

CITY COUNCIL
CITY OF COSTA MESA

SEPTEMBER 6, 2005
REGULAR MEETING

Mayor Mansoor called the Regular Meeting of the City of Costa Mesa, California to order at 5:00p.m.

PRESENT: COUNCIL MEMBERS: ALLAN R. MANSOOR
ERIC R. BEVER
LINDA W. DIXON
KATRINA A. FOLEY
GARY C. MONAHAN

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: ALLAN L. ROEDER, CITY MANAGER
KIMBERLY HALL BARLOW, CITY ATTORNEY
JULIE FOLCIK, DEPUTY CITY CLERK

PUBLIC COMMENTS: There were no public comments.

CLOSED SESSION: No items were scheduled.

AGENDA REVIEW STUDY SESSION: The Mayor announced that the agenda review study session would be conducted in Conference Room 1A on the first floor of City Hall and would commence immediately. No action was taken on any matter.

AFTER RECESS: The Mayor reconvened the Regular Meeting of the City Council at 6:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Dixon led the assembly in the Pledge of Allegiance to the Flag.

MOMENT OF SOLEMN EXPRESSION: Dave Elliot, Vanguard University, asked the audience to bow their heads in a moment of silence, remembering country and local leaders in their responsibilities to provide safe communities, and also remembering our fellow countrymen and women in the Southeast.

ROLL CALL: The Mayor requested the City Clerk to call the roll:

PRESENT: COUNCIL MEMBERS: ALLAN R. MANSOOR,
ERIC R. BEVER
LINDA W. DIXON
KATRINA A. FOLEY
GARY C. MONAHAN

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: ALLAN L. ROEDER, CITY MANAGER
KIMBERLY HALL BARLOW, CITY ATTORNEY
JULIE FOLCIK, DEPUTY CITY CLERK
DONALD LAMM, DEVELOPMENT SERVICES DIRECTOR

CLOSED SESSION REPORT: The Mayor stated since no Closed Session was held, there was no report.

PRESENTATIONS

1. Mayor's Award for September: The Mayor presented Kenneth Ottens with a Certificate and gift and congratulated him on being a concerned citizen; while playing with friends and family at Halecrest Park, he noticed a child at the bottom of the pool, dove down and pulled her to the surface, and yelled to his parents to call the Paramedics.
2. Introduction: The Mayor introduced and welcomed Yolanda Summerhill of the law firm of Jones & Mayer, who was filling in until City Attorney Kimberly Hall Barlow arrives.

PUBLIC COMMENTS

1. Anne Hogan-Shereshevsky, Costa Mesa, asked if there was regulation prohibiting tinted car windows in Costa Mesa; voiced the opinion that use of cell phones in cars should be for emergency purposes only; expressed appreciation for the CM24 station and their programming, and in particular the Federal Prescription Drug Program shown recently; inquired what the City of Costa Mesa was doing for the victims of Hurricane Katrina; inquired if the City could get a business that would take utility payments; thanked her sponsors for her trip to Washington and advised she was still looking for a donated lap top computer; and expressed her appreciation for a New Year's Eve celebration to be held at the Fairgrounds.
2. Mildred Nicholson, Costa Mesa, stated she was frustrated with people filling their garages and driveways with recreational vehicles, boats and campers, and then having to park their cars in front of her home in the 2000 block of Republic; several times they park their cars in front of the No Parking signs on street sweeping days and the street sweeper has to go around them and she does not get her street swept; expressed the need for a 19th Street bridge, noting that Victoria was closed for 24 hours due to a recent accident and there would have been no way for them to evacuate should a disaster have occurred; and stated she wanted fireworks prohibited.
3. Rich Reiser, Costa Mesa West side, requested enforcement of Vehicle Code 21950a, protection of pedestrian at intersections, marked and unmarked, and Vehicle Code Section 21953, driveways, same thing; and asked what Costa Mesa was doing for New Orleans.
4. Donald Nicholson, Costa Mesa, reported that the signal at the intersection of Harbor Boulevard and Victoria Street was not functioning properly and needs to be checked; that the trash pickup and street sweeping services need to coordinate their work, noting that when a holiday falls on Monday, trash pickup is delayed one day and conflicts with the street sweeping service; and he advised had to clean his own street yesterday.
5. Mirna Burciaga, Costa Mesa, stated the problem of drunks loitering around her business is getting worse, noting she has to lock her restrooms which is inconvenient to her customers; also reported graffiti on the wall of the parking lot and displayed pictures on Chambers screen.
6. Martin Mallard, Costa Mesa, stated he has seen day laborers on the streets at the same time the Job Center was open and believed that potential customers were being discouraged from frequenting local businesses; advised that he had received a threatening letter and has turned it over to the Police Department for investigation and dna testing; noted that someone has a website indicating that the City is attempting to fix-up the West Side and that in his opinion is attempting to incite violence.
7. David Stiller, read a portion of an August 21st Orange County Register article on Performances of Police Departments, noting that Costa Mesa ranked high on response times, and expressed his appreciation; also expressed appreciation to the people who maintain and set up The Farm Sports Complex for games, noting that he witnessed a tournament being played last Sunday and saw many happy people watching and playing soccer games.

Mayor Pro Tem Monahan, on behalf of the City Council, thanked Police Chief Hensley and his Department for their excellent performance.

8. Sandra Genis, Costa Mesa, noted that on the City's Website there is a notice about a Gisler/Garfield Bridge meeting to be held September 14 and 28, 2005, 5:30 p.m. – 7:30 p.m., at the Fountain Valley Community Center, however, when you hit the "more" button, no additional information comes up; that she has not received any mailing about the meeting; stated that OCTA's Website does not provide any information; and advised that utility payments can be made at local establishments.

Mayor Mansoor requested the City Manager to check the link, since it was his intent to have the public be able to access additional information and some graphics, and to check that City mailings were being done.

Mayor Pro Tem Monahan advised he would be attending an OCTA update meeting and would contact Ms. Genis.

9. Tim Lewis, Costa Mesa, advised he had additional information about the dog license issue and he would submit it to the City Manager; pointed out that the City has had a Job Center for about 16 years and it has worked well for the community, but if the Center does not continue, the problem Ms. Burciaga brought to the Council's attention will increase twenty fold; expressed a concern about having the Center run by the private sector; and advised there is a homeless problem in the City which needs to be addressed.
10. Jeff Braun, Newport Beach, Costa Mesa business owner, addressed the City Council regarding the Parks and Recreation Commission direction to staff to revisit the Group I status of AYSO Region 97 which is comprised of 1000 Newport Beach and 800 Costa Mesa residents; the players go to school, play, and socialize together; and that Newport Beach does provide lighted fields for the players which includes Costa Mesa residents; and requested the Group I status remain intact.
11. Al Malone, Costa Mesa, questioned if his email relating to the dog park, which he sent today, was distributed to the City Council and stated that he was available for questions or comments via email or the phone; Mr. Malone was advised that his email was distributed.
12. Angela O'Neill, Costa Mesa, encouraged the City Council not to eliminate the soccer fields on the East side where AYSO teams play, noting that they also use fields in Newport Beach.
13. Barry Zimmerman, Commissioner for AYSO Region 97, stated their Region was unique since it is made of children from two cities, whereas Costa Mesa Region 120 is made up of mostly Costa Mesa children; advised that Region 97 plays the majority of their games and practices in Newport Beach who does not have an issue with Costa Mesa children using their fields; and stated he believed the real problem is that there is an insufficient number of fields and lighted fields and that is why some Costa Mesa residents object to Newport Beach children playing on Costa Mesa fields.
14. Troy Clark, Costa Mesa, advised that his son plays soccer and almost all of his games are played in Newport Beach; encouraged the City Council not to shut down the soccer fields; that children need to be encouraged to play sports for their health and self-esteem.
15. Bart Evans, Costa Mesa, advised he was on the Region 97 Board and noted fields for the Newport-Mesa area has been an issue for some time; that there are 800 Costa Mesa children in the Region; and because fields in the City are so limited, Region 120 does not want to share any of their fields, which is understandable; encouraged the Council to leave Region 97 Group 1 status intact.

Council Member Foley asked City Manager Roeder if the City Council could withdraw the item from the Parks and Recreation Commission agenda, if they so desire. City Manager Roeder answered that the City Council would have to add the matter to the agenda, by a 4/5's vote. City Attorney Kimberly Barlow concurred and advised that the City Council would have to make two findings in order to place the matter on the agenda. A brief discussion ensued.

MOTION: On motion by Council Member Monahan, seconded by Council Member Foley, the City Council determined that there is a need to take action before the next regularly scheduled City Council Meeting to give direction to the Parks and Recreation Commission relating to the review of Region 97 Group 1 status, and that the need for action came to the attention of the City subsequent to the agenda being posted.

Mayor Mansoor advised that he could not support the motion, since the City Council requested the Parks and Recreation Commission to review the matter and he personally needed some questions answered or clarification on issues, since he was receiving conflicting information about field usage between Newport Beach and Costa Mesa.

Sandra Genis stated that she was not concerned with the issue of the AYSO Region 97 Group 1 status, but she was concerned about the City Council declaring that an urgency exists to place the matter on the agenda.

A vote was taken on the foregoing motion. Council Members Mansoor and Bever voted "NO." It was determined that the MOTION FAILED.

Mayor Pro Tem Monahan thanked the speakers for their participation and encouraged them to attend the Parks and Recreation Commission meeting. He noted that former Costa Mesa Mayor and Council Member Joe Erickson, whose children were in Region 97 and attended Newport Harbor High School, provided the leadership to acquire The Farm site where Region 120 plays today; noted that Region 97 was given Group 1 status at that time; and any change that would impact those 800 children would be a tragedy. He encouraged anyone who wished to contact him to do so by emailing him.

Council Member Foley stated she agreed with the Mayor Pro Tem; that the Parks and Recreation Commission has analyzed field use and made recommendations which the Council would be considering later in the meeting; and that the community needs to work together.

Council Member Dixon noted that her children played in Region 120 and they were always welcome in Newport Beach; that parents should consider their actions on the children because children in Region 97 play and go to school together even though some live in Costa Mesa and some in Newport Beach; and that The Farm was built for all Costa Mesa children, and they all should have the opportunity to play there.

16. Kevin Schallin, Costa Mesa, Member of Region 97 Board and a coach, stated 10 of his 14-member team, are Costa Mesa children, so the 40 percent figure should not be used across the board and he would not want to see his team split up; encouraged the City to light more fields at The Farm; and believed the children would be the ones to suffer if changes were made.
17. Joe Harmer, Costa Mesa, advised he was a coach and hoped his children would not be treated differently than other children in Costa Mesa simply because they live in a certain area of Costa Mesa; and he did not want to see the two cities at odds with each other over the issue.
18. Lisa Bowler, Costa Mesa, advised she was a member of Region 97 Board and represented children in Costa Mesa and Newport Beach; that the boundaries of the Region paralleled the Newport Harbor attendance zone, so these children go to school and play sports together; urged the City Council not to remove AYSO Region 97 as a top user of Costa Mesa fields.
19. Marco Agora, Costa Mesa, advised he was a Costa Mesa businessman, Dad, coach, and referee and did not want to see Region 97 split.
20. Chris Sarris, Newport Beach, former Parks and Recreation Commissioner, advised he served as a commissioner for Region 97 and 120; believed the issue being raised was counterproductive; Region 97 had spent thousands of dollars on Costa Mesa fields; and that the community should work together for the benefit of the children
21. Jay Humphrey, Costa Mesa, complimented the City on the Baker Street access to Mesa Verde and the restriping; advised that the Police Department may want to watch cars racing through the bike lane and parked cars; and also expressed appreciation for replacing some of the roads in the lower West side damaged by trucks.
22. Don Rubite, Costa Mesa, advised he was a commissioner for Region 120 and that the status of Region 97 would not be an issue if the City had more lighted fields, especially on the East side, noting that there are 2200 children playing soccer on three lighted fields in Costa Mesa.

Council Member Foley asked if the Parks and Recreation Commissioner who requested review of the Group 1 status of Region 97 had the authority to request withdrawal of the review; City Attorney Barlow answered ordinarily "yes".

PUBLIC HEARINGS

1. PUBLIC HEARING: PLANNING APPLICATION PA-05-16, BEACH PIT BBQ RESTAURANT,
1676 TUSTIN AVENUE, CEQA CATEGORICAL EXEMPTION

Consideration of an appeal filed by the Mesa Heights Homeowner's Association of the Planning Commission's approval, in part, of Planning Application PA05-16, a conditional use permit to allow off-site parking and shared parking at 411 East 17th Street (Frazee Paint), to accommodate the outdoor seating areas for the Beach Pit BBQ Restaurant located on C1 zoned property at 1676 Tustin Avenue, with minor conditional use permits to deviate from shared parking requirements at 411 East 17th Street, and to allow outdoor activities (a television outdoors behind the restaurant), Categorically Exempt from CEQA requirements; Tim DeCinces, authorized agent for Mike Simonian and Jane Caldwell, applicants.

The Planning Commission, at their meeting held August 8, 2005, adopted Resolution No. PC-05-51, approving a part of Planning Application PA-05-16.

Wendy Shih, Associate Planner, briefed her agenda report dated August 25, 2005, and noted that the Planning Commission denied the applicant's request for an outdoor television, since it would encourage higher noise levels from customers which would negatively impact the residential properties to the south.

Grant McNiff, appellant, whose residence was located immediately adjacent to the restaurant, expressed the opinion that the restaurant would negatively impact their property rights and that traffic in the area was a major concern to them. He urged the City Council to deny the application.

Tim DeCinces, owner, advised they were providing a family style dining experience for the community; that the majority of the neighborhood was excited about the restaurant; noted the property was zoned commercial as depicted on the General Plan; that adequate parking, including the Frazee Paint store parking, would be available; and that they have met on several occasions with the McNiff's, who have expressed the opinion they are basically opposed to the property being zoned C1. Mr. DeCinces requested that the outdoor television, which would be 24 feet from the McNiff's property and buffered on three sides by walls, be permitted, since they would be willing to restrict the TV volume and their hours of operation would be ending by 9:30 p.m.

Council discussion ensued about the Municipal Code provision that requires a minor conditional use permit to allow outdoor television; City Attorney Barlow referred to Code Section 13-44, which requires business to be conducted under roof, unless permitted otherwise by Code. Development Services Director Don Lamm advised that due to the use of a big screen TV and potential audience participation, staff determined that a minor conditional use permit to allow an outdoor TV should be included in the application, so that the surrounding neighborhood would be apprised of the proposed use. Additionally, questions relating to the use of the Frazee Paint store parking in the event of sale, was discussed. Staff advised that the City would become informed of a sale when the new business applied for a business license and the application was forwarded to the Planning Department for review, and that a prospective buyer would be notified because of recorded deed restrictions placed on the property.

In response to Council Member Foley about the adjacent residential area being impacted by parking, City Manager Allan Roeder advised that when he met with Mr. McNiff, he informed him of the availability of residential parking permits for the neighborhood. Mr. Roeder stated staff would provide the necessary information and application, if there was an interest.

Mayor Mansoor declared the public hearing open. The following persons addressed the City Council on the matter:

1. Bonnie Godfrey, Costa Mesa, submitted a petition signed by 36 owners of units in the condominium complex located behind the Ralphs complex; stated that they object to the outdoor dining, customer noise that would be generated, and increased traffic.
2. David Ross, Costa Mesa, expressed his passion for authentic smoked barbecue food and stated he could hardly wait for the new restaurant to open, since he would be able to walk there.
3. Neil Ross, Costa Mesa, noted he had lived in cities around the world and one thing they had in common were local establishments where friends and family could gather and dine together; he expressed his support for the restaurant, noting he could walk there.
4. Julie Miller, Newport Beach, spoke in favor of the barbecue restaurant and expressed the opinion that it would provide the community with an outdoor dining experience that her family and friends could enjoy.
5. Bob Miller, Costa Mesa, expressed his support for the family style dining barbecue restaurant to which his family could ride their bikes.
6. Bob Porteous, Newport Beach, expressed his support for the affordable, family style restaurant to which he could take his family; did not believe that traffic was a problem in the area; and encouraged the City Council to approve the project, including the outdoor seating and TV.
7. Tom Legrand, Costa Mesa, urged the City Council to approve the proposed project, noting he favored a family restaurant to which they could walk.
8. Gil Ward, Costa Mesa, expressed excitement for the opening of a good barbecue restaurant to which he and his family could walk; advised he hears noise from two other close establishments in the area, one of which is open to 1:00 a.m., so the 9:00 p.m. closing time for the new barbecue restaurant would not be an issue.
9. Gene Calafari, Costa Mesa, expressed his support for the project.
10. Jon Morris, Costa Mesa, spoke in favor of the project and encouraged approval.
11. Mike McNiff, Costa Mesa, spoke in opposition to the proposed project, noting the noise that would be generated from outdoor dining with a TV.
12. Ty Peterson, Newport Beach, expressed the opinion that an independent restaurant with outdoor dining, good food and ambience would be a benefit to the community and encouraged the City Council to approve it.
13. Dorothy McNiff, Costa Mesa, stated she lived adjacent to the proposed project and was opposed to it; questioned why the parking issue was not addressed a year ago when the restaurant was approved; asked whom should they call when they have complaints about smoke, odors, noise or traffic; and recalled that in 2003, staff was directed to study residential zoning on the property.

Staff explained when the original project was constructed, the use was based on square footage and that six on-site parking spaces were required and provided, and now the owner was proposing outdoor seating which requires additional parking; that complaints should be directed to Code Enforcement; and that the prior owner of 1676 Tustin Avenue had applied to rezone the property to residential, that the City Council approved the rezoning screening, but the property owner never filed an application to rezone and develop the property residential; and that currently the property is zoned commercial.

14. Brett Del Valle, Newport Beach, spoke in favor of the application and encouraged the City Council to approve the outdoor seating and TV.
15. Kathy Barrett, Costa Mesa, spoke in support of the project.
16. Robert Toffel, Costa Mesa, spoke in favor of the project.
17. Jonathan Hawthorne, Santa Ana, spoke in favor of the project.
18. Brian Davisson, Costa Mesa, recalled growing up in the area and eating at many of the small family-owned restaurants; stated he was looking forward to the family-style restaurant opening soon; and urged the City Council to approve the application.

19. Heather Sommers, Costa Mesa, encouraged the City Council to consider the traffic flow, access to the site, both on- and off-site parking issues, and the impact the restaurant would have on the adjoining neighborhood, noting the unsightly roof top of the restaurant.
20. Susan Burns, Newport Beach, spoke in favor of the restaurant.
21. Martin Stassel, Costa Mesa, stated he believed the project would adversely impact the surrounding neighborhood and encouraged the City Council to fully consider the environmental impacts, odor, noise and outdoor seating.
22. Brian Griffith, formerly Costa Mesa, Tustin, advised he and his wife are part owners of the restaurant and were excited about being a part of the community; advised that their staff has reached out to the adjacent property owner in an effort to be a good neighbor, but the efforts were in vain.
23. Frank Lyazidi, Costa Mesa, stated he believed that the restaurant should have been placed on 17th Street and not next to residential properties; expressed his concerns about traffic, the safety of the children in the area, noise, and the smoke generated from the restaurant.
24. Roger Sommers, Costa Mesa, President of the Costa Mesa Heights Homeowners Association, advised that he never received a call from the owners of the restaurant to discuss the project; he requested the City Council to continue the public hearing to allow time for him and members of the community to meet with the proponents to discuss the issues of off-site parking and deed restrictions on the Frazee Paint store, odor control, and ADA requirements.
25. Kirk Norton, Costa Mesa, expressed his support for the restaurant with outdoor seating and a TV.
26. Beth Refakas, Costa Mesa, expressed her concern about the on- and off-site parking, smoke odor on the adjacent residential neighborhood, outdoor dining and TV, which would generate too much noise.
27. Robert Goodwin, General Manager of the Beach Pit BBQ, pointed out that the issue at hand was parking; the restaurant was very handicap friendly; and advised that the smoke system was built to minimize the amount and number of times per day that smoke needed to be released.

Mayor Mansoor asked if anyone else wished to address the City Council; hearing no response, he closed the public hearing.

In response to City Council questions, Wendy Shih, Associate Planner, stated that in addition to Municipal Code requirements, there were specific Conditions of Approval imposed on the project to provide protection to the surrounding residential neighborhood in the event a problem arose.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Foley, the City Council adopted the following entitled Resolution, upholding the decision of the Planning Commission:

RESOLUTION NO. 05-61. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PA-05-16.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, FOLEY AND MONAHAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MOTION UNANIMOUSLY CARRIED. The Mayor declared Resolution No. 05-61 duly passed and adopted.

RECESS AND AFTER RECESS: Mayor Mansoor declared the meeting recessed at 8:28 p.m. The Mayor reconvened the meeting at 8:43 p.m., with all Council Members being present, except Mayor Pro Tem Monahan.

2. PUBLIC HEARING: 2005 -2006 CITIZEN'S OPTION FOR PUBLIC SAFETY/
SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND
(COPS/SLESF), ALLOCATION OF FUNDS

The Deputy City Clerk announced that this was the time and place set for a public hearing to consider the following recommended allocation of funds for the 2005-2006 Citizen's Option for Public Safety/ Supplemental Law Enforcements Services Fund (COPS/SLESF) and that the Affidavit of Publication was on file in the City Clerk's office.

| <u>Description</u> | <u>Amount</u> |
|---|---------------|
| Police Sergeant/Field Operations 2006-2007 Budget | \$145,000 |
| Tactical Ear Pieces for Patrol Radio Communication | 14,000 |
| Laptop Computer/Printer for Narcotic Unit | 2,500 |
| Barcode Scanning Hardware and Software for Arsenal Checkout System and Inventory Control | 5,500 |
| Shotguns and Shotgun Mounts for Motorcycles | 8,000 |

Mayor Mansoor noted that an important matter arose requiring Mayor Pro Tem Monahan to leave the Chambers and hopefully he would be able to return shortly.

Captain Jim Watson, Field Operations, briefed his report dated August 11, 2005.

The Mayor opened the public hearing and asked if anyone wished to address the City Council; hearing no response, he closed the public hearing.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Foley, the City Council approved the 2005-2006 Citizen's Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF), as recommended. Council Member Monahan absent. MOTION CARRIED.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 20

Mayor Mansoor requested withdrawal of Item Nos. 7, 14, 15, and 16; members of the public requested withdrawal of Item No. 20.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Foley, the City Council took the following actions on the remaining Consent Calendar items:

WRITTEN COMMUNICATIONS

1. Received and Processed Reading Folder.

MINUTES

2. Approved the Minutes of the Regular Meeting held August 16, 2005.

WARRANTS

3. Adopted Warrant Resolution 2071, funding Payroll Nos. 516 and 515A in the amounts of \$2,105,414.96 and \$1,957.74, respectively, and City operating expenses in the amount of \$792,244.40, including payroll deductions.
4. Adopted Warrant Resolution 2072, funding City operating expenses in the amount of \$1,218,572.99.

5. Adopted Warrant Resolution 2073, funding Payroll Nos. 517 and 516A in the amounts of \$2,068,909.73 and \$1,865.69, respectively, and City operating expenses in the amount of \$1,197,942.90.

ADMINISTRATIVE ACTIONS

6. Approved Bid Item No. 1082 for the purchase of 135 additional new Dell Optiplex GX620 workstation computers from Dell Marketing LP, One Dell Way RR8 M-S-8706, Round Rock, Texas, in the amount of \$94,719.36.
8. Approved the award of a contract to PB Farradyne, 444 South Flower Street, Suite 3700, Los Angeles, in the amount of \$315,000 for Traffic Signal Management Systems Integration Project, and authorized the Mayor and Deputy City Clerk to execute the contract.
9. Approved the award of a contract to Fortel Traffic, Inc., 1559 Harmony Circle, Anaheim, in the amount of \$67,026.25, for The Safe Route to School Radar Speed Sign Technology Services, and authorized the Mayor and Deputy City Clerk to execute the contract.
10. Approved Amendment No. 1 to the Agreement with Western Transit Systems, 1919 East Lincoln Avenue, Anaheim, in the amount of \$61,653.42, for a one-year extension through September 30, 2006, for Driver Services for the Senior Mobility Program, and authorizing the Mayor and Deputy City Clerk to execute.

Approved and authorized the City Manager to execute Budget Adjustment No. 06-111 in the amount of \$3,626, appropriating the additional Orange County Transportation Authority (OCTA) grant funds for a total of \$61,049 for Fiscal Year 2005-2006.

11. Approved and authorized the City Manager to execute Budget Adjustment No. 06-008 in the amount of \$29,267, for the California Integrated Waste Management Eleventh Cycle Used Oil Recycling Block Grant, and appropriating said funds to the Public Services' operating budget for the Used Oil Recycling Program.
12. Accepted State Farm Insurance Company grant in the amount of \$5,000 for the purchase of rescue equipment for the Fire Department.

Approved and authorized the City Manager to execute Budget Adjustment No. 06-006 in the amount of \$5,000, appropriating said grant funds to the Fire Department's operating budget.

13. Rejected all bids received for the Harbor Boulevard at Gisler Avenue Intersection Improvements, City Project No. 05-09.

Directed staff to re-advertise the project.

17. Adopted Resolution No. 05-62 entitled:

RESOLUTION NO. 05-62. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF EXCESS RIGHT-OF-WAY AT 1629 SUPERIOR AVENUE. (Setting October 4, 2005, at 7:00 p.m., as the date and time for public hearing)

18. Accepted the completion of the 17th Street, 19th Street, and Alley No. 111 Rehabilitation Project, City Project No. 04-11, R. J. Noble Company, 15505 East Lincoln Avenue, Orange, contractor; authorized the Deputy City Clerk to file a Notice of Completion; authorized release of retention funds 35 days thereafter; ordered the exoneration of the Labor and Material Bond seven months thereafter; and ordered the exoneration of the Performance Bond 12 months thereafter.

19. Accepted the completion of Parkway Concrete Repair, Canyon Park Slope Repair, and National Avenue Storm Drain Construction Project, City Project No. 03-22, Ranco Corporation, P. O. Box 9007, Brea, contractor; authorized the Deputy City Clerk to file a Notice of Completion; authorized release of retention funds 35 days thereafter; ordered the exoneration of the Labor and Material Bond seven months thereafter; and ordered the exoneration of the Performance Bond 12 months thereafter.

Council Member Monahan absent. MOTION CARRIED. The Mayor declared Resolution No. 05-62 duly passed and adopted.

END OF CONSENT CALENDAR

ITEMS REMOVED FROM THE CONSENT CALENDAR

7. AGREEMENT WITH HERNANDEZ CART SERVICES, INC., SHOPPING CART RETRIEVAL SERVICES: Mayor Mansoor removed the item from the Consent Calendar and stated that he had requested alternatives which would be more aggressive in retrieving carts, such as having store owners retrieve carts. The Mayor noted he had received this date a memorandum relating to alternatives and would like more time to review it. He asked the City Manager if there was an urgency to the matter, to which Mr. Roeder responded a continuance for two weeks to one month could be accommodated.

Jay Humphrey, Costa Mesa, related how Canada retrieved shopping carts; carts are lined up in an automated system; user inserts a coin and removes a cart; when cart is returned, coin is returned; he suggested the City use such a system.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Bever, the City Council continued the proposed agreement with Hernandez Cart Services, Inc., to September 20, 2005, and directed staff to submit other options as well. Council Member Monahan absent. MOTION CARRIED.

14. APPLICATION TO THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM—FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PROJECT:
15. AWARD OF CONTRACT—DESIGN SERVICES FOR WETLANDS AND RIPARIAN HABITAT AT FAIRVIEW PARK:
16. GRANT APPLICATION TO RECREATIONAL TRAILS PROGRAM—BIKE TRAIL AT FAIRVIEW PARK:

Mayor Mansoor removed the foregoing items from the Consent Calendar and asked if the City would be permitted to use the funds for a different trail other than the top of the Flood Control Channel. Director of Public Services William Morris responded that according to the Fairview Park Administrator, the City will be able to modify the grant as the trails are adjusted, that the Fairview Park Master Plan will have to be amended to change the trail designation, and that the Fairview Channel is not a part of the Master Plan.

1. Robert Graham, Costa Mesa, expressed concern that the City's trails options were being limited; displayed pictures; that the riparian waterway areas would be closed during nesting periods of the year and prohibit use of the trail.

Council Member Bever advised Mr. Graham that the City was proposing different options so that if the County did not permit the trail on the levee, the City would still be able to have a trail and believed that Mr. Graham's concerns would be alleviated.

Later in the meeting, Mr. Graham displayed a newspaper article relating to State parks undergoing accessibility renovations and the costs, and noted that the lower parking lot of the Park had been eliminated; suggested that the City integrate baseball fields with the natural areas of the Park, thereby fulfilling some of the need for fields in the City.

2. David Kinkade, Costa Mesa, expressed appreciation to the Parks and Recreation Commission and staff for adding and improving bike trails; wanted to be sure that staff was not going to limit the application to a specific location; displayed pictures of examples of trails in another city; and encouraged the City Council to keep its options open and not limit the trail to the top of the levee.
3. Larry Courter, Costa Mesa, advised that after hearing concerns from his neighbors, he organized a field trip on August 20th with Jeff Dickson of the County of Orange and saw various trails in Orange County; displayed pictures; expressed support for the grant application, but not limiting it to a specific location; advised that he learned that within the next five to seven years, the County would be dramatically reworking the channel; and encouraged everyone to visit their website.

Robert Staples, Fairview Park Administrator, clarified that the grant application must contain a specific site for the project and if the City desires to change the trail location at a later date, the State must be notified. In response to Council Member Bever, Mr. Staples advised that the City could proceed with a change in the Master Plan while the State is considering the grant application.

4. Ali Haghjoo, Costa Mesa, expressed concern about the location of the trail, noting that Fairview Park and Talbert Park were beautiful wilderness areas and putting a trail through them would encourage more ridership on the trail, as opposed to a trail in a caged area on top of the levee.

Using a displayed map, the Fairview Park Administrator pointed out where different trails would be located and which ones might be closed for nesting periods and planting.

5. John King, Costa Mesa, expressed concern about the compatibility of combining bike and pedestrian traffic on one trail, noting the speed of bicyclists on an open trail; consideration should be given to the habitat of the Fairview Creek; and encouraged the City Council to maintain flexibility in determining the location of a trail within the Park.
6. Rick Gillick, Costa Mesa, expressed support for putting the bike trail by the levee and emphasized the need to have separate pedestrian and bike trails for safety reasons.
7. Bill Reitler, Costa Mesa, expressed concern about the safety of children living in the homes adjacent to the levee, given the visibility and access that would occur with the proposed levee trail; supported the grant application providing the City Council would have the flexibility to later change the trail; and stated he believed that there should be separate bike and pedestrian trails.
8. Julie King, Costa Mesa, expressed her concerns about the trail being on the levee which is very narrow and rocky and questioned access to the trail; encouraged the City Council to consider other alternatives; and stated that a bike trail in Fairview Park would be better.
9. Tim Cromwell, Costa Mesa, expressed support for a bike trail connecting Placentia Avenue with the Santa Ana River trail and believed the City had approved funding for a bridge that would cross Placentia Avenue and allow pedestrian and bicyclists to cross the street; did not want a trail on the levee where people could intrude on his backyard privacy; and encouraged the City Council to put the bike trail in Fairview Park.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Bever, the City Council adopted Resolution No. 05-63 and awarded a contract for design services of a Wetlands and Riparian Habitat at Fairview Park with the caveat that alternative routes be considered other than the Flood Control Channel when designing the riparian area, and approved the grant application with the caveat to initiate whatever is necessary in the Fairview Park Master Plan process to look at possible changes in the route and that a specific location south of the Channel be designated for purposes of the grant application, but that options for other areas remain open.

14. RESOLUTION NO. 05-63: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002 (PROPOSITION 50) FOR THE FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PROJECT.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MONAHAN

15. Awarded a contract to Moffatt & Nichol, 3780 Kilroy Way, Suite 600, Long Beach, in an amount not to exceed \$489,895 (base proposal plus additive Item 1A and 2), for design services of a Wetlands and Riparian Habitat at Fairview Park, and authorized the Mayor and Deputy City Clerk to execute the contract.

Approved and authorized the City Manager to sign Budget Adjustment No. 06-010 in the amount of \$489,895, as recommended.

16. RESOLUTION NO. 05-64. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM FOR A BIKE TRAIL AT FAIRVIEW PARK.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MONAHAN

Council Member Monahan absent. MOTION CARRIED. The Mayor declared Resolution Nos. 05-63 and 05-64 duly passed and adopted.

20. ACTION MINUTES FOR CITY COUNCIL MEETINGS: Mr. Ray Humphrey requested removal of the item from the Consent Calendar and expressed concern that the Website would not offer enough information, that the City Council was obliged to inform the public, questioned the length of time Website materials would be available, insufficient data available on the Website, what people without Web access would do, unavailability of enough information in the minutes for a Council Member who was absent from a meeting to know what their colleagues said, and how the public would monitor the actions of their elected officials, absent attending the meetings. Mr. Humphrey stated he believed that action minutes would be an eliminating factor, rather than an expanding factor.

1. Beth Refakas, Costa Mesa, expressed concern that the action minutes would be too condensed; would not provide adequate information which hampers research work on previous City Council and Planning Commission actions; that public comment issues raised would not be reflected; the impact on legal issues affecting the City; would eliminate Council Members' suggestions and comments; and she encouraged the City Council to give careful thought prior to going to action minutes.

2. Sandara Genis, Costa Mesa, expressed the opinion that the more complete the information is in the deliberative process of past Council actions, the better it is for the public and the City; current minutes provide the capability for citizens to track the decision-making process; the video would not be retained for any length of time; and City commissions rely on past minutes for rationale of decisions.
3. David Stiller, Costa Mesa, expressed the opinion that action minutes would not adequately reflect Council discussion on matters, nor the public's comments; that a complete written record is important; and believed that with the minutes as currently created sometimes do not reflect everything a speaker states.
4. Wendy Leece, Costa Mesa, agreed with former Mayor Genis and Mr. Humphrey that context is peak and the historical perspective of matters is important; government is to serve the community; brevity is not best; the detail and recognition of citizens who take the time to speak to issues should be included; gave the example of reviewing past minutes on a matter under discussion this date was helpful and beneficial to her; stated it was unwise to shorten the minutes for the sake of technology; and urged the City Council not to approve action minutes for meetings.

Council Member Bever stated he agreed with the speakers, but also recognized the fact that it takes a substantial amount of time to produce summary minutes. He believed that summary minutes should continue to be produced, but that action minutes available a couple of days following the meeting, which reflect the votes and decisions, should also be produced and attached to the summary minutes when completed.

MOTION: Council Member Foley moved to approve the use of the action minutes format for City Council meetings. MOTION DIED FOR LACK OF A SECOND.

City Manager Roeder advised that currently an action agenda is produced which reflects actions and votes from a meeting.

MOTION: On motion by Council Member Bever, seconded by Council Member Dixon, the City Council determined to retain use of summary minutes.

Mayor Mansoor questioned if the meeting could be retained on a disk for some period of time, for example ten years, or even indefinitely. Assistant City Manager Steve Hayman responded in the affirmative. In response to the Mayor's question about a member of the public not having computer access, Mr. Hayman stated they could produce action minutes and a DVD or video tape of the meeting. Deputy City Clerk Julie Folcik stated that the action minutes would be the permanent minutes and be available in hard copy. Ms. Folcik explained that the action minutes would contain the actions taken by the City Council, the votes, and a Council Member's comments, if requested that they be included in the record.

Mayor Mansoor stated he preferred the action minutes, since the current summary minutes do not completely reflect everything a person says. He advised that if he needs to reference something, he goes to the DVD. The Mayor pointed out the only way to get the entire discussion on a matter was to prepare verbatim minutes, which were too lengthy and cost prohibitive.

In response to the Mayor, City Manager Roeder advised that currently the City does not have the technology to dictate into a computer and have the data printed out. He stated that in recommending the Web streaming of meetings and action minutes was to enhance access to public information and apologized if anyone thought the City was attempting to limit that access. Mr. Roeder pointed out that action minutes would not be implemented until the new Web streaming system was operational and tested. He stated that since there was no urgency to approve the use of action minutes, it may behoove the City Council to continue the matter and investigate other alternatives, including the ability of a system to dictate and transcribe verbatim the minutes of the meeting, recognizing there is a large cost to that process.

Council Member Foley sensed there was a split on the Council this date and suggested that the matter be continued to the next meeting or a later meeting to have a full Council present. She expressed the belief that with the proposed system, public access was being increased, noting anyone could view meetings by going to their library, school or any computer regardless of where they were.

Council Member Bever stated he favored the Web streaming system and was under the impression that preparation of minutes would be easier, but he never thought the detail contained in the current summary minutes format would be eliminated. He stated that historically the City has prepared summary minutes, which in his opinion was a good compromise between verbatim minutes and action minutes.

Emery Jones, the Granicus representative, clarified that as the action minutes are produced, they are linked to a video and then downloaded to a DVD or CD. As the user views the minutes, they can click on any matter to view the video covering a particular item. In response to the Mayor, Mr. Jones stated a person would have to have access to a computer to view the DVD or CD.

In response to Council Member Bever, Assistant City Manager Steve Hayman advised that the contract requires Granicus to maintain the meetings on-line for one year, but the City has the ability to explore alternatives for maintaining them longer.

MOTION: Council Member Foley moved to continue the matter. Council Member Mansoor seconded the motion with the proviso that it include staff be directed to continue to investigate options for producing verbatim minutes, if requested. Council Member Foley accepted the proviso. Council Member Monahan absent. Council Member Bever voted "No". MOTION CARRIED.

OLD BUSINESS

1. FIELD USE RECOMMENDATIONS AND JOINT USE AGREEMENT WITH NEWPORT MESA UNIFIED SCHOOL DISTRICT: Recommendations submitted by the Parks and Recreation Commission relating to use of fields and the Joint Use Agreement with the Newport Mesa Unified School District, as requested by the City Council at their July 19, 2005 meeting..

Jana Ransom, Recreation Manager, briefed her agenda report dated August 24, 2005 and noted the Parks and Recreation Commission held three meetings at which specific Group use, use of elementary schools, year-round use of fields, allocation formula for lighted fields, and the Joint Use Agreement with Newport Mesa Unified School District, were discussed. Ms. Ransom reviewed each recommendation.

Mayor Mansoor made some general comments, noting that the goal of the City was to provide maximum use of fields by Costa Mesa children. He advised it was his goal to discontinue the Adult 6, outside adult, users, thereby freeing up 13 percent of the fields for use by Costa Mesa residents, reducing the impact on neighborhoods and increasing the field recovery time. Mayor Mansoor expressed the opinion that the City needs to focus on obtaining its own fields and to be less reliant on the Newport Mesa School District. The Mayor advised that the City was moving forward with the Fairview Hospital property which should free up some field use and that park development fees were expected, as a result of development occurring. Mayor Mansoor pointed out that field use issues needed to be cleared up before addressing issues with the School District.

Therefore, Mayor Mansoor proposed to keep Groups 1, 2, 3 and 4, discontinue Groups 5 and 6, noting that Group 5 could participate in Group 3 as long as they presented identification showing residency, and that Group 6 could participate in Group 4 with the same caveat. The Mayor believed that the adult groups and others need to show identification that reflects residency. Additionally, the Mayor believed that the School District should be held accountable for their actions, such as when they override and yank permits that the City of Costa Mesa issued under the current Joint Use Agreement. The Mayor indicated he did not think the City should be paying the School District for field maintenance, and any payment by the City should be for major infrastructure such as field irrigation and manuring. Other issues that should

be addressed are: The 50 percent City payment for a school resources officer and the City cost for school crossing guards, which he believed the School District should pay a portion. The Mayor stated he agreed with the Parks and Recreation recommendation that the subject of field maintenance, in general, needed to be addressed in the Joint Use Agreement. The Mayor stated he was concerned that there was a separate payment for use of Balearic Park which is outside the Joint Use Agreement. Mayor Mansoor requested clarification of the fees that are collected which go back to the School District, and a breakdown of the total cost of the Joint Use Agreement.

In response to Mayor Mansoor, Recreation Manager Ransom answered that the City does not have an accurate count of how many School District fields in Newport Beach are used by AYSO 97 because the School District schedules use of those fields. The Mayor interjected that the School District does not issue permits for fields in Newport Beach in advance and consequently those fields are not receiving as much play. He stated that was very frustrating to him and parents.

Recreation Manager Jana Ransom confirmed for Council Member Dixon that the Newport Mesa Unified School District scheduled use of school fields in Newport Beach and in Costa Mesa. In response to Council Member Dixon, Ms. Ransom explained that the past practice of the School District was to hold a public hearing when a group requests temporary lights be permitted on District fields, but the current policy is only School District sanctioned groups, like the Band, were now permitted to use temporary lights on the fields.

Council Member Dixon inquired if Group 5 users consist of youth club teams; Recreation Supervisor Ruth Raheb responded it could, and Ms. Ransom explained that of the 17 teams in Group 5, seven were club organizations. Ms. Raheb explained that Groups 1 through 4 received their field allocations before Groups 5 and 6, and eliminating Groups 5 and 6 would not yield more available fields, but, in fact, would only reduce overall use of the fields. Ms. Ransom pointed out that Group 6, the adult clubs, had priority on Sundays and if they were eliminated, Sunday play would be available.

In response to Council Member Foley regarding no adult soccer on elementary school fields, Ms. Ransom and Raheb advised that Davis School was originally built as an intermediate school, and the School District later redesignated it to an elementary school. Play has been allowed on that school since it is not near a residential neighborhood and is bounded by the fairgrounds and TeWinkle Park.

In response to Mayor Mansoor, Ms. Ransom advised that if a Group 5 user was 50 percent Costa Mesa residents and 50 percent another city, they would be able to request field play time and pay for it, only if fields were available. The Mayor expressed the desire to have Costa Mesa residents have field allocation priority and that was why he was recommending Group 5 be combined with Group 3. Ms. Raheb explained they look at the allocation group as a whole and proportionately assign fields usage based on the number of Costa Mesa residents.

The Mayor asked is any member of the public wished to address the City Council.

1. Robert Knapp, Costa Mesa, advised that the sports groups cooperated with each other, as well as City and School District staff, and that the two lighted fields at The Farm are shared equally; he encouraged the City Council to continue to invest in the youth of the City by funding more lighted fields.
2. Tom Patterson, Costa Mesa, stated that they are a Group 1 with 90 percent of their members being Costa Mesa residents; to grandfather a Group 5 into a Group 1 would be unfair to the kids already in Group 1, since priority of field usage then changes.
3. Jeff Braun, Newport Beach, AYSO Region 97, applauded staff and the Parks and Recreation Commission for their work; expressed support for the recommendations on the Joint Use Agreement and keeping the allocation of lighted fields status quo; he encouraged the City Council to focus on the fact that they are impacting 800 Costa Mesa children by their decisions, rather than

on a percentage figure; that they have open registration which means children in Region 97 could play in Region 120, but they chose to remain in Region 97 because they want to play soccer with their friends with whom they go to school and who live in their neighborhood.

4. Ron Nugent, Costa Mesa, member of the Costa Mesa Pop Warner Football executive board, thanked Council Member Foley for helping them with a field issue which is they currently have four hours of field time or two days a week, but when daylight savings ends, unless they can get six hours of a field time or three days a week, they will be fined and suspended from Pop Warner; pointed out that in this opinion the City has not kept pace with the growth of youth programs and has not put any new fields on-line since 1965 that were not on School District land; he stressed the urgency for a resolution of the issue.

In response to Mayor Mansoor, City Manager Allan Roeder advised that last week Council Member Foley, Mr. Nugent and he communicated by email; that the hours issue has not been resolved, but the scheduling conflict on Fridays has been resolved. Mr. Roeder stated that at the present time to resolve the issue, the City would have to install lights or reduce the hours allocated to another group. He advised that Council Member Foley interceded with the College District for use of lighted fields, but the cost would be very high, \$1,500 per night.

Council Member Bever noted that the City had acquired a portion of Costa Mesa High School from the School District and developed The Farm Sports Complex with two of the fields being lighted and asked the City Manager what would be involved to light more of the fields. City Manager Roeder gave a historical overview of the acquisition and development of The Farm, the public hearing approval process, and noted that a commitment had been made to the Mesa Del Mar neighborhood relating to number of days the fields would be in use, hours, and that lighted fields would be limited to two. Mr. Roeder stated to change any approval conditions would require going through the public hearing process again.

In response to Council Member Dixon, City Manager Allan Roeder advised they could request the School District to lift the field lighting ban on School District property and discuss the possibility of having temporary or permanently lighted fields at Whittier School, but the fields are in terrible condition at present. In the long term, Whittier School is a good candidate because of its location. The Mayor reiterated the need to upgrade fields, rather than just maintaining them.

5. Karl Seckel, Costa Mesa, stated he believes that the City has reached a crisis mode in their ability to provide lighted fields and suggested that all avenues be explored, including reopening the Joint Use Agreement, working with the homeowners around The Farm, and installing lights at TeWinkle and Davis Schools.
6. David O'Shea, Costa Mesa, stated that the current formula used for allocating fields needs to be modified, since it assumes that fields given to an organization all come from Costa Mesa, when, in fact, they come from Newport Beach or the School District too.
7. Charles Graham, Costa Mesa, expressed his support for the Joint Use Agreement, but believed staff should be more assertive in exercising the Agreement and getting more lighted fields; suggested that staff delay the conversion of one of the fields at TeWinkle Park since it is currently lighted and the Pop Warner Football Program could play there; and he encouraged the City Council to consider building baseball fields at Fairview Park, since if it were not for the Joint Use Agreement, the City would not have any baseball fields.

In response to Council Member Dixon, Mr. Graham stated that without the Joint Use Agreement, organizations would have to first obtain the approval of the individual principal at each school where they wish to play and then obtain the approval of the School Board.

Council Member Bever stated it was his understanding that the School District has centralized the allocation of fields process. Recreation Manager Jana Ransom clarified that the School District has the ability to schedule, but the allocation of the fields is the City's overlay of the Joint Use Agreement with the

field use and allocation policy. Ms. Ransom and Ms. Raheb reiterated the current and past processes which organizations must follow to obtain approval to use School District fields.

8. Mike Barr, Costa Mesa, Region 120 Field Director, advised that three years ago when the Farm first opened, they had use of all six fields and now they are down to one-third of their field practice time and have even lost fields; advised they are the largest Group 1 user and they do work together with other teams; he believed the issue was the lack of lighted fields throughout the City and the Joint Use Agreement was vital to sports programs in the City.
9. Mylle Frederiksen, Costa Mesa, advised she submitted a petition signed by 55 people in her neighborhood, seeking relief from the noise caused by hundreds of adults playing sports on Saturdays and Sundays, from 8:30 a.m. to 5:30 p.m., at Victoria School.
10. David Stiller, Costa Mesa, member of the Parks and Recreation Commission but speaking as an individual, stressed the importance of having the Joint Use Agreement and encouraged the City Council not to hold the Agreement hostage by other issues; and recommended that a meeting be held with the residents on the north side of The Farm and members of the Mesa del Mar Board of Directors to work out an agreement whereby lights could be installed on the south side of The Farm on Fields 3 and 4.
11. Chris Harris, Newport Beach, expressed his support for the Joint Use Agreement, emphasizing without it, use of school fields would be in jeopardy; noted that the City had only three parks that they control, TeWinkle Park, The Farm and Lyons Parks, the rest were School District fields; advised that Newport Beach and Region 97 had their permits pulled by the District after practices and games had been scheduled because the District decided they needed the fields for their use; expressed concern that the City was going to spend between \$3.5 and \$4 million on a sports complex which would be used mostly by people who do not live in Costa Mesa; and stressed the need for more lighted fields for both the youth and adult sports programs.
12. Mark Rogensen, Costa Mesa, soccer and baseball coach, stated the Joint Use Agreement was necessary, but the long-term answer was more City fields.
13. A speaker from the audience expressed his support for the Joint Use Agreement even though it is not perfect; emphasized if the Agreement is not negotiated and executed, the City will lose control of the fields.
14. Greg Pierce, Costa Mesa, expressed the opinion that the Joint Use Agreement was absolutely necessary, since it gives coaches and parents a one point access system to get permits for their teams.
15. James Shoaff, Costa Mesa, member of the Costa Mesa National League Board of Directors, expressed his support for the Joint Use Agreement, noting that without it, 50 plus fields would only be available at the discretion of the School District and the individual school principals.
16. Bob Ramirez, Costa Mesa, expressed the opinion that the Joint Use Agreement was a necessary tool and that the City should be checking identifications of players; he strongly emphasized that adult soccer teams should not be permitted to use elementary schools, noting the use of profanity, yelling, public nudity, urination, and defecation, balls kicked and trash thrown into backyards, alcohol consumption, public vending vehicles on the fields, loitering, increased traffic, parking issues, loud music, etc.; recommended that the City check identifications of adult players using the fields to insure they are Costa Mesa residents.
17. John Conners, AYSO Area Director, advised he works with 11,000 children in central Orange County, including Regions 97 and 120 and can attest to their cooperation to resolve any issues; AYSO's goals include supporting the community efforts and fostering good relations with other user groups; encouraged the City Council to adopt the recommendations of the Parks and Recreation Commission; and pointed out that surveys show that people move to communities that provide good schools, services, and youth programs and urged the City Council to commit to serving youth programs by providing good fields.

In response to Council Member Dixon, City Manager Roeder advised that District staff, City staff, and Public Services Director Bill Morris visited all the fields and did an in-depth analysis of the work which would be required, such as irrigation and aeration, to bring the fields up to a standard acceptable to the community, District, and City; maintenance levels would still have to be determined. Mr. Roeder further

advised that 80 percent of the field irrigation systems were failing and noted that a substantial capital investment in the facilities is needed. Currently, the Joint Use Agreement only addresses basic maintenance of School District fields. Mr. Roeder advised that the School District is willing to take back the maintenance of the fields addressed in the Joint Use Agreement, to discuss multiple levels of maintenance, and have the City fund routine maintenance on an on-going basis, however Mr. Roeder stated no final decision has been made. Council Member Foley stated that both parties to the Joint Use Agreement agreed to reach a decision by the first meeting in October.

MOTION: Council Member Foley moved to: 1) Accept the Park and Recreation Commission recommendations contained in the agenda report dated August 24, 2005. 2) Direct staff to revise the existing Joint Use Agreement with Newport Mesa Unified School District with the City acting as the agent for community use, specifically with the City's position being that field renovations be brought to mutually agreed upon and defined standards, with the School District providing ongoing maintenance and the City providing the revenue for funding substantial capital investment in future field improvements. 3) Direct staff to place a high priority on moving forward with feasibility studies to identify City and School District fields where permanent lights could be installed and to set aside funding to install lights in future years' budgets. 4) Support efforts to evaluate State surplus properties and direct staff to include funding plans for acquisition of some of those properties in future years' budgets. 5) Direct staff to look at lighting the following fields: Whittier School for permanent lighting, David Field, a portion of Balaeric Field and Sonora Field not adjacent to residential property, work with the Segerstrom's on the Home Ranch property which was previously discussed, and look at better utilizing Lyons Field. **MOTION DIED FOR LACK OF A SECOND.**

Council Member Foley stated the only way the City will get more fields and improve existing fields is to work with the School District; believed the Joint Use Agreement was imperative; burdening school principals with the task of field allocation was not an option; noted that the School District has taken the initiative to improve school sites and fields and has not received acknowledgement of the effort; and stated that if more money is not going to be given to the School District, then everyone needs to support Measure F.

MOTION: Council Member Bever moved to: 1) Continue with the existing Joint Use Agreement and use as basis for further discussions. 2) Use the \$1 million allocated to the Costa Mesa United project for stop gap measures, lighting and field work to meet immediate needs, since a measure is being proposed which may fund the Costa Mesa United project. 3) Eliminate adult sports at elementary schools. 4) Direct the City Manager to submit alternatives to provide more City-owned fields, lighted and unlighted fields that would include utility and baseball fields. 4) Eliminate Group 5 and 6 users. **MOTION DIED FOR LACK OF A SECOND.**

MOTION: Council Member Dixon moved to: 1) Accept the Parks and Recreation Commission recommendations as follows: a) Make no changes to Groups 4 and 5 organizations' use of fields and limit Group 6 organizations' use as recommended. b) Permit no use of Newport Mesa Unified School District elementary schools located in Costa Mesa by adult soccer organizations. c) Restrict adult soccer use to Costa Mesa High School fields, Estancia High School fields, Parsons School field, Davis School field, and Balaeric School field with established site restrictions. d) Make no changes to year-round use of fields by an organization and direct staff to initiate and/or assist with development of rest and renovation periods at school and at City fields. e) Make no changes to the current allocation formula used on fields with lights and direct the Parks and Recreation Commission to look into short term use of portable lights at The Farm Sports Complex location. f) Support inclusion of maintenance standards in any re-worked Joint Use Agreement with Newport Mesa Unified School District. g) Defer action on the Joint Use Agreement until the Newport Mesa Unified School District (NMUSD) agrees to the following modifications to the Agreement: 1) The NMUSD assumes all maintenance responsibilities for District fields under the Joint Use Agreement. 2) The NMUSD fully maintains District fields under the Joint Use Agreement to a level safe for both school and community use, with the City and District mutually agreeing upon a maintenance standard. 3) City funds needed Capital Reinvestment of fields under the Joint Use

Agreement, defined as irrigation, aerification, verticutting and overseeding; City and District will identify Capital Reinvestment projects on an annual basis for timely consideration of the City's annual budget; subject to City Council approval, City will contribute up to a maximum of \$200,000 per year to the Capital Reinvestment effort until all improvements are completed. 4) NMUSD shall under no circumstance cancel City permitted use of its fields. Council Member Bever seconded the motion for discussion.

Council Member Bever requested the maker of the motion to include direction to staff to submit alternatives to provide more City-owned and -controlled fields. Council Member Dixon accepted the inclusion. Additionally, Council Member Bever requested that any reference to adult soccer organizations be changed to adult sports organizations; Council Member Dixon was agreeable. Council Member Bever noted that there no mention of temporary and immediate lighting of fields at The Farm. City Manager Allan Roeder advised that if the City Council was desirous of installing short-term temporary use of portable lighting, the Park and Recreation Commission needed to be requested to consider the matter. Council Members Dixon and Bever agreed to include in the motion to direct the Parks and Recreation Commission to consider the temporary use of lighting portables at The Farm. Council Member requested the maker of the motion to consider eliminating Group 6; Council Member Dixon responded in the negative, opining that adults need the opportunity to play sports and pointed out that eliminating that Group would not free up any fields, since they play on Sundays. Council Member Bever stated that with the foregoing inclusions in the motion, his second would stand.

Mayor Mansoor advised that there were many good points in the motion, but stated that without the elimination of Group 6 and moving them to Group 4, he had difficulty with supporting the motion. He reiterated that there may be no increase in fields as a result, but there were still the issues of impact to neighborhoods and field recovery, and those translate into cost issues in keeping the fields up.

Council Member Foley inquired if Council Member Dixon was willing to include in her motion to direct staff to place a high priority on finding fields; Council Member Dixon said absolutely and believed it was included already; Council Member Bever responded that he believed the high priority status was included in the motion by the direction given to staff. City Manager Allan Roeder offered that he believed the motion provided staff with clear direction, but cautioned the City Council that there was a need to be pragmatic in balancing available resources; and investigating potential sites and funding would take some time. Council Member Foley clarified that high priority for this matter meant within the next year as the budget is prepared.

AMENDED MOTION: A vote was taken on the foregoing motion, as amended above. Council Member Mansoor voted "No". Council Member Monahan absent. MOTION CARRIED.

REMAINING AGENDA ITEMS: Mayor Mansoor noted it was after midnight and in accordance with City Council Policy, the City Council needed to determine if the remaining agenda items would be continued to the next meeting. City Manager Roeder advised, and Council Member Dixon concurred, there was no urgency to the Senior Center Board Appointments; that anyone in the audience who could not return at the next meeting to address the median islands for Placentia Avenue should be given the opportunity to present their testimony this date; and action on the request by the Federal Emergency Management Agency (FEMA) for Hurricane Disaster Assistance was urgent.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Foley, the City Council determined that the Senior Center Board Appointments would be continued to September 20, 2005, the Placentia Avenue Median Island Locations and the Hurricane Disaster Assistance request from the Federal Emergency Management Agency would be considered this date. Council Member Monahan absent. MOTION CARRIED.

RECESS: Mayor Mansoor declared the meeting recessed at 12:20 a.m.

AFTER RECESS: Mayor Mansoor reconvened the meeting at 12:26 a.m., with all Council Members present except Council Member Monahan.

PROPOSED MEDIAN ISLAND LAYOUT AND PLANT PALETTE MODIFICATIONS ON PLACENTIA AVENUE: Parks and Recreation Commission recommendations, with minor staff revisions for Placentia Avenue, from Wilson Street to the southerly City limits.

Director of Public Services William Morris briefed his agenda report dated August 25, 2005, noting that the City Council in 2003 had adopted a Citywide median construction priority list and that construction of the islands on 19th Street were underway and would be completed by October of this year. Mr. Morris advised that they had met with the affected residents and businesses on Placentia Avenue about the median improvements and developed a plan, but that some people were still not in agreement. He referred to the posted plan on the Council Chambers screen.

Ernesto Munoz, City Engineer, reiterated the process used with the resident and business community along Placentia Avenue and noted that they were recommending a modification to the palette to add significantly more color to the median and to modify the standards to adjust the palette.

Council Member Bever advised that several community members who were impacted by the previous road construction had contacted him and expressed concern about the impediment to businesses. He recalled that the road construction project on Placentia Avenue had been delayed several times due to inclement weather and wanted to know if the median island project was a simple process.

City Engineer Munoz advised that a lot of the preliminary work for the median project had already been completed, stubbing for water and electrical, but that the median areas were not reconstructed in anticipation of the project. He further advised that the project time would be four weeks per median location. Mr. Munoz stated that the driveways with the least restricted turning movements were adjusted and the plan modified, so that they were minimally impacted.

Senior Engineer and Project Manager Fariba Fazeli advised that there were 12 medians proposed in the layout to be constructed and that those in close proximity to each other were anticipated to be constructed at the same time. Construction time for all would be three to four months. Ms. Fazeli pointed out that construction would not require long-term lane closures, perhaps two days per median.

Council Member Foley reported that she had received several communications about the project, noting that the concern was not just construction time, but the impact of the medians themselves on businesses and residences, and asked if parkways had been considered. Senior Engineer Fazeli advised that the direction to staff was the construction of medians and although parkways were considered as an alternative, the plan only included medians.

The Mayor asked if anyone wished to address the Council on the matter. The following persons spoke:

1. Christine O'Connor, recent property owner, questioned fire truck access and/or delay into the residential driveways; City Engineer Munoz advised that most of the medians would not preclude turning movements into the driveways and that the turning movements would occur from live lanes, as opposed to painted medians.
2. Gil Monick, Costa Mesa property and business owner, stated he believed that the City should not install medians along Placentia Avenue between Wilson and 16th Street because the street is too narrow and there are No U-Turn signs at most signals; expressed concern that they would hamper free flow of traffic attempting to turn left into businesses and residences and would cause drivers to take side streets to turn around and return to Placentia Avenue; noted potential for traffic accidents; and offered suggestions for medians in other areas of the City.
3. Hyun Ku Kang, representing his parents who own a business at 1746 Placentia Avenue, stated they are concerned that the median will block one-half of their entrance, that customers will not be able to make a left turn into their business, resulting in the loss of one-third of their customers;

City Engineer Munoz responded that the median will not preclude left-turn movements into the property.

4. Eileen Sena, Sena Auto Care Care, expressed concern about traffic on Placentia Avenue, noting that drivers use the left turn lane as a merge lane and with the medians they will lose that ability; with the medians, drivers will maneuver more U-turns and may cause more accidents; questioned how much greenery would be provided in the medians since they have been reduced in size; and requested the City Council to consider alternatives.

Council Member Dixon pointed out that the City Council's intent was to beautify the West side of the City by planting trees and shrubs in medians or along parkways, noting that trees tend to slow traffic; expressed the opinion that there should be more medians than the 10 percent proposed, 40 to 50 percent more.

Mayor Mansoor questioned what would be involved in time and cost if the design was referred back to staff. City Engineer Munoz stated design costs would be minimal and construction costs would escalate depending on the number of medians. Mr. Munoz stated that further study would take approximately six months. He noted that \$480,000 is currently allocated for the project and that they could look into increasing the number of medians and landscaping along the sidewalks, as well. The Mayor suggested that owners be encouraged to voluntarily landscape in front of their properties, thereby reducing the number of medians required. The City Engineer advised that some of the owners who have no medians in front of their properties are still opposed to the project. He stated staff could revisit their public outreach efforts.

In response to Council Member Foley, City Engineer Munoz stated staff would have to look at the possibility of installing landscaping at intersections, but noted that generally intersections are fairly busy with traffic signals and equipment boxes on the corners.

In response to Council Member Bever, City Engineer Munoz stated he did not believe there would be more receptivity, especially if the City were to quadruple the number of medians.

Council Member Dixon voiced the opinion that as elected officials, they had a responsibility to the whole community to make the City a better place for residents and businesses and believed that if the City Council did nothing now, five years hence they would be criticized for it. She stated she understood resistance to change, but the long-term impact of beautifying the West side of the City would outweigh any inconvenience or resistance. Mayor Mansoor reinforced the fact that many people have expressed the opinion that they want the West side improved.

MOTION: On motion by Council Member Dixon, seconded by Council Member Mansoor, the City Council directed staff to redesign the medians, increasing the amount to 40 to 50 percent landscaped medians.

Council discussion ensued and it was pointed out that Placentia Avenue was different than Harbor Boulevard, that it could not accommodate 40 to 50 percent of medians, and that businesses would be detrimentally impacted. The City Council reiterated their commitment to beautifying the City and it was again suggested that landscaped parkways and intersections be considered. Mayor Mansoor asked the maker of the motion if she would accept 20 percent.

Council Member Foley stated she could support the amendment if the 20 percent included the parkways and wasn't only the medians. Mayor Mansoor stated the amended motion would stand.

AMENDED MOTION: On motion by Council Member Dixon, seconded by Council Member Mansoor, the City Council directed staff to redesign the medians, increasing the amount to 20 percent of landscaped medians, to look at the option of landscaping in parkways, and to encourage existing businesses to landscape their parkways, giving those who do so the option of retaining a left-turn lane into their business. Council Member Foley voted "No". Council Member Monahan absent. MOTION CARRIED.

COUNCIL COMMENTS

Council Member Foley

1. Noted that she and Council Member Dixon attended the closing of the Summer Camp Costa Mesa Event and Barbecue which was a good example of the quality of recreational programs sponsored by the City; she complimented Recreation staff.
2. Complimented Chief Hensley and the Police Department on their excellent ratings as reported in The Orange County Register.
3. Reported that the Festival of Children is on-going at South Coast Plaza and noted it was a fun family event and a great way for non-profit and youth organizations who help children to interact.
4. Noted the tragic loss of Brian Kapko, son of a family active in community affairs, and the memorial service held this past weekend; announced that a Brian Kapko Memorial Fund has been established through the Costa Mesa Federal Credit Union and encouraged any interested party to support the Fund.
5. Announced that in an effort to provide relief to the families of the hurricane, the City will partner with the Pajama Program and provide books and pajamas to the children in the affected areas; encouraged citizens to bring books and new pajamas to City Hall; advised adult pajamas were also being accepted; with the assistance of South Coast Plaza, donations will be shipped to New York for truck delivery to the affected areas; financial donations can be made to www.pajamaprogram.org; announced that Orange County Red Cross Hurricane Relief effort is seeking financial contributions, as well as volunteer contributions and blood donations.
6. Requested the City Manager to provide an update on the desalination project.
7. Requested a status report on the Sutra issues and how they might be resolved.
8. Expressed appreciation to Peter Naghavi for the prompt attention to graffiti removal on Caltrans property and noted the lack of action by the County on the Flood Control property.
9. Referred to the sample action minutes, noting the City Council discussed the Junior Lifeguard Joint Program, and requested an update on the status of effort.
10. Relating to Ms. Burciaga's comments earlier in the meeting about increased criminal activity on 19th Street, requested an update on the increased Police support efforts in the area.

Council Member Dixon

1. Congratulated Police Chief Hensley and the Police Department on their excellent ratings and encouraged them to keep up the good work.
2. Expressed appreciation to the Parks and Recreation Commission on the great Barbecue.
3. Displayed on the Council Chambers screen the websites of three organizations who are helping victims of Hurricane Katrina and encouraged anyone who could to financially help the many desperate victims, as well as abandoned or stray animals.
4. Noted she had been contacted by property owners along 19th Street who were trying to keep their properties cleaned up and was advised that persons who have no homes were urinating and sleeping on their lawns; requested the City Manager to report if there was an ordinance prohibiting repeat offenders to returning to areas where they can get free food and clothing

Mayor Mansoor

1. Advised that Orange County agencies, city agencies, and police and fire agencies work and train together to prepare for emergencies; noted organizations and programs in which the public can participate to be prepared for emergencies; noted that the public should be prepared to fend for themselves and families for the first 72 hours of a catastrophic emergency; and encouraged the public to attend classes or get the necessary emergency information to insure they will be prepared.

REPORTS

City Attorney: None

City Manager:

1. Federal Emergency Management (FEMA) request for Hurricane Katrina Disaster Assistance: Mr. Roeder briefed the Supplemental Staff Report dated September 1, 2005 from the Deputy Fire Chief. He advised that the City had received a request from FEMA to provide assistance from the Fire Service in response to Hurricane Katrina. He advised that Risk Management and Human Services have the FEMA proposal to insure it is consistent with adopted City rules and regulations. Mr. Roeder advised that the City is in a position to add their name to the list of agencies who could participate in the relief effort assisting people in the affected Gulf States area.

City Manager Allan Roeder advised that the City's Emergency Disaster Coordinator was on her way to the Hurricane area and would be working in a shelter facility, gaining live experience that will benefit our community in terms of training for an emergency. Mr. Roeder stated that it was his intent to bring to the Orange County City Managers Group's attention the issue of what the County as a whole could do to assist Hurricane victims in terms of housing, food, and long term care for refugees from the South. Mr. Roeder advised that Chief Ellis was also present to answer any questions.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council authorized the City Manager to release personnel as requested, up to two two-member teams, to assist with Hurricane Katrina relief efforts, and location conditions permit. Council Member Monahan absent.
MOTION CARRIED.

ADJOURNMENT: The Mayor declared the meeting adjourned at 1:20 a.m., to the next Regular Meeting to be held September 20, 2005.

Respectfully submitted,

JULIE FOLCIK, DEPUTY CITY CLERK

Approved: July 5, 2006