

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

MARCH 15, 2005

The City Council of the City of Costa Mesa, California, met in regular session March 15, 2005, 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.

ROLL CALL

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

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
Deputy City Clerk Julie Folcik

REQUEST FOR
CLOSED SESSION

The City Attorney presented the following requests for closed session:

People v. Fishetti,
Case No. CH46167PE

Request for Rehearing by Council Member Foley of the City Council's February 22, 2005, decision regarding the following: Pursuant to subdivision (a) of Section 54956.9 of the California Government Code, a closed session has been scheduled for the City Council to confer with legal counsel, Kimberly Hall Barlow, City Attorney, regarding existing litigation (one case): People v. Fishetti, Case No. CM46167PE.

Public Employment:
Sr. Deputy City
Attorney and Paralegal

Request for Rehearing by Council Member Foley of the City Council's February 22, 2005, decision regarding the following: Pursuant to subdivision (b) (1) of Section 54957 of the California Government Code, a closed session has been scheduled for the City Council to confer with the City's representative, Steve Mandoki, Director of Administrative Services, regarding public employment. Title: Sr. Deputy City Attorney and Paralegal.

PUBLIC COMMENT

There were no speakers under Public Comment.

Council Member Foley proposed that City Council members attend the Butterfly Project unveiling event being held in the lobby of City Hall at 5:00 p.m. this date prior to holding the closed session. Mayor Mansoor thought that City Council matters took precedence.

MOTION/Approved
Adjournment to Closed
Session

A motion was made by Mayor Mansoor, seconded by Council Member Bever, and carried 4-1, Council Member Foley voting no, to approve immediate adjournment to closed session.

ADJOURNMENT TO
CLOSED SESSION

At 5:10 p.m., Mayor Mansoor adjourned the City Council meeting to a closed session in first floor Conference Room B to discuss the items previously announced by the City Attorney.

MEETING
RECONVENED

Mayor Mansoor reconvened the Council meeting at 6:30 p.m., followed by the Pledge of Allegiance to the Flag led by Mayor Monahan, and a moment of solemn expression led by Frank Villegas, Harbor Christian Fellowship.

ROLL CALL

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

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
Fire Chief Jim Ellis
Deputy Fire Chief Gregg Steward
Police Chief John Hensley
Police Lieutenant Tom Curtis
Finance Director Marc Puckett
Recreation Manager Jana
Ransom
Principal Planner Kim Brandt
Management Analyst Hilda
Veturis
Deputy City Clerk Julie Folcik

CLOSED SESSION
REPORT

The City Attorney announced that the following action had been taken during closed session:

MOTION/Denied
Rehearing Re People
v. Fishetti, Case No.
CH46167PE

Regarding the Request for Rehearing by Council Member Foley of the City Council's February 22, 2005, decision regarding existing litigation (one case): People v. Fishetti, Case No. CM46167PE, by a vote of 5-0, the Request for Rehearing was denied.

MOTION/Denied
Rehearing Re Public
Employment: Sr.
Deputy City Attorney
and Paralegal

Regarding the Request for Rehearing by Council Member Foley of the City Council's February 22, 2005, decision regarding public employment. Title: Sr. Deputy City Attorney and Paralegal, by a vote of 3-2, Council Member Dixon and Council Member Foley voting no, the Request for Rehearing was denied.

PRESENTATION
Mayor's Award

Mayor Mansoor congratulated Mary Fewel and Karen Schell on receiving the Mayor's Award for March, 2005. He commended them for assisting the Police Department by reporting someone painting a wall with graffiti, and aiding the investigation by providing a detailed statement and positive identification of the individual.

PRESENTATION
Employee of the Month

Mayor Mansoor congratulated Bobby Young, Accounting Supervisor, Finance Department, on being named Employee of the Month for March, 2005. Bobby was recognized for directing the preparation of the City's Financial Report without the assistance of "outside" auditing firms. This in-house preparation saved money for the City and underscored Bobby's ability and financial knowledge.

PUBLIC COMMENT
Broadway Traffic
Issues

John Miner, Costa Mesa, addressed the problem of vehicles which speed along Broadway, stating that a speeding vehicle incident had recently resulted in a traffic fatality. He asked Council to discuss this issue at a study session. The City Manager acknowledged that he had received correspondence regarding the fatality from several Broadway residents, and reported that the Transportation Services Division is investigating placement of a stop sign at Westminster Avenue and Broadway. Council Member Dixon encouraged discussion of this item at a regular City Council study session in order to review "traffic calming" procedures and policies which had previously been presented in connection with the East Side Traffic Study. Council Member Foley suggested that a "Residential Safety Task Force" be created to confront traffic issues in several neighborhoods, and asked Council Member Dixon to participate.

John Blitz, Costa Mesa, reported that cars travel an average of 45 miles per hour on Broadway between Fullerton and Orange Avenues, and asked that the matter be addressed promptly.

A resident named Warner suggested installing speed bumps to remedy the speeding issue on Broadway.

Sid Soffer

Brian Evans, Newport Beach, reiterated questions in connection with a lawsuit involving former Costa Mesa resident Sid Soffer.

Newport Beach Junior
Lifeguard Program

Mark Buchanan, Costa Mesa, commented that vacancies in the Newport Beach Junior Lifeguard Program had been filled, and participation was now closed to everyone except Newport Beach residents. He advised that his two sons were disappointed because they had worked hard to qualify, and asked if there might be an "accommodation" made for the children of Costa Mesa residents. The City Manager indicated that there have been brief conversations with the City of Newport Beach Recreation Department who indicated that they have reached their capacity for this session. Council Member Foley asked that the Costa Mesa Recreation staff further investigate the Lifeguard Program, and proposed initiating a joint program with Newport Beach. Mayor Pro Tem Monahan stated that the tryouts for the cities of Laguna Beach and Huntington Beach Lifeguard Programs had not yet been conducted.

Costa Mesa Historical
Society

Terry Shaw, Costa Mesa, extended an invitation to the Costa Mesa Historical Society meeting to be held Wednesday, March 16, 2005, at 7:30 p.m., in the building next to the Neighborhood Community Center, 1845 Park Avenue. He added that the speaker would be former Orange Coast College History teacher Hank Panian who will speak on the Newport-Mesa Unified School District, from its inception to the present day. He asked that interested parties call (949) 631-5918 for more information.

Skateboard Park

Jim Gray, Costa Mesa, who brought members of his Boy Scout Troop No. 711 to witness the meeting, thanked Council for building a skateboard park in Costa Mesa.

Pedestrians at Street
Crossings; Bicyclists

Don Elmore, Costa Mesa, expressed concern regarding pedestrians who cross the street against the red light at Harbor Boulevard and Wilson Street, Harbor Boulevard and Adams Avenue, Placentia Avenue and Wilson Street, and Victoria Street and Placentia Avenue. He objected to bicycles riding against the traffic flow because it confuses motorists at intersections, and commented on young bicyclists who do not wear helmets. Mayor Mansoor asked that these items be brought to the attention

of the Police Department.

Refakes Comments

Beth Refakes, Costa Mesa, suggested that the guidelines for the City Council meeting which are on the first page of the new agenda should also be posted in the Council Chambers foyer. She agreed that the speeding problem on Broadway should be addressed, but questioned the effectiveness of a stop sign. She commented on vehicles who run the red light at Broadway and Newport Boulevard, and Harbor Boulevard and Newport Boulevard. Ms. Refakes asked about the Huscroft House funds allocation, and if Council would be addressing this issue. The City Manager confirmed that the Huscroft House would be on a future Council agenda.

West Side Improvements

Mike Evans, Costa Mesa, complimented Council for improvements to the west side of Costa Mesa, especially the streets, and asked if there is anything planned for 17th Street between Placentia and Whittier Avenues. The Public Services Director responded that 17th Street is scheduled for repair under the current year's Capital Improvement Program, is currently under design, and construction is anticipated for summer, 2005.

Millard Comments

Martin Millard, Costa Mesa, commented that the Planning Commission is approving projects which do not have adequate parking. He advised that there are day workers who loiter every morning at the 7-Eleven Store at Baker and Bristol Streets, and Placentia Avenue and Victoria Street, and suggested that they be cited because they are a traffic hazard, are soliciting work which is illegal, and mentioned that home values are being depressed. Mr. Millard encouraged Council to open a dialog regarding a new airport at Camp Pendleton in order to take the pressure off John Wayne Airport.

Hogan-Shereshevsky Comments

Anne Hogan-Shereshevsky, Costa Mesa, commended the City for quick action at the Costa Mesa Senior Center when a tree on the property disintegrated. She announced the October conference in Washington D.C. on the subject of aging. She reiterated her previous requests for a ban on fireworks.

CONSENT CALENDAR

The following item was removed from the Consent Calendar: Item No. 9, Agreement with Data Ticket, Inc., for parking citation processing.

MOTION/Approved Except Item No. 9

On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, 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: Carlos Eduardo da Silva Braga, et al.; Keith Costanzo; Christian Crampton; Tyler Gibbs; Billy Mejia; Park Center Place Apartments; and Behnam Sharifi.

Alcoholic Beverage Control License

Request for Alcoholic Beverage Control License from Taka Sushi, 2969 Fairview Road, for a person-to-person transfer of an existing Type 41 ABC License (on-sale beer and wine for a bona fide eating place).

MINUTES/February 7, and February 22, 2005

Minutes of the regular meetings of February 7, 2005, and February 22, 2005, were approved as distributed.

The following warrants were approved:

WARRANTS

Approved Warrant 2047/Payroll 504 and 503A Warrant Resolution 2047, funding Payroll No. 504 for \$2,068,450.95, Payroll No. 503A for \$339.69, and City operating expenses for \$518,996.72, including payroll deductions.

Approved Warrant 2048 Warrant Resolution 2048, funding City operating expenses for \$394,239.84.

ADMINISTRATIVE ACTIONS/Approved Agreement with County for 800 MHz CCCS A Joint Agreement was approved with the County of Orange, 840 North Eckhoff Street, Suite 104, Orange, for the Operation, Maintenance, and Financial Management of the 800 MHz Countywide Coordinated Communications System (800 MHz CCCS), the financial obligations being consistent with the partnership Joint Agreement of June 24, 2003, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Approved Amendment No. 10 to Agreement C-95-968 with OCTA Amendment No. 10 was approved to Master Funding Agreement C-95-968 with Orange County Transportation Authority (OCTA), which replaces the prior Exhibit A with a revised "Combined Transportation Funding Programs Allocations" list dated December 20, 2004, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Approved Purchase of Two Vehicles from Wondries Fleet Group The purchase of two 2005 Chevrolet Tahoe two-wheel drive vehicles with Police packages was approved from Wondries Fleet Group, 1247 West Main Street, Alhambra, for \$60,680.75. The purchase is in conjunction with the County of Los Angeles in order to receive volume discount pricing.

Approved Budget Adjustment No. 05-069, Storm Drain Emergency Repair Work Budget Adjustment No. 05-069 was approved for \$118,000.00 for Storm Drain Emergency Repair Work Projects, to repair damaged public areas utilizing State and Federal Public Assistance Funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and the City Manager was authorized to sign on behalf of the City.

Agreement with Data Ticket for Parking Citation Processing Item No. 9 on the Consent Calendar was presented: Agreement with Data Ticket, Inc., for parking citation processing including data processing, collection of fines, and administrative reviews and hearings, effective through March 31, 2010. Mike Berry, Costa Mesa, questioned why this is not being handled on a contingency basis. The Police Lieutenant explained that the fee paid to the contractor is for the processing and handling of parking citations, hearings, as well as collection, and any fees are offset by the revenues generated. Mayor Pro Tem Monahan, quoting from the agenda report, noted that there had been a \$40,000.00 per year savings by contracting the work to Data Ticket, Inc.

MOTION/Approved Agreement On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, the agreement was approved with Data Ticket, Inc., 4600 Campus Drive, Suite 200, Newport Beach, for an amount not to exceed \$100,000.00, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

ANNOUNCEMENT Mayor Mansoor announced that there has been a request from the applicant to continue Public Hearing No. 2, and a request had been received to continue Public Hearing No. 3 to a study session. Council Member Foley suggested that given the lengthy agenda, New Business No. 4 be continued to the Council meeting of April 5, 2005.

On motion by Mayor Pro Tem Monahan, seconded by Council

MOTION/Continued Hearing on Planning Application PA-03-31 to April 19, 2005

Member Dixon, and carried 5-0, the following item was continued to the City Council meeting of April 19, 2005:

Public Hearing No. 2: Continued from the meeting of February 22, 2005, to consider a request from Kim Berry, authorized agent for Cameo Homes, for a one-year extension of time for Planning Application PA-03-31 for a master plan amendment and variance from perimeter open space requirements (20 feet required; 6 feet proposed) for the construction of garages along a side property line, located at 550 Paularino Avenue in a Planned Development Residential - High Density (PDR-HD) zone. Environmental determination: Exempt.

Charles Ives, Costa Mesa, confirmed with the Mayor that Public Hearing No. 2 would not be discussed at this meeting.

MOTION/Continued Hearing on Parkland Impact Fee in Lieu of Land Dedication to Future Study Session

On motion by Mayor Pro Tem Monahan, seconded by Council Member Foley, and carried 5-0, the following item was continued to the next available City Council study session:

Public Hearing No. 3: Resolution amending the current parkland impact fee in lieu of land dedication requirements for new residential subdivisions within the City of Costa Mesa pursuant to the City's Subdivision provisions (Article 5 of Chapter XI, Subdivisions, of Title 13 of the Costa Mesa Municipal Code).

MOTION/Continued Costa Mesa United Foundation Presentation to April 5, 2005

On motion by Council Member Foley, seconded by Council Member Dixon, and carried 5-0, Old Business Item No. 4, Presentation by the Costa Mesa United Foundation, was continued to the meeting of April 5, 2005.

PUBLIC HEARING EMS Subscription Program

The Deputy City Clerk announced that this is the time and place set for the public hearing continued from the meeting of February 22, 2005, to consider an ordinance adopting an Emergency Medical Services (EMS) Subscription Program and Restructuring Emergency Medical Services Response Fees, amending Title 7 of the Costa Mesa Municipal Code. The Affidavit of Publication is on file in the City Clerk's office. The Fire Chief summarized the Agenda Report dated March 2, 2005.

Judi Berry, Costa Mesa, objected to the \$36.00 subscription fee, and suggested that insurance companies should be billed and the deductibles and co-insurance should be waived in accordance with Medi-care and Medi-cal regulations. Mayor Mansoor asked the City Attorney provide Ms. Berry with an opinion on whether or not the subscription fee would violate Medi-care and Medi-cal provisions.

Mayor Mansoor expressed his intent to avoid the concerns regarding the issue by keeping it simply as a mechanism to bill insurance companies. He supported billing insurance for residents, waiving the deductible and co-insurance, and charging the Basic Life Support (BLS) and Advanced Life Support (ALS) fees to non-residents. The City Attorney replied to questions, recommending that if Council is interested in reviewing "safe harbor" rules, those provisions could be added to the ordinance prior to second reading or the resolution structure for administration of the waivers. A question and answer period ensued.

Mike Berry, Costa Mesa, favored billing the insurance companies and using that money to satisfy these expenses. He suggested

using a subscription and a billing format.

Beth Refakes, Costa Mesa, thought that a group home rate should be included, and commented that according to the fee structure, residents appeared to be subsidizing the businesses. She requested information on the demographics, and observed that the program needed "refinement".

Paul Flanagan, Costa Mesa, who is experienced with medical billing, reported that emergency transportation is covered by Medicare and Medi-cal, and most insurance companies also cover this cost. Council Member Foley clarified that the EMS Subscription Program relates to paramedic services but does not include the ambulance fee which is separate. The Fire Chief reviewed the current process.

Brian Evans, Costa Mesa, addressed adoption of the ordinance and resolution.

Terry Shaw, Costa Mesa, commented that some of the wording is confusing. The City Attorney clarified Mr. Shaw's area of concern.

There being no other speakers, the Mayor closed the public hearing.

Council Member Bever proposed an extensive outreach program by notifying every household yearly for the first three years. Mayor Pro Tem Monahan concurred. The Fire Chief acknowledged that is the intent, that the program would include a mass mailing to reach as many residents as possible. He, the Deputy Fire Chief, and the Finance Director responded to questions from Council. The City Attorney was asked to conduct further research regarding insured versus non-insured participants.

MOTION/To Give
First Reading to Ordinance, as amended;
and Direct Staff to
Prepare a Fee Resolution

A motion was made by Mayor Mansoor, seconded by Council Member Foley, to give first reading to Ordinance 05-3, as amended, to be read by title only: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN EMERGENCY MEDICAL SERVICES (EMS) SUBSCRIPTION PROGRAM AND RESTRUCTURING EMERGENCY MEDICAL SERVICES RESPONSE FEES, amending Section 7-132(a) to include language for billing the insurance companies for resident claims, and waiving the deductible and co-insurance fees; amending Section 7-132(a) by adding, "The BLS and ALS Fire Department User Fees shall be established by resolution of the City Council," and deleting "The current BLS (\$185) and ALS (\$295) Fire Department user fees shall be eliminated, and in their place shall be created one Fire Department EMS Response Fee, the amount of which shall be established by resolution of the City Council", directing staff to prepare a resolution providing for a Basic Life Support (BLS) fee of \$215.00, the Advanced Life Support (ALS) fee of \$350 to non-residents, and to bill the non-residents, as well as their insurance companies; and to waive further reading.

Mayor Mansoor clarified that in his motion he intended that the subscription fee be eliminated. The City Attorney advised that the ordinance would need to further be amended as proposed to delete Sections 7-128, 7-129, 7-130, 7-131, and 7-133. After discussion, Council Member Foley withdrew her second to the motion because residents would bear the burden of the cost should they not have insurance and a subscription fee was not offered.

MOTION/Gave Ordinance 05-3 First Reading

On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 3-2, Mayor Mansoor and Council Member Foley voting no, Ordinance 05-3 was given first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN EMERGENCY MEDICAL SERVICES (EMS) SUBSCRIPTION PROGRAM AND RESTRUCTURING EMERGENCY MEDICAL SERVICES RESPONSE FEES. Second reading and adoption are scheduled for the meeting of April 5, 2005.

Mayor Pro Tem Monahan asked that the City Attorney's Office research the waiver of deductibles and co-payments prior to second reading of the ordinance, and asked that a better explanation of the Medi-care/Safe Harbor provisions be provided. Council Member Foley opposed the motion because, as a resident, she felt that there are certain City services which should be provided without additional charges, and supported finding alternatives to revenue generation. Mayor Mansoor opposed the motion, stating concern regarding the additional fees.

MOTION/Waived Further Reading

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, to read the ordinance by title only, and to waive further reading.

Mayor Mansoor declared a recess at 8:30 p.m., and reconvened the meeting at 8:45 p.m.

RECESS

The Deputy City Clerk presented a discussion on the Costa Mesa Job Center. Mayor Pro Tem Monahan reviewed the Agenda Report dated March 3, 2005. The Recreation Manager reported that the Job Center lease is on a month-to-month basis, with a 30-day-notice termination clause.

NEW BUSINESS
Costa Mesa Job Center

Council Member Foley was concerned about relocating the persons who currently use the Job Center. Mayor Pro Tem Monahan replied that an average of 34 persons per day found employment through the Job Center, and the services of a job placement company called Labor Ready could be offered. Mayor Mansoor felt that discontinuing use by non-residents and non-resident businesses would cut the Center numbers in half.

Dave Salcido, Costa Mesa, felt that the Job Center is a symptom of the problem, and the actual issue is massive, uncontrolled, illegal immigration.

Mike Berry, Costa Mesa, indicated that persons who utilize the Center are back on the west side by 3:00 p.m. and 4:00 p.m., and agreed that this is the symptom of a larger problem.

Wendy Leece, Costa Mesa, thought that the Job Center had a negative effect on the west side and should be phased out of operation. She encouraged establishing a relationship with Labor Ready in order to "point people in the right direction."

Bill Turpit, Costa Mesa, declared that protecting the safety of streets and sidewalks is a City responsibility, as is providing dignity to the hiring process, making parks available for recreation, and creating a welcoming and successful environment for businesses. He commented that should the Job Center close, hundreds of additional persons will be back on west side streets which is unfair burden. He volunteered his services to work with the City to find an

alternative solution.

Dave Brooks, Costa Mesa, former member of the Costa Mesa Police Department, reported that he had been involved in the formation of the Job Center. He provided a brief history of the Center, stating that it was formed to address the complaints of west side businesses and residents, and observed that the effectiveness of the Police Department will be affected by closure.

Frank Forbath, Costa Mesa, supported retention of the Job Center, stating that it was good for small businesses, for homeowners, and reported that he has personally used the workers on a number of occasions. He maintained that the Center was doing a good job in an orderly and dignified fashion.

Martin Millard, Costa Mesa, applauded Mayor Pro Tem Monahan for bringing forth the topic of the Job Center, and mentioned that the two previous speakers who endorsed the Center live in the Mesa Verde area, not the west side. He encouraged either closure or relocation.

Judi Berry, Costa Mesa, did not believe that closure would adversely affect the west side.

Phil Morello, Costa Mesa, believed that the Job Center is a compromise that the citizens should not have to endure. He named positive achievements which have occurred on the west side, and encouraged closure of the Center. He agreed that Labor Ready is a good operation although more costly.

The following Costa Mesa residents opposed closure of the Job Center: Paul Flanagan spoke about the circumstances of the workers; Terry Shaw believed that the Job Center should cater to residents only, and thought that relocation to another area might provide an answer; Mirna Burciaga asked if the City is ready to deal with the outcome of closure, and encouraged formulation of a plan; Christy Brooks reported that the Center is also used by seasonal workers, and noted that many of the workers are long-time Costa Mesa residents; Pamela Frankel; and David Stiller questioned the potential success of privatizing the operation.

Bob Graham, Costa Mesa, felt more confident hiring someone from the Job Center than off the street.

Beth Refakes, Costa Mesa, indicated that should the Center be closed, the City must provide the services to ensure that the workers do not shift to another location such as Home Depot. She agreed that the Center is an eyesore and acknowledged problems associated with it, but cautioned awareness of potential impacts connected with closure.

The Police Chief and Recreation Manager responded to questions from Council. Mayor Mansoor thought that closure of the Center would ultimately result in less long-term Police Department services in the area. Council Member Foley observed that the anti-loitering ordinance would need to be enforced in order to avoid problems such as those encountered in the past. She encouraged finding out the legal ramifications of a decision to close the Job Center, and suggested determining a plan to deal with 562 persons who would be loitering in the neighborhood. She believed that the City needs the Job Center, and was open to considering alternate locations. The City Manager explained that the current location

was chosen in order to locate the Center close to where the solicitation was taking place. He added that there would be “issues” when attempting to locate the Center in any neighborhood.

Mayor Pro Tem Monahan did not foresee encountering the problems which existed when the Job Center was created, and firmly believed that it was timely for it to close as improvements to the west side are being instituted. The City Manager replied to Council Member Dixon’s inquiry about partnering with the City of Santa Ana to create a Center at the corner of Harbor and

MacArthur Boulevards, by stating that Santa Ana was approached about a joint program several years ago, and they declined.

MOTION/Terminated
Job Center Lease

On motion by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, staff was directed to terminate the lease of the Costa Mesa Job Center, as of June 30, 2005, with legal notice commencing as of April 15, 2005; to immediately post notices and distribute hand bill notices at the job center announcing that effective April 15, 2005, that the Center will implement “resident only” usage for workers and employers utilizing the Center are either residents or show proof of a City Business license; for staff to initiate contact with Labor Ready to explore joint participation possibilities in the labor market; directed staff to research and evaluate other similar programs that may be available including contacting the cities of Augora Hills and Santa Monica to evaluate such programs as the call center; to research traffic enforcement and develop an implementation plan; directed the City Attorney to research time and place requirements; and directed that staff currently assigned to the Job Center be reassigned for the Fiscal Year 2005-2006.

Mayor Mansoor thought that persons currently using the Job Center could utilize the services of Labor Ready, and asked that Police staff monitor costs over the next few months. Council Member Dixon asked that the City forward a letter to the President of the United States and the California Governor stating that illegal immigrants are causing great concern and problems in the City. Mayor Mansoor supported sending a letter.

Council Member Foley was concerned about reaching a decision to close the Job Center this evening. She indicated that she is unfamiliar with Labor Ready, and encouraged proactive planning prior to reaching a decision regarding closure. She opposed the motion as proposed.

The Recreation Manager informed Council that the staff at the Job Center work part time so it may be difficult to find an appropriate reassignment.

The motion carried 3-2, Council Member Dixon and Council Member Foley voting no.

The Mayor declared a recess at 10:20 p.m., and reconvened the meeting at 10:35 p.m.

RECESS

NEW BUSINESS
WROC Implementa-
tion Plan

The Deputy City Clerk presented Westside Revitalization Oversight Committee (WROC) Implementation Plan. The Principal Planner summarized the Agenda Report dated March 15, 2005.

The following Costa Mesa residents and/or business owners supported the WROC Implementation Plan: Chris Eric, Committee Member; John Hawley; Paul Flanagan, encouraged the committee

to recognize the problem of employment on the west side; Mike Harrison, stressed that WROC did not approve Recommendation B1 regarding the residential overlay zone; Roger McGregor, McGregor Yacht Corporation, supported the plan but opposed mixing residential and commercial; Steve Marx, Committee Member and business owner; Clarence Turner; Beth Refakes, thought that some of the recommendations in the report should be applied throughout the City; Bill Turpit, Committee Member; Mike Evans; Martin Millard, Committee Member, favored the widest possible overlay to permit the evolution to residences on the west side bluffs; Mike Berry, Committee Member, concurred that the overlay should be wide; Dave Salcido, Committee Member; Frank Gutierrez, Committee Member; Bill Modick, business owner, thought that everyone in the affected area should be notified of potential changes; Judi Berry; and Kathleen Eric, Committee Member.

Terry Shaw, Costa Mesa, asked for clarification on several items.

The Principal Planner and Management Analyst responded to questions from Council. The Development Services Director asked that staff have the opportunity to address several questions relative to the effects on Code Enforcement, costs, and time frame.

Council Member Bever understood that there had been a 75 percent approval by WROC of Recommendation B1, Live/Work, Artist Loft Residential Overlay Zone, and mentioned a special meeting held at the Neighborhood Community Center with developers who stated that development could work in the area without serious ramifications. He reviewed a map that he had prepared and submitted of the area which indicated zoning incentives as presented by WROC in relation to A1, B1, and D1.

On motion by Council Member Bever, seconded by Mayor Mansoor, staff was directed to proceed with the implementation of the WROC zoning incentives as conceptualized in the map produced and provided by Council Member Bever, dated March 15, 2005, and with zoning incentives processed in the following order:

MOTION/Approved
WROC Zoning
Incentives

B1-Live/Work or Residential Overlay
D1-Residential Ownership Incentive Overlay
A2-Mixed Use, Commercial-Residential Hybrid Overlay;

directed staff to proceed with the following recommendations in the order to be determined by staff:

C4-Garbage Dumpster Standards
C5-Code Enforcement Volunteer Program
D3-Flexible Development Standards Ordinance
E1-West 19th Street Pedestrian Access Study;

and directed staff to prepare a resolution to disband the WROC committee.

Regarding Recommendation C5, Code Enforcement Volunteer Program, Mayor Mansoor wanted to ensure that this program did not develop into an oversight committee and that the volunteers

merely observed and reported. Mayor Pro Tem Monahan was concerned that Recommendation A2, Mixed Use, Commercial-Residential Hybrid Overlay, allowed construction height up to four stories, and confirmed that the motion is basically direction to staff

on items to be researched and brought back to Council at a future date. He supported Recommendation C4, implementing Garbage Dumpster Standards on the west side and eventually expanding to City-wide; Recommendation C5, for which he suggested a good training program; and Recommendations E1 and D3.

Mayor Pro Tem Monahan complimented Council Member Bever and WROC for the work on this program, stating that he was impressed with the results of their efforts. Council Member Foley objected to the short notification regarding the new information which contains a substantial change. Council Member Bever replied that the information contains recommendations which are relevant based on his knowledge of the area, conversations with community members, the development community, and staff. Council Member Foley asked Council to continue this item. Council Member Bever clarified that all of his recommendations, on the map and in the motion, originate from the WROC report. Council Member Dixon commended the committee, commented that the overlay was never large enough, and observed that the plan was simple to understand. Council Member Foley expressed an interest in creating a bicycle trail to the beach. The Principal Planner advised that linkage to the Santa Ana Bike Trail system is part of the Master Plan of Bikeways which is a separate issue. The City Manager suggested having staff review the bike plan in light of the proposed bikeway.

The motion carried 5-0.

Council Member Foley supported the motion but expressed her disappointment that review of a bikeway could not be added. Mayor Pro Tem Monahan asked the City Manager to direct the Transportation Division to provide an update on the Master Plan of Bikeways, specifically addressing a bikeway to the beach.

A motion was made by Council Member Dixon, seconded by Council Member Foley, and carried 5-0, to approving extending the Council past the midnight hour in order to discuss the remaining item, New Business No. 3, Trinity Broadcasting Network.

MOTION/Approved
Extending Council
Meeting

The Deputy City Clerk presented Trinity Broadcasting Network Conditional Use Permits (PA-96-19 and PA-98-24). Council Member Dixon reviewed the Agenda Report dated March 3, 2005.

NEW BUSINESS
Trinity Broadcasting
Network CUP's

Stacy Schofro, Costa Mesa, complained about noise caused by TBN due to gas and electric-powered lifts which are used to install and remove light displays. She reported that she had reported violations of the conditional use permit on numerous occasions, had been labeled a "nuisance caller" by the Police and Code Enforcement, and sued by TBN. She asked for a remedy from the continuous disturbance, suggesting that in the future TBN be restricted to using scaffolding and ladders for installation of the light displays, limited to Tuesdays and Thursdays, and only 30 days prior to Christmas, with removal using the same system.

Mayor Mansoor requested Ms. Schofro to make the videotapes which she had referred to and document the infractions available to Council.

John Casoria, representing Trinity Broadcasting Network, reported that TBN had worked diligently with City staff to establish workable conditions of approval for this building, and noted that they have not received any complaints from Ms. Schofro or any other

neighbor in well over a year. He commented that TBN had filed a lawsuit in response to the one filed by Ms. Schofro. Mr. Casoria maintained that they are a good neighbor.

Council Member Bever pointed out that the two parties involved are in litigation, and asked the City Attorney if it was appropriate for the City to intervene. She concurred, and stated that it would be appropriate to refer to the Planning Commission.

Beth Refakes, Costa Mesa, thought that the City should ensure that residents are allowed the peaceful enjoyment of their property.

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Bever, to receive and file.

MOTION/Received and Filed

Mayor Mansoor understood the resident's concerns but clarified that he had spoken to Ms. Schofro on numerous occasions and asked for specific information, including the aforementioned videotapes, which had not been provided. Considering the lack of evidence provided, he was not inclined to proceed with the recommended action. Council Member Foley supported reconsideration by the Planning Commission, mentioning that she had received several complaints from residents. She was concerned that the decision is being decided on the merits without having had a hearing which could be a violation of Ms. Schofro's due process. Council Member Dixon was disappointed that this matter could be filed away and the concerns of the residents would not be addressed. Council Member Bever agreed that "quality of life" issues were important, but thought that this complaint lacked substance.

SUBSTITUTE MOTION/To Refer to Planning Commission Failed to Carry

A substitute motion was made by Council Member Foley, seconded by Council Member Dixon, to refer to and request the Planning Commission to review, and if appropriate, conduct a public hearing, on the conditional use permit currently detailing the operation of Trinity Broadcasting Network. The substitute motion failed to carry 3-2, Mayor Mansoor, Mayor Pro Tem Monahan, and Council Member Bever voting no.

Mayor Pro Tem Monahan reiterated that the litigation between the two parties should be concluded prior to City involvement. Council Member Foley disagreed, stating that the City is involved because they allowed this use next to a residential community.

The original motion carried 3-2, Council Member Dixon and Council Member Foley voting no.

COUNCIL COMMENTS Little League Opening Day

Council Member Foley reported that she had attended the Costa Mesa American League and Costa Mesa National League opening day ceremonies, noting that there was a good turnout. She restated her request to establish a Neighborhood Safety Task Force. The City Manager replied that he would schedule a meeting with Council Member Foley and Council Member Dixon to fashion an application for the task force.

Council Member Bever thanked Council for their support on the west side issue and unanimous approval of the WROC report.

WROC

Mayor Mansoor also attended the Little League function at Costa Mesa High School.

The Mayor declared the meeting adjourned at 12:55 a.m.

ADJOURNMENT

