

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

October 18, 2005

The City Council meeting of the City of Costa Mesa, California met in regular session October 18, 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.

I. ROLL CALL

Council Members Present: Mayor Allan Mansoor
Council Member Eric Bever
Council Member Linda Dixon

Council Members Absent: Mayor Pro Tem Gary Monahan
Council Member Katrina Foley

Officials Present: Allan Roeder, City Manager
Kimberly Hall Barlow, City Attorney
Julie Folcik, Deputy City Clerk

II. PUBLIC COMMENT

Paul Miller - Relative to his request for extended leave Mr. Miller advised the Council that after having undergone physical therapy he can now return to work.

III. CLOSED SESSION:

1. Continued from the meeting of October 4, 2005, request for closed session pursuant to California Government Code Section 54957, Public Employment: Housing Rehabilitation Coordinator; Public Employee Discipline/Dismissal/ Release
2. Request for closed session pursuant to California Government Code Section 54956.9(a), conference with legal counsel - existing litigation, Mascaro v. City of Costa Mesa, Case Number 04CC10146.
3. Request for closed session pursuant to California Government Code Section 54956.9(b)(1), conference with legal counsel - anticipated litigation.

The Mayor adjourned the City Council meeting to a closed session in first floor Conference Room 1B, at 5:07 p.m.

The Mayor reconvened the regular meeting of the City Council Meeting at 6:04 p.m.

ROLL CALL

Council Members Present: Mayor Allan Mansoor
Council Member Eric Bever
Council Member Linda Dixon
Council Member Katrina Foley

Council Members Absent: Mayor Pro Tem Gary Monahan

Officials Present: Allan Roeder, City Manager
Kimberly Hall Barlow, City Attorney
Julie Folcik, Deputy City Clerk

CLOSED SESSION REPORT

1. Continued from the meeting of October 4, 2005, request for closed session pursuant to California Government Code Section 54957, Public Employment: Housing rehabilitation Coordinator; Public Employee Discipline/Dismissal/ Release.

MOTION: Deny the request for the extension of leave time.

Motion carried by the following roll call vote:

Ayes: Mayor Mansoor, Council Member Bever, Council Member Dixon.

Noes: None

Absent: Mayor Pro Tem Monahan, Council Member Foley.

2. Request for closed session pursuant to California Government Code Section 54956.9(a), conference with legal counsel - existing litigation, Mascaro v. City of Costa Mesa, Case Number 04CC10146.

No action was taken.

3. Request for closed session pursuant to California Government Code Section 54956.9(b)(1), conference with legal counsel - anticipated litigation.

No action was taken.

The Mayor recessed the City Council meeting at 6:05 p.m., for the Agenda Review Study Session, in the first floor conference Room 1A.

The Mayor reconvened the Regular City Council Meeting at 6:20 p.m.

PLEDGE OF ALLEGIANCE

Mayor Mansoor

MOMENT OF SOLEMN EXPRESSION Reverend Dennis Short, Harbor Christian Church

ROLL CALL

Council Members Present: Mayor Allan Mansoor
Council Member Katrina Foley
Council Member Linda Dixon
Council Member Eric Bever

Council Members Absent: Mayor Pro Tem Gary Monahan
Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
Development Services Assistant Director Mike Robinson
Public Services Director William Morris
Transportation Service Manager Peter Naghavi
Principle Planner Kimberly Brandt
Associate Planner Wendy Shih
Management Analyst Carol Proctor
Park Ranger Matt Pallo
Police Sergeant Larry Hicks
Deputy City Clerk Julie Folcik

IV. PUBLIC COMMENTS

Robert Graham, Costa Mesa, reminded Council of how fortunate Costa Mesa is to be so close to the beach and referenced a new bicycle access to the beach planned for Alisa Canyon, Laguna Beach. He also suggested the use of a portion of Fairview Park for some playing fields.

Martin Millard, Costa Mesa, referenced an article that reported that Costa Mesa has one of the highest percentages of uninsured children in Orange County. He urged the Council "to correct the situation".

Topper Horack, Huntington Beach, advised of a proposed Poseidon Water Pipeline project from Huntington Beach that would travel through parts of Costa Mesa he presented pictures of how disrupting it could be during construction.

In response to a question from Council Member Foley the City Manager advised that this topic could be visited at the Council at the November 1, 2005 Council meeting.

Stephanie Campbell, Costa Mesa, commented on alleged misuse of Council's discretionary funds, referencing the discussion at the Council study session on October 11, 2005. She expressed support of Council Member Foley for her "true support of the community".

Richard Gillock, Costa Mesa, spoke regarding use of the Council's discretionary funds, the allegations that were made against Council Member Foley, and pointed out the City Attorney opined there "was no illegal use". He supported the preparation of a policy.

Edward Tawil, Costa Mesa, concurred with the previous speakers regarding the alleged misuse of funds that were contributed to a little league team.

Sandra Genis, Costa Mesa, expressed concern with the proposed Poseidon Pipeline project, pointing out possible excavation locations in Costa Mesa, its impacts and questioned if the Environmental Impact Report had identified the staging areas in Costa Mesa.

Beth Refakes, Costa Mesa, also expressed concern regarding the proposed Poseidon Pipeline project and its impact on the major arterials in Costa Mesa. She asked for a status on Redlight Cameras on Newport Boulevard, and spoke to concerns of increased homelessness on West 19th Street.

Ernie Feeney, Costa Mesa, spoke to the issue of the use of Council's discretionary Funds, recalling that the use of the funds were for educational purposes. She questioned how the contributions were solicited.

Lisa Reedy, Costa Mesa, asked for an update on the redlight cameras.

At the request of the Mayor the City Manager provided an update that included reporting that the red light cameras are fully operational at specified locations throughout the City, and that the City is working with the judicial system, along with five other cities who also have the redlight cameras, to properly identify, process and distribute fines through the court system.

V. COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Allan Mansoor requested that the proposed Poseidon Pipeline project be agendized as it relates to street impacts in Costa Mesa.

Council Member Katrina Foley reported that the Board of Supervisors is considering a children's health initiative, a funding of children's programs to help improve the status of children without health coverage within the County. She requested that a Council resolution in support of the initiative, be agendized for the next meeting. In addition, she asked that consideration of her request to establishing a Neighborhoods Safe Street Committee, whose goal would be to discuss traffic calming issues in residential neighborhoods, be agendized for a November meeting. It was also suggested that perhaps a retreat for the Council

members may be helpful in "learning to work together and find a common ground" and requested if the City Manager could look into the planning of such a retreat.

Council Member Linda Dixon, relative to the proposed Huntington Beach Poseidon Pipeline Project report, asked if staff could research if alternative routes were considered, other than through Costa Mesa and to provide some alternatives relative to the project.

The City Manager advised that the applicant and representatives from the City of Huntington Beach will be invited to attend the upcoming Council meeting discussion relative to the Proposed Poseidon Pipeline Project to answer any questions.

Council Member Eric Bever relative to comments made regarding the use of Council Discretionary Funds commented that he that as a sworn official he is trying to discharge his duty to ensure that the federal, state and local laws are upheld.

VI. CONSENT CALENDAR -

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

MOTION: Approve recommendations for Consent Calendar Nos. 1 - 16, except for Item Nos. 5 and 6.

Council Member Bever indicated he wished to pull Item No. 16 from the Consent Calendar. Mayor Mansoor withdrew his second to the previous motion.

MOTION: Approve recommendations for Consent Calendar Nos. 1-15, except Item Nos. 5, 6, and 16.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

1. Reading Folder.

ACTION: Received and processed.

2. Regular meeting Minutes of September 20, 2005.

ACTION: Approved.

3. Warrant Resolution 2078, funding City operating expenses for

\$808,126.42.

ACTION: Approved.

4. Warrant Resolution 2079 funding Payroll No. 520 for \$2,227,345.54 and Payroll No. 519A for \$6,153.83, and City operating expenses for \$893,906.59, including payroll deductions.

ACTION: Approved.

7. Claim from Kim Haina (alleges she fell in the street due to road construction).

ACTION: Rejected.

8. Claim from Steve Stafford (alleges damaged eyes due to red light camera lighting).

ACTION: Rejected.

9. Completion of Survey Monumentation at 1325 Sunflower Avenue, by Standard Pacific Corporation, 13526 Alton Parkway, Costa Mesa, in connection with Master Plan PA-02-41/Tract Map 16416.

ACTION: Accepted work and ordered the bond exonerated.

10. Completion of street improvements at 650 Town Center Drive, by Sully Miller Contracting, 100 East Orangethorpe Avenue, Suite 200, Anaheim, in connection with Encroachment Permit No. PS04-00563.

ACTION: Accepted work and authorized refund of cash deposit.

11. Award Contract for El Camino Drive Rehabilitation, Project No. 05-22, to All American Asphalt, Post Office Box 2229, Corona, for \$256,256.00 (base bid).

ACTION: Approved and authorized Mayor and Clerk to sign.

12. Parkway Concrete Repair and New Sidewalk, Project No. 05-21

(a) Reject the non-responsive bid from FS Construction.

ACTION: Rejected bid as non-responsive.

(b) Award contract to S. Parker Engineering, Inc., 10059 Whippoorwill Avenue, Fountain Valley, for \$177,920.50.

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

13. Completion of Concrete Replacement at Various Park Sites, Project No. 05-06, by S. Parker Engineering, Inc., 10059 Whippoorwill Avenue, Fountain Valley.

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

14. Completion of Replacement Irrigation Control Wiring at Tanager Park, Project No. 05-13, by Belaire West Landscape, Inc., 7371 Walnut Avenue, Buena Park.

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

15. DA-05-04 Annual Review of Development Agreement for C.J. Segerstrom and Sons, for the Segerstrom Home Ranch Development Agreement (DA-00-01), located at 1201 South Coast Drive. Environment determination: exempt.

ACTION: Determined that C.J. Segerstrom and Sons has demonstrated good faith compliance with terms and conditions of Development Agreement DA-00-01,

Council Member Foley recused herself from the discussion and decision of Consent Calendar Items Nos. 5 and 6, indicating a conflict of interest due to a campaign contribution from claimants' legal counsel. Council Member Foley exited the Council Chambers.

5. Claim from Teri Kennady (alleges intersection design caused fatal traffic accident).

MOTION: Reject the claim.

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Eric Bever, Council Member Linda Dixon

Noes: None.

Abstain: Council Member Katrina Foley

Absent: Mayor Pro Tem Gary Monahan

6. Claim from Feitler, et al (alleges intersection design caused traffic

accident).

MOTION: Reject the claim.

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Eric Bever, Council Member Linda Dixon

Noes: None.

Abstain: Council Member Katrina Foley

Absent: Mayor Pro Tem Gary Monahan

Council Member Foley returned to the Council Chambers.

16. Salary adjustments for executive classifications and the unrepresented confidential employees unit.

Council Member Bever questioned a potential conflict of interest in the negotiations by members of the same bargaining unit.

The Mayor advised that Council had been given an opportunity to negotiate different terms. Council Member Foley clarified that negotiations were done by a prior Council.

The City Attorney confirmed that members of the bargaining unit participated in the negotiations at the direction of the Council.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE EXECUTIVE COMPENSATION PLAN AND EXECUTIVE SALARY SCHEDULE TO REFLECT CHANGES IN THE ESTABLISHED LABOR MARKET PLACE, and includes the new classification of City Clerk.

MOTION: Adopt Resolution No. 05-74.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR JOB CLASSIFICATIONS WITHIN THE CONFIDENTIAL EMPLOYEES UNIT.

MOTION: Adopt Resolution No. 05-75.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

(c) Budget Adjustment No. 06-016 for \$410,225.00 to appropriate funds to the various City departments for the above-listed salary adjustments.

MOTION: Approve.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

VII. PUBLIC HEARINGS

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

1. PUBLIC HEARING: Continued from the meeting of October 4, 2005, appeal from Lee Jamieson, Owner, Bristol Street Mini Storage, LLC, of the Planning Commission's denial of the six-month extension of time for Conditional Use Permit PA-05-30 for the County of Orange/Bristol Street Mini Storage, LLC, for the outdoor storage of recreation vehicles and a mini-storage facility (originally approved under PA-94-24 and PA-04-12) from September 1, 2005, to March 1, 2006, located at 1100 Bristol Street in a C1 (Local Business District) zone. Environmental determination: exempt.

The Associate Planner summarized the Agenda Report.

The City Manager advised that there has been the request by the applicant's legal representative to meet with the City to discuss the issue. Council Member Foley favored a continuance.

Moved by Council Member Foley, seconded by Mayor Mansoor.

MOTION: Continue the hearing to November 15, 2005.

Mayor Mansoor asked to add to the motion to include that staff meet with the applicant. Council Member Foley agreed.

MOTION: Continue the hearing to November 15, 2005, and directed staff to meet with the applicant.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

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

2. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY FENCING ON VACANT PROPERTIES.

The Affidavit of Publication is on file in the City Clerk's Office.

The Principle Planner summarized the Agenda Report and along with the Development Services Assistant Director responded to questions from the Council.

There were no public speakers under public comment.

Council Member Foley questioned the requirement of the use of opaque fencing materials on large vacant parcels as it related to the Police Department's ability to visually monitor activity at the site.

Council Member Dixon, felt it important to require a permit so that the City would know where the temporary fencing is located, that it is maintained properly, and not harmful to the neighborhood.

Council Member Foley felt the proposed ordinance should address separately the requirements of when a Building Official or Fire Chief requires a permit for the installation of temporary fencing from those requirements of individuals who voluntarily install temporary fencing; requiring fencing material be opaque and that a permit be obtained.

MOTION: Continue hearing to November 1, 2005; directing staff to revise the ordinance to include provisions regarding the use of opaque screening materials; and to include separate

**sections relative to requirements for temporary fencing installed as a requirement by the Building Official or Fire Chief and relative to a property owner's voluntary use of temporary fencing.
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

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

3. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES.
Environmental determination: exempt.

The Affidavit of Publication is on file in the City Clerk's Office.

The Principle Planner presented the Agenda Report.

There were no public speakers under public comment.

MOTION: Give ordinance first reading, to be read by title only and waive further reading.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

Council Member Bever recused himself from the discussion and decision of the hearing citing a potential conflict of interest due to his leasing of industrial property. Council Member Bever exited the Chambers.

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

4. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES. Environmental determination: exempt.

The Affidavit of Publication is on file in the City Clerk's Office.

The Principle planner summarized the Agenda Report and responded to questions from the Council.

In response to Council Member Dixon's question regarding utilizing a sliding scale approach in the percentage of space that may be used for retail space, the Principle Planner advised that staff could bring back the ordinance with that alternative included.

There were no public speakers under public comment.

MOTION: Table the hearing to a future date and direct staff to bring back alternatives, such as a sliding scale, that would allow businesses in the industrial zone a percentage of retail space and to re-notice the public hearing.

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

Mayor Mansoor asked that the motion include consideration of a specified square footage of retail space. Council Member Dixon agreed.

The motion carried by the following roll call vote:

Ayes: Council Member Katrina Foley, Council Member Linda Dixon,
Mayor Allan Mansoor

Noes: None.

Abstain: Council Member Eric Bever

Absent: Mayor Pro Tem Gary Monahan

Council Member Bever returned to the Council Chambers.

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

5. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING CHURCHES/PLACES OF RELIGIOUS ASSEMBLY IN COMMERCIAL ZONES. Environmental determination: exempt.

The Affidavit of Publication is on file in the City Clerk's Office.

The Principal Planner presented the Agenda Report and responded to questions of the Council.

Ernie Feeney, Costa Mesa, supported maintaining the existing zoning explaining that requiring a Conditional Use Permit (CUP) provides a means for the City to review the permit if there is a violation.

MOTION: Table the hearing to a future meeting allowing staff to bring

back an ordinance that requires a Conditional Use Permit (CUP) for all assembly uses in commercial zones.

Moved by Mayor Mansoor, seconded by Council Member Bever.

Council Member Foley commented that the staff report and the proposed ordinance were satisfactory. She felt adding all the assembly uses to the code increased the level of "bureaucracy".

Substitute motion by: Council Member Foley.

SUBSTITUTE MOTION: Direct staff to return with options for the ordinance, to include:

1. Modification of the existing proposed ordinance, providing definitions of religious assembly;
2. Bring back an ordinance that requires a CUP for all assembly uses in commercial zones;
3. Modify the institutional/recreational zoning as it relates to the Master Plan regarding religious institutions.

Substitute Motion died for a lack of second.

MOTION: Table the hearing to a future meeting allowing staff to bring back an ordinance that requires a Conditional Use Permit (CUP) for all assembly uses in commercial zones and include various definitions of assembly.

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

The Mayor restated the motion confirming with the second that the addition was acceptable. Council Member Bever agreed.

Council Member Foley commented that she did not support the motion as it created more work, and would add back into the code that which was recently removed.

The motion carried by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Eric Bever, Mayor Allan Mansoor

Noes: Council Member Katrina Foley

Absent: Mayor Pro Tem Gary Monahan

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

6. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING GP-05-05 THAT AMENDS THE MASTER PLAN OF HIGHWAYS, CONTAINED IN THE CITY OF COSTA MESA 2000 GENERAL PLAN TO DOWNGRADE

ARLINGTON DRIVE, FROM A PRIMARY ARTERIAL TO A COLLECTOR STREET, AND TO DOWNGRADE RED HILL AVENUE, FROM A MAJOR ARTERIAL TO PRIMARY ARTERIAL. ENVIRONMENTAL DETERMINATION: FINAL ENVIRONMENTAL IMPACT REPORT #1049 FOR THE COSTA MESA 2000 GENERAL PLAN.

The Affidavit of Publication is on file in the City Clerk's Office.

The Transportation Services Manager summarized the Agenda Report.

There were no public speakers under public comment.

MOTION: Adopt Resolution No 05-76; and to receive and file the revised list of General Plan circulation improvements. Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

The Mayor recessed the meeting at 8:00 p.m.

The Mayor reconvened the meeting at 8:10 p.m.

IX. NEW BUSINESS

1. Usage of Paularino Park for "active" recreational purposes.

The Public Services Director presented the Agenda report. He along with Park Ranger Matt Pallo and Police Sergeant Larry Hicks responded to question from the Council.

Council Member Bever explained his intention for requesting this item be placed on the agenda, as he felt Costa Mesa Municipal Code Section 12-45 (a), prohibits team sports in passive use parks. He thought that for clarity, it should be posted at the passive use parks.

Mayor Mansoor had a concern regarding with what was being proposed as he felt that it would limit the children of Costa Mesa and instead supported alternative number 3 as listed in the staff report.

Gary Peacock, Costa Mesa, publisher of the Mesa North Community Newsletter, advised that the Mesa North Homeowners Association has contributed to the improvements in Paularino Park, such as the purchasing of benches, trees, dog pick-up stations, refurbishment of the gazebo, and pay for private patrol of the park. He advised residents only

ask for "the quite enjoyment of their homes".

Eric Christensen, President of Mesa North Homeowners Association, confirmed that they have contributed to the improvements at the park, shared some future plans, and indicated that they would like to continue to maintain the park as a passive park.

Deborah Rector, Costa Mesa, commented that she has not seen any organized sports at Paularino Park and didn't feel there was a need to make any changes at the park.

Jerry Macdonald, Costa Mesa, has witnessed sport teams at the park and supported additional landscaping as a deterrent.

Harold Hunt, Costa Mesa, commented that this is a neighborhood park and supported maintaining it as a passive park.

Ernie Feeney, Costa Mesa, commented that she has seen organized sports played at the park, and players who have been rude and very possessive of the area she, therefore, will not walk the park in the evening.

Trudy Ohlig-Hall, Costa Mesa, also has witnessed games in the park and supported, along with Cindy Robinson, Costa Mesa, of leaving the park passive and adding trees.

Humberto Caspa, Costa Mesa, indicated that in his experience playing soccer is a cultural social activity that is played by families for the mere enjoyment.

Martin Millard, Costa Mesa, reported that soccer players using the park told his wife to leave because they were playing soccer. He supported keeping the park passive, adding trees and enforcing the municipal code.

Byron de Arakal, Costa Mesa, Parks Commissioner, agreed that there is ambiguity in the permitting ordinance , expressed concern regarding adding trees to to preclude active use of the park, how restriction of usage could impact the near by school, agreed it is an enforcement issue, and supported the current use of the park.

Ben Stiller, Costa Mesa, reported that he visited Paularino Park for seven nights and did not see anyone with team uniforms, or cleets; "just kids playing letting off steam".

Robert Graham, Costa Mesa, commented that there is a real community need for more fields and suggested looking ahead to future needs.

MOTION: To receive and file.

Moved by Council Member Foley. Motion died for lack of second.

MOTION: Direct staff to work with the Mesa North Homeowners Association relative to the placement of physical improvements in the park to preclude or reduce the potential for "active" recreational uses, as suggested in Alternative No. 3 in the agenda report, to determine if sources of revenue are able to be identified and if not, then to address the funding through the normal budget process.

Moved by Mayor Mansoor, seconded by Council Member Bever.

The City Manager reminded the Council that at the time of adoption of the fiscal years budget that Council had requested that as soon as the audit of last year's budget was completed, to identify any fund balance and to bring that back to Council for discussion.

Mayor Mansoor amended his motion to provide that funding for the improvements would be decided at the time of the budget audit discussions.

Council Member Dixon stated she will not support the motion as she felt it was "to much, to soon", and that this should be referred back to the Parks and Recreation Commission to make recommendations.

SUBSTITUTE MOTION: Refer this item to the Parks and Recreation Commission to work with the school district on a plan, to review the field use of 10 or more in a group, to work with the park rangers on a program such as additional patrol.

Moved by Council Member Dixon, seconded by Council Member Foley.

Mayor Mansoor requested to add to the motion that all options be considered, including that of adding trees. The addition was agreed to by the makers of the motion. Mayor Mansoor therefore withdrew his original motion.

MOTION: Refer this item to the Parks and Recreation Commission to work with the school district on a plan; to review the field use of 10 or more in a group; to work with the park rangers on a program such as additional patrol; that the public be included in the process and to visit all options, including that of adding trees to the park.

Moved by Council Member Linda Dixon, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

2. Appointments and reappointments to various Council-appointed standing committees:

(a) Child Care and Youth Services Committee

(b) Cultural Arts Committee

(c) Fairview Friend/Fundraising Committee

(d) Historical Preservation Committee

(e) Investment Oversight Committee

The Management Analyst summarized the Agenda Report.

MOTION: Appoint Brenna-Colleen Orr, Dowie "Skip" Crittenden and Susan Kopicki as members to the Child Care and Youth Services Committee.

Moved by Council Member Katrina Foley, seconded by Council Member Linda Dixon.

Mayor Mansoor expressed he would not support the motion as he felt the committees should be made up of Costa Mesa residents.

The motion failed by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley

Noes: Mayor Allan Mansoor, Council Member Eric Bever

Absent: Mayor Pro Tem Gary Monahan

Council Member Foley pointed out that there are already members on the committee that are not residents but do work within the City and offer valuable experience regarding child care issues.

MOTION: Appoint Brenna-Colleen Orr and Susan Kopicki to the Child Care and Youth Services Committee.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

MOTION: Appoint Dennis Crane to the Cultural Arts Committee and direct staff to continue to seek applicants.

Moved by Council Member Bever, seconded by Mayor Mansoor.

Council Member Bever felt that Dennis Crane was the only applicant that has a visual arts background which compliments the committees objectives. Mansoor disagreed and withdrew his second voicing a concern that the committee may want to go in another direction.

Council Member Foley and Council Member Dixon disagreed pointing out the goal and objectives previously provided to the Council did not indicate a limiting of the focus of the committee and that Council would otherwise need to redefine the committee objectives.

MOTION: Appoint Dennis Crane, Caryn Kallal, and Lillian Gorbaty to the Cultural Arts Committee.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

Ayes: Council Member Katrina Foley, Council Member Linda Dixon,
Mayor Allan Mansoor

Noes: Council Member Eric Bever

Absent: Mayor Pro Tem Gary Monahan

MOTION: Appoint John Anderson, representing the Haror Soaring Society, to the Fairview Friends/Fundraising Committee.

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

MOTION: Appoint John McQueen to the Historic Preservation Committee.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

MOTION: Reappoint Terry Shaw as a regular member and to appoint David Stiller as an alternate to the Investment Oversight Committee.

Moved by Mayor Allan Mansoor, seconded by Council Member Eric

Bever.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

3. Review of frequency of Parks and Recreation Commission meetings.

The Public Services Director summarized the Agenda Report.

Mark Harris, Costa Mesa, Parks and Recreation Commissioner expressed concern that if the commission is required to meet only once every other month it would increase the length of the meetings and delay deliberation on necessary business matters. He suggested cancelling of meetings that do not have enough business for discussion.

David Stiller, Costa Mesa, Parks and Recreation Commissioner, highlighted the major topics of deliberation by the commission, over the last several months and spoke of the necessity for the devoted time to their consideration.

Robert Graham, Costa Mesa, Parks and Recreation Commissioner, suggested that perhaps other transportation alternatives such as additional bike trails could be studied by the commission.

Byron de Arakal, Costa Mesa, Chair of the Parks and Recreation Commission, felt that the City's business would not be conducted effectively if there was a reduction of the meetings.

Beth Refakes, Costa Mesa, supported maintaining the commission meeting schedule.

MOTION: That the Parks and Recreation Commission are to continue meeting on a monthly basis.

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

4. Appointment of Mayor Pro Tem.

Humberto Caspa, Costa Mesa, expressed support of Council Member

Dixon as Mayor Pro Tem.

MOTION: Nominate Council Member Dixon as Mayor Pro Tem.

Moved by Council Member Foley. Motion died for lack of second.

MOTION: Nominate Council Member Bever as Mayor Pro Tem.

Moved by Mayor Mansoor. Motion died for lack of second.

MOTION: To continue the item.

Moved by Council Member Eric Bever, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Gary Monahan

X. REPORTS

The City Manager proudly reported that within the next two weeks he will be celebrating his 20-year anniversary of serving as the City Manager for the City of Costa Mesa.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 10:04 p.m.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa