds, and Costa Mesa High School impact these streets, and asked how the City determines which roads are due for repaving. Mayor Monahan responded that the "worst ten residential streets" have been recently repaired as funding has become available, and asked the Public Services Director to contact Mr. D'Alessandro. Responding to a question from Mayor Pro Tem Mansoor, Mr. D'Alessandro reported that he had called the pothole hotline regarding a pothole on the corner of Coronado Drive and Cibola Avenue which was finally repaired after a six-month wait. Mayor Pro Tem Mansoor noted the importance of infrastructure repair, and suggested that he and Mr. D'Alessandro further explore the subject at a later time.
Costa Mesa Christian Science Church	Paul Hill, Costa Mesa, on behalf of the Costa Mesa Christian Science Church, asked the community to join them in praying for the City and its leaders, announcing that "A Spiritual Perspective on Relationships" is the focus topic for June, 2004. He provided telephone number (714) 546-3548 and website address http://spiritualsolutions.home.comcast.net for further information.
Legal Issues	Igal Israel, Costa Mesa, stated that the Acting City Attorney had not yet responded to information that he had provided regarding his legal issues with the City, specifically he asked by what authority the City Attorney's office could take him to court on a civil matter if City ordinances are not valid. Mayor Monahan replied that the City Attorney has expressed his opinion that the City's ordinances are valid. Mr. Israel commented that he had forwarded numerous articles to Council which support his position, and mentioned his affiliation with Sid Soffer who previously had encountered similar problems. The Acting City Attorney responded that the matter to which Mr. Israel refers has been investigated, and he believes that the City's procedures are in full compliance with State law.
Activist Conference in Orange County	Josh Boyle, Costa Mesa, reported that on May 16, 2004, a coordinated effort between law enforcement agencies in Riverside, Orange, and Los Angeles counties, as well as Federal authorities, harassed and intimidated peaceful, non-violent activists who were

attending a conference in Orange County. He objected to the treatment of one of the activists by the Costa Mesa Police Department, and encouraged the City Council to investigate. Council Member Steel asked Mr. Boyle to provide Council with the article in the Orange County Weekly pertaining to the incident.

Budget Concerns

Mike Berry, Costa Mesa, congratulated Council on the Planning Award received for Fairview Park. He reported that in the previous three years, the City has experienced a budget shortfall. He cited the City's dependency on a revenue structure that subsidizes businesses while taxing the consumer thereby reducing the City's options to respond to the shortfall, whether State or local in origin. He encouraged developing a strategy to address this problem for the fiscal year 2004-2005 budget.

Refakes Comments

Beth Refakes, Costa Mesa, reported that a meeting had been held last week at the Neighborhood Community Center concerning the preservation of Banning Ranch, supporting the retention of the Ranch as parkland and as a part of the River Park group. She felt that the Lion's Club Fish Fry event on June 5 and 6, 2004, had been a great success, and addressed illegal fireworks which had been used in her neighborhood during the Memorial Day weekend.

City Budget/Business License Fees

Judi Berry, Costa Mesa, thanked the Finance staff who worked on the City's budget, and complimented the new notification system which is related to the City's website. She reiterated her suggestion that the City raise the business license fee, and in lieu of that, proposed that Costa Mesa businesses provide a \$100.00 donation to the City.

Hogan Shereshevsky Comments

Anne Hogan Shereshevsky, Costa Mesa, advised that an open house will be held on Thursday, June 10, 2004, at approximately 12:00 p.m., in the six Habitat for Humanity residences on Pomona Avenue near 19th Street. Regarding the eastbound traffic on East 17th Street, she suggested that the third lane of the three lanes required to turn left onto Newport Boulevard be redirected to proceed straight across that street. Mayor Monahan replied that the Transportation Services Director will investigate that suggestion. Ms. Hogan Shereshevsky inquired as to why the trash collection persons do not return the empty cans to the sidewalk in lieu of placing them in the gutter. The Public Services Director indicated that he had reported this problem to the Costa Mesa Sanitary District, and a reply will be forthcoming. Ms. Hogan Shereshevsky supported a "senior think tank" which would include all senior Costa Mesa residents and would address senior issues.

Development of the Orange Avenue Calvary Church Property

Gary Brown, Costa Mesa, referring to 26 units to be constructed at 2337 Orange Avenue, property previously owned by Calvary Church, PA-03-47/VT-16600 (approved at the Planning Commission meeting of April 26, 2004), indicated that he had collected 22 signatures from neighbors objecting to the density of the project. He asked that Council lower density levels currently allowed by the Costa Mesa General Plan, and cited a relationship between density, development, and illegal drugs.

Irvine's Great Park/ Airport Situation

Robert Graham, Costa Mesa, addressed a June 6, 2004, article in the Los Angeles Times which describes the contaminated areas in Irvine's Great Park, noting that the area has been divided into five parcels to be sold at auction. He reported that John Wayne Airport has only one runway to accommodate airport traffic, advising of additional expected traffic, and supported an additional airport in

the South County region.

Fireworks

Edith Inga, Santa Ana, concurred with Anne Hogan Shereshevsky regarding the damage done by illegal fireworks. She suggested designating a specific location to hold fireworks shows, such as that put on by the City of Irvine Police Department.

CONSENT
CALENDAR

The following items were removed from the Consent Calendar: Item No. 7, Roof Replacement at the Balearic Community Center, Project No. 04-07; and Budget Adjustment No. 04-083.

MOTION/Approved
Except Item No. 7

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 5-0, the remaining Consent Calendar items were approved as recommended.

READING FOLDER

The following Reading Folder items were received and processed:

Claims

Claims received by the Deputy City Clerk: John Glassell; Raina Greene; Tiny Hyder; Cheryl Kepler; Debra A. Randall; and Soriya Tith and Chroum Long.

Alcoholic Beverage
Control Licenses

Request for Alcoholic Beverage Control Licenses:

TK Burgers, 2966 Bristol Street, for an original Type 41 ABC License (on-sale beer and wine for a bona fide eating place).

Claim Jumper, 3333 Bristol Street, Suite 2078, for a person-to-person transfer of a Type 47 ABC License (on-sale general for a bona fide eating place).

Bermuda Triangle Ventures, 1733 Monrovia Avenue, Suite W, for two original ABC Licenses: a Type 17 (beer and wine wholesaler), and a Type 20 (off-sale beer and wine).

Super Imperial Market and Deli, 835 West 19th Street, for a person-to-person transfer of a Type 20 ABC License (off-sale beer and wine).

Public Utilities
Commission

Sempra Energy provided a Notice of Availability of Application No. A.00-05-002, Southern California Gas Company and San Diego Gas and Electric Company, which was filed with the Public Utilities Commission.

Southern California Edison Company filed Application No. A.04-04-005 with the Public Utilities Commission requesting permission for a rate increase.

Southern California Edison Company filed Application No. A.04-05-021 with the Public Utilities Commission asking for a 2005 cost of capital for 2005.

The following warrants were approved:

WARRANTS

Approved Warrant
2006

Warrant Resolution 2006, funding City operating expenses for \$495,922.27.

Approved Warrant
2007/Payroll 411
and 410A

Warrant Resolution 2007, funding Payroll No. 411 for \$1,899,173.44, Payroll No. 410A for \$11,896.32, and City operating expenses for \$1,556,082.91, including payroll deductions.

Warrant Resolution 2008, funding City operating expenses for

Approved Warrant
2008

\$2,510,068.45.

ADMINISTRATIVE
ACTIONS

The following action was taken regarding the General Municipal Election to be held on November 2, 2004:

Adopted Resolution
04-35, Calling a
General Municipal
Election on November
2, 2004

Resolution 04-35 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 2, 2004, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, for the purpose of electing three members of the City Council for the full term of four years.

Adopted Resolution
04-36, Consolidating
the General Municipal
Election with the State-
wide General Election

Resolution 04-36 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 2, 2004, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, AND INSTRUCTING THE ORANGE COUNTY REGISTRAR OF VOTERS ELECTIONS DEPARTMENT TO PROVIDE SPECIFIC SERVICES IN THE CONDUCT OF THE CONSOLIDATED ELECTION.

Awarded Bid Item No.
1074, Animal Control
Vehicle, to Pearson
Ford

Bids received for Bid Item No. 1074, One New Animal Control Vehicle, a 2004 Ford F-250 4 x 2 Series truck with attached animal control truck body built by Pacific Truck Equipment, are on file in the City Clerk's office. The contract was awarded to Pearson Ford, 4300 El Cajon Boulevard, San Diego, for \$32,301.30.

Awarded Contract for
Bristol/Newport Signal
Improvement, Project
No. 04-08, to Dyna-
lectric

Bids received for Bristol/Newport Signal Improvement, Project No. 04-08, are on file in the City Clerk's office. The contract was awarded to KDC, Inc., doing business as Dynalectric, 4462 Corporate Center Drive, Los Alamitos, for \$212, 230.00, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Rejected bids for Park-
way Concrete Repair,
Project No. 04-04

All bids received for Parkway Concrete Repair and New Sidewalk Construction, Project No. 04-04, were rejected, and staff was directed to re-advertise the project.

Accepted Street
Improvements at 1450
Baker Street by Costa
Mesa Square II

Street improvements at 1450 Baker Street were completed to the satisfaction of the Public Services Director by Costa Mesa Square II, LLC, 101 North Westlake Boulevard, Suite 201, Westlake Village, in connection with Encroachment Permit No. PS03-00705 (DR-03-02). The work was accepted, and approval was given to refund the \$18,086.14 cash deposit.

Accepted Work for
H.V.A.C. Unit on the
2nd Floor of City Hall,
by Refrigerated Air
Mechanical Systems

Replacement of the H.V.A.C. Unit on the 2nd Floor of City Hall, 77 Fair Drive, Project No. 03-21, was completed to the satisfaction of the Public Services Director on April 23, 2004, by Refrigerated Air Mechanical Systems, 2050 Loara Street, Anaheim. The work was accepted; the Deputy City Clerk was authorized to file a Notice of Completion; authorization was given 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.

Newport Boulevard/Victoria Street Improvement, Project No. 03-09,

Accepted Work for Newport/Victoria Improvement, Project No. 04-03, by Excel Paving

was completed to the satisfaction of the Public Services Director on March 26, 2004, by Palp, Inc., doing business as Excel Paving Company., 2230 Lemon Avenue, Long Beach. The work was accepted; the Deputy City Clerk was authorized to file a Notice of Completion; authorization was given 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

Approved Amendment to Costa Mesa Senior Center Agreement

An amendment was approved to an agreement with the Costa Mesa Senior Center Corporation to extend the operation of the Costa Mesa Senior Center, 695 West 19th Street, for the final one-year option ending June 30, 2005, the Mayor and Deputy City Clerk were authorized to sign on behalf of the City, and staff was directed to negotiate a long-term agreement with the Costa Mesa Senior Corporation for operation of the Costa Mesa Senior Center.

Approved Agreement with Evercom Systems for Upgrade of Inmate Pay Telephone System for Jail

An agreement was approved with Evercom Systems, Inc., 8201 Tristar Drive, Irving, Texas, to upgrade the current Inmate Pay Telephone System for the Costa Mesa City Jail, 99 Fair Drive, provide service for five years, with the City receiving a royalty of forty percent (40%) of the monthly gross billed revenue, and the Police Chief was authorized to sign on behalf of the City.

Roof Replacement at Balearic Community Center, Project No. 04-07

Item No. 7 on the Consent Calendar was presented: Award of contract for Roof Replacement at the Balearic Community Center, 1975 Balearic Drive, Project No. 04-07; and Budget Adjustment No. 04-083.

Mike Berry, Costa Mesa, asked the reason for re-roofing a building which is leased. The Public Services Director replied that the agreement between the City and the Newport-Mesa Unified School District for lease of Balearic Community Center requires the City to provide a minimum number of improvements each year, and the City is currently in negotiations to extend the lease.

Robert Graham, Costa Mesa, understood that the lease amount is \$1.00 per year. The City Manager replied that the amount is actually \$40,000.00 per year which is a reasonable amount for a site which is approximately 10 acres.

Beth Refakes, Costa Mesa, believed that the City's bargaining position would be stronger if the roof were not fixed prior to lease negotiations. Mayor Monahan advised that the lease on the building has expired, and the District is still allowing the City to utilize the facilities which is a benefit. The City Manager acknowledged that one of the reasons for proceeding with this project is the safety of those who utilize the building.

Sandra Genis, Costa Mesa, cautioned against repairing the roof until the completion of negotiations, believing that the District could increase the rent.

MOTION/To Continue Died

A motion was made by Mayor Pro Tem Mansoor to continue this item to the meeting June 21, 2004, in order to further analyze the situation. The motion died for lack of a second.

MOTION/Awarded Contract to Cabral Roofing and Waterproofing

On motion by Mayor Monahan, seconded by Council Member Cowan, and carried 4-1, Mayor Pro Tem Mansoor voting no, the contract was awarded to Cabral Roofing and Waterproofing Corporation, 815 West Olympic Boulevard, Montebello, for \$56,237.00, the Mayor and Deputy City Clerk were authorized to

sign on behalf of the City, and Budget Adjustment No. 04-083 was approved for \$20,000.00.

Mayor Pro Tem Mansoor opposed the motion, voicing his support for an agreement which would be more to the City's advantage.

PUBLIC HEARING
BIA Assessment

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider a resolution re-authorizing the Business Improvement Area assessment of two percent (2%) for City of Costa Mesa hotels and motels for fiscal year 2004-2005. The Affidavits of Publishing and Mailing are on file in the City Clerk's office. The Legislative and Public Affairs Manager summarized the Agenda Report dated May 5, 2004.

Carol Haywood, Marketing Manager, Costa Mesa Conference and Visitor Bureau, reported on the awards the Bureau had garnered for their marketing pieces, including an award from Shop America, and four communicator awards. She thanked Council for their support.

Robert Graham, Costa Mesa, commented on the attractions in Costa Mesa which bring visitors to the City, such as South Coast Plaza and the South Coast Metro area. He pointed out that adjacent freeways to these popular sites provide easy access, and compared this situation to the west side of Costa Mesa where there is no access to another popular location, the beaches in Huntington Beach.

Council Member Cowan directed a comment to the representatives of the BIA, asking for their support of a proposed increase in the Transient Occupancy Tax (TOT). The City Manager indicated that meetings are being conducted with BIA representatives and members of the Chamber of Commerce on this subject and a business license tax increase. He added that this will be on the agenda for the Council meeting of July 6, 2004.

MOTION/Adopted
Resolution 04-37

On motion by Mayor Monahan, seconded by Council Member Scheafer, and carried 5-0, Resolution 04-37 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2004-05 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

OLD BUSINESS
Rezone Petition R-01-04

The Deputy City Clerk presented from the meeting of May 17, 2004, second reading and adoption of Ordinance 04-6 adopting Rezone Petition R-01-04, changing the zoning of 330 and 340 West Bay Street to Medium-Density, Multi-Family Residential (R2-MD). Mayor Monahan announced that he had abstained on first reading of this ordinance but after review by the Acting City Attorney, it has been determined that he does not have a conflict of interest. The Development Services Director commented on the Agenda Report dated May 19, 2004.

MOTION/Adopted
Ordinance 04-6

On motion by Council Member Cowan, seconded by Mayor Pro Tem Mansoor, and carried 4-1, Council Member Steel voting no, Ordinance 04-6 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REZONE PETITION R-01-04 CHANGING THE ZONING OF 330 AND 340 WEST BAY STREET TO MEDIUM-DENSITY, MULTI-FAMILY RESIDENTIAL (R2-MD). The Deputy City Clerk presented from the meeting of May 17, 2004, an ordinance amending Special Event Permit Regulations;

OLD BUSINESS
Special Event Permit
Regulations

and a resolution establishing pre-designated event routes for special events requiring street closures. The Acting City Attorney and Sr. Deputy City Attorney reviewed the Agenda Report dated June 4, 2004, and responded to questions from Council.

Council Member Cowan asked for clarification on the rulings regarding churches, specifically if a church has an outdoor festival with carnival rides, or anything which would be considered a safety concern, is the City not obligated to inspect the facility. The Development Services Director clarified that the Building Department would be involved should there be temporary power poles, extension lines, etc. which require electrical permits, and carnival operations are licensed by the State of California. He added that the Fire Department verifies that a carnival has the required certification for machinery. Council Member Cowan believed that it is the City's lack of standard conditions which is a problem, suggested applying standard conditions to the specific routes addressed in the resolution, and identifying other types of events that may require traffic cones or barricades.

Mayor Pro Tem Mansoor stated that he had many of the same concerns but opposed adding a clause to the ordinance regarding churches because he felt it would be over-regulation. Council Member Cowan stressed her intent to ensure that the participants in special events, anything that allows public attendance, are protected, and felt that the City should guarantee that tents are erected and the electrical is installed properly and safely, and that other structures such as bleachers are safe. She observed that Council has an obligation to the applicant to remove all subjectivity from the permit process.

Mayor Pro Tem Mansoor stated he was satisfied with the level of service provided by the City in terms of inspections. Council Member Steel believed that an applicant should have the ability to appeal a decision regarding the permit application to City Council.

Igal Israel, Costa Mesa, asked "how could a legal law be outdated". Mayor Monahan replied that the current special events ordinance has been in effect for a long period of time, and case law has changed some of the applicable standards. Mr. Israel submitted California Government Code Section 36931 through 36937 to the Acting City Attorney.

Sandra Genis, Costa Mesa, advised that when the City imposes regulations on special events, it is for the protection of residents in the surrounding neighborhoods as well as for persons who participate. She hoped that amplified sound, use of pyrotechnics, and hours will still be monitored regardless of who, what, or where the event will occur.

Beth Refakes, Costa Mesa, believed that the proposed ordinance does not offer enough protection to residential neighborhoods, citing potential parking, trash, and noise problems. She agreed that the rules should be the same for everyone.

A motion was made by Mayor Pro Tem Mansoor, seconded by Mayor Monahan, to give first reading to the ordinance regarding special event permits and block parties, and to adopt the resolution establishing pre-designated event routes for special events requiring street closures, adding the language contained in the draft ordinance dated June 7, 2004, amending Section 9-207(c), "... the State of California or other governmental entity or any

MOTION/To Give First
Reading to Ordinance
and Adopt Resolution
Failed to Carry

church that is legally operated in the City or has City approval to operate as a church either by a conditional use permit or master plan approval...”, adding to Section 9-207(a)(2) the word “outdoor”, and in Section 9-211(d) changing the word “policy” to “resolution”.

Regarding the removal of Section 9-211(d)(6), use of traffic cones and barricades, the City Manager suggested leaving this section in tact until he and the Police Chief have an opportunity to review the impact of its deletion. Council Member Cowan opposed making an exception of churches, schools, or colleges, and therefore opposed the motion. Council Member Scheafer opposed the motion, agreeing that churches, schools, and colleges should be included in the process. The Acting City Attorney confirmed that the schools could challenge the City’s power to regulate special events on their premises.

The motion failed to carry 3-2, Council Member Cowan, Council Member Steel, and Council Member Scheafer voting no.

MOTION/Gave First Reading to Ordinance 04-7; Adopted Resolution 04-38

A motion was made by Mayor Monahan, seconded by Council Member Steel, and carried 3-2, Council Member Cowan and Council Member Scheafer voting no, to give first reading Ordinance No. 04-7: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING AND REPLACING ARTICLE 11½ OF TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING SPECIAL EVENT PERMITS AND ADDING A NEW ARTICLE 11¾ TO TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING BLOCK PARTIES, as amended, adding to Section 9-207 (c), “... the State of California or other governmental entity or any church that is legally operated in the City or has City approval to operate as a church either by a conditional use permit or master plan approval...”; amending Section 9-207(a)(2) to read “Does not use amplified sound outdoor”; amending Section 9-211(d) by deleting “Council Policy” and adding “resolution”; and further amending the ordinance by substituting “City Council,” deleting reference to the City Manager, regarding appeals of the special event permits; and Resolution 04-38 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING PRE-DESIGNATED EVENT ROUTES FOR SPECIAL EVENTS REQUIRING STREET CLOSURES. Second reading and adoption of Ordinance 04-7 are scheduled for the meeting of June 21, 2004.

Igal Israei, Costa Mesa, asked if the ordinance is being changed because the City is being sued. Mayor Monahan responded in the negative.

NEW BUSINESS
Land Use Regulations for Government-Owned Properties

The Deputy City Clerk presented an analysis of Land Use Regulations for Government-Owned Properties. The Development Services Director summarized the Agenda Report dated May 27, 2004.

Council Member Cowan indicated her interest in changing the General Plan designation to public institutional the State of California, Department of Developmental Services property on the northwest corner of Harbor Boulevard and Fair Drive, and Site No. 4, Orange County Fair and Exposition Center, 88 Fair Drive. Council Member Scheafer expressed interest in Site No. 2, State of California, Department of Developmental Services, “Shannon’s Mountain”, suggesting a recreation/sports facility application.

Sandra Genis, Costa Mesa, agreed that the subject properties should be zoned for public institutional use, but thought that private developers, not the City, should fund studies such as environmental impact reports. She encouraged Council to prioritize the sites in terms of uses, and thought that the Coast Community College site at 1370 Adams Avenue would convert nicely to ball fields.

MOTION/Received
and Filed

On motion by Mayor Monahan, seconded by Council Member Cowan, and carried 5-0, the report was received and filed, and staff was directed to further study a General Plan designation, zoning, and other characteristics of the State of California property at the northwest corner of Harbor Blvd. and Fair Drive (Property No. 2).

NEW BUSINESS
Request for Closed
Session: Anticipated
Litigation

The Acting City Attorney announced that pursuant to subdivision (c) of Section 54956.9 of the California Government Code, a closed session has been scheduled for the City Council to confer with the legal counsel regarding matters involving anticipated litigation – possible initiation of two (2) potential cases.

Mayor Monahan announced that the item would trail until after Council Comments.

CITY MANAGER
REPORT/Budget
Study Session

The City Manager, addressing the Budget Study Session to be held Monday, June 14, 2004, recommended that the session begin at 3:00 p.m. in order to allow time for sufficient discussion and for members of the public to participate. He noted that the Redevelopment Agency will consider the 1901 Newport Boulevard project the same day. He advised that the above information will be included in a press release and on the website, www.ci.costa-mesa.ca.us, and all documents relative to the budget are now available on the website.

COUNCIL
COMMENTS/
President Reagan

Council Member Steel thanked Mayor Monahan for the Moment of Silence at the beginning of the meeting in honor of President Ronald Reagan who was a positive influence on the nation.

City's Entryway; Fire-
works; Flying the Flag

Council Member Cowan directed everyone's attention to the entryway to the City along Newport Boulevard by the Orange County Fairgrounds, and she thanked staff for a great job. She asked staff to look into the packaging of fireworks and noisemakers which are sold in grocery and drug stores. She asked residents who fly an American flag to inspect and replace it if necessary. She mentioned that it is disrespectful to fly a torn, faded or damaged flag.

ADJOURNMENT TO
CLOSED SESSION

At 8:45 p.m., Mayor Monahan adjourned the City Council meeting to a closed session in first floor Conference Room A, for the City Council to confer with the legal counsel regarding matters involving anticipated litigation – possible initiation of two (2) potential cases.

MEETING
RECONVENED

At 9:25 p.m., Mayor Monahan reconvened the meeting and announced that no action was taken during the closed session regarding the anticipated litigation.

Mayor Monahan declared the meeting adjourned at 9:28 p.m.

ADJOURNMENT

