

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

January 06, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session January 06, 2009, at 6:00 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

II. PUBLIC COMMENTS

III. CLOSED SESSION:

1. Conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA) pursuant to Government Code Section 54957.6.

ACTION: Withdrawn.

PLEDGE OF ALLEGIANCE - Council Member Gary Monahan

MOMENT OF SOLEMN EXPRESSION - Senior Pastor Bill Gartner, Harbor Christian Fellowship

ROLL CALL

Council Members Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Eric R. Bever
Council Member Katrina Foley
Council Member Gary Monahan

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
Assistant City Attorney Harold W. Potter
Development Services Director Donald Lamm
Public Services Director Peter Naghavi
Building Official Khanh Nguyen
Chief of Police Christopher Shawkey
City Clerk Julie Folcik

It was unanimously agreed to address Public Hearing No. 1 out of order.

Mayor Mansoor announced a request have been received from the applicant for a continuance of the public hearing.

VII. PUBLIC HEARING

1. PUBLIC HEARING: Continued from the meeting of December 2, 2008, appeal of the Planning Commission's determination regarding Planning Application PA-07- 39 for Anna R. Lauri of Red Mountain Retail Group, authorized agent for Harbor Hamilton, LLC, for a master plan for remodel of three existing buildings and construction of four new buildings for a 19,000 square-foot commercial center, located at the southwest corner of Harbor Boulevard and Hamilton Street at 2089, 2099 Harbor Boulevard, and 511 Hamilton Street in a PDC (Planned Development Commercial) zone. Environmental determination: Mitigated Negative Declaration.

Tim Lewis, Costa Mesa, expressed disappointment of the Planning Commission's determination on the project. He commended the developer and the project and pointed out that the project would generate revenues for the City.

MOTION: Continue to the meeting of February 3, 2009, at 7:00 p.m. Moved by Mayor Allan R. Mansoor, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

PRESENTATIONS

The Mayor congratulated the Police Department Records Bureau Staff for being named the Employees of the Month for January 2009. He recognized their excellent service to the City, and commended them for their flexibility in providing a smooth and critical operation with the highest level of professionalism and teamwork throughout the remodeling process of the City's Police facility.

IV. PUBLIC COMMENTS

1. James White, Costa Mesa, was thankful to all that were involved in collaborative effort for installing sidewalks from Raymond Avenue to Irvine Avenue, making it a safer street for residents.

2. John Goddard, Costa Mesa, expressed his pride of the City Council; commended Mayor Pro Tem Leece for her efforts concerning the Senior Center and recognized City Manager Allan Roeder for maintaining lower green fees for Costa Mesa senior residents.
3. Kevin Doane, Costa Mesa, informed the Council of the hearing held relative to a citation he had received regarding a property maintenance violation. He opined the citation was unfair, noted his fine of \$400 and of his financial hardship.
4. Tim Lewis, Costa Mesa, commented on financial hardships business are facing with the economic situation and encouraged the Council and City staff to be a little more helpful to the business community.
5. Ernie Feeney, Costa Mesa, disagreed with the Mesa Consolidated Water District Board's approval of an employee wellness program and announced that she had been granted a request to make a presentation to the Board for reconsideration of the approval of the benefit package. She advised that the presentation will be held on January 13, 2009, at 7:00 p.m., at the Water District office.
6. Eloise Ott, Costa Mesa, expressed support of the Water District's Toilet to Tap Project; reported litter located on the I-405 and SR-55 freeways at Fairview Road; advised she attended a Green Expo and encouraged finding ways to lowering energy bills; encouraged providing a veteran's hall for veterans and for the public to visit websites at www.hireapatriot.com and www.hireamarine.com when needing to hire someone for outside jobs.
7. Rachel Perez Hamilton, Costa Mesa, reported on complaints she received from volunteers at the Senior Center; encouraged the Council to focus on the needs of the City.
8. Judi Berry, Costa Mesa, congratulated the newly elected Council Members; and inquired of her request relating to the Costa Mesa High School Foundation and their 2007 financial filings of Form 990.
9. Anthony Peca, Costa Mesa, advised that stop signs on Broadway Street at the intersections of Raymond Avenue and Westminster Avenue were needed. He opined that the stop signs would provide safe crossing and would not impede traffic.
10. Mike Berry, Costa Mesa, pointing out that Victoria School is a regular target for graffiti. He suggested the implementation of a formal program for graffiti abatement at the schools and the purchase of graffiti paint matching equipment.
11. Terry Shaw, Costa Mesa, spoke on behalf of the Costa Mesa Historical Society and announced a program featuring speaker John

Moorlach, Orange County Board Supervisor, held on January 21, 2009, at 6:00 p.m., at the Orange Coast College Captain's Table.

12. John Feeney, Costa Mesa, reported that his neighborhood is riddled with mismatched paint to cover graffiti.
13. Cindy Brenneman, Costa Mesa, reported graffiti and litter problems on Harbor Boulevard and Peterson Place.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Katrina Foley encouraged the use of the graffiti hotline to report graffiti and highlighted aspects of the City's programs such as additional officers that were hired for graffiti abatement; reported that she attended the joint session of the Youth Sports Council and Joint Field Use Master Plan Task Force concerning fields at Costa Mesa High School and that soon plans would be presented to the community; announced the Costa Mesa United Golf Tournament to be held on January 19, 2009; encouraged attendance at the School Board meeting to be held on January 13, 2009, relative to magnet schools; suggested an economic development plan or incentive overlay to revitalize the economy; and inquired on the status of traffic control plans along Broadway.

Council Member Eric Bever suggested creating an economic strategy for businesses along Harbor Boulevard; and congratulated local artist Michael Ward for his art display at John Wayne Airport.

Mayor Pro Tem Wendy Leece noted that she met with Ed Fawcett, Director of the Costa Mesa Chamber of Commerce, regarding economic improvement; advised of new businesses forthcoming to Costa Mesa; announced new versions of the Chamber of Commerce's Costa Mesa map and the Best of Southern California marketing brochure are now available; spoke about the Costa Mesa Historical Society's project of installing cast iron plaques in front of historical locations; and encouraged the public to call the graffiti abatement hotline.

Mayor Allan Mansoor addressed comments by a public speaker concerning the groundwater replenishment system that some have labeled the "toilet to tap" program, noted it was a unique state of the art water system and encouraged the public to look into the process; referred to a Daily Pilot article relating to City budget cuts and clarified budget cuts are being considered city-wide and not just for public safety.

In response to a request from the Mayor, City Manager Allan Roeder gave an update on the City Budget pointing out that it is mainly funded by sales tax and property tax revenues. He noted that expenditures for this upcoming fiscal year has been deferred, City departments are asked to consider areas of savings, pointed out staffing levels are lower than 25 years ago noting the increase of population; and expressed the importance of providing community services.

VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 19.

MOTION: Approve the recommended actions for Consent Calendar Item Nos. 1 through 19, except for Consent Calendar Item Nos. 8, 9, 10, 11, 18, and 19.

Moved by Council Member Gary Monahan, seconded by Mayor Pro Tem Wendy Leece.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following claim was received and processed by the City Clerk: Nancy Gaperik.

The following requests for Alcoholic Beverage Control Licenses were received and processed:

Comme Ca SCP LLC, for Comme Ca, located at 695 Town Center Drive, Suites 140 and 170, for a person-to-person and premise-to-premise transfer of type 47 (on-sale general for a bona fide eating place) and type 58 (caterer permit).

CHM Hotels, for Ramada Limited & Suites, located at 1680 Superior Avenue, for a type 47 (on-sale general for a bona fide eating place).

420 Concept LLC, for a new restaurant, located at 650 Anton Boulevard, Suite J, for a type 41 (on-sale beer and wine for a bona fide eating place).

2. Regular Meeting of December 2, 2008; and Regular Adjourned Meeting/Study Session of December 9, 2008.

ACTION: Approved.

3. Warrant Resolution 2243, funding Payroll No. 824 for \$2,670,661.66, and City operating expenses for \$1,559,685.42 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2244, funding City operating expenses for \$2,124,179.95.

ACTION: Resolution adopted.

5. Warrant Resolution 2245, funding Payroll No. 825 for \$2,623,359.43, and Payroll No. 824A for \$213.60, and City operating expenses for \$921,575.33 including payroll deductions.

ACTION: Resolution adopted.

6. Warrant Resolution 2246, funding City operating expenses for \$974,744.54.

ACTION: Resolution adopted.

7. Warrant Resolution 2247, funding Payroll No. 826 for \$2,834,416.64, City operating expenses for \$1,421,941.88 including payroll deductions.

ACTION: Resolution adopted.

12. Completion of hazardous materials abatement of the Costa Mesa Police Facility, City Project No. 06-12, by TEG/LVI Environmental Services, Inc., 13320 Cambridge Street, Santa Fe Springs.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

13. Completion of Roadway Rehabilitation of Hyland Avenue from South Coast Drive to MacArthur Boulevard, Federal Project No. STPL-5312 (057), City Project No. 07-08, by All American Asphalt, Post Office Box 2229, Corona.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration

seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated seven (7) months thereafter.

14. Completion of installation of rubberized sidewalk on Sunflower Avenue, City Project No. 08-07, by JMR General Engineering Corporation, 300 West Ocean Boulevard #6207, Long Beach.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated twelve (12) months thereafter.

15. Completion of exterior lead-based paint abatement at Civic Center, East Phase, City Project No. 08-11, by Miller Environmental, Inc., 2210 South Dupont Drive, Anaheim.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated twelve (12) months thereafter.

16. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEES TO EXECUTE THE AGREEMENT TO TRANSFER OR PURCHASE EQUIPMENT OR SERVICES FOR THE FY 2008 URBAN AREAS SECURITY INITIATIVE GRANT (UASI).

(a). Budget Adjustment No. 09-017 for \$54,750.

ACTION: Adopted Resolution No. 09-1; authorized the Police Department to accept UASI reimbursement funds in an amount not to exceed \$54,750; approved Budget Adjustment No. 09-17 and authorized the Mayor to sign.

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

ACTION: Adopted Resolution No. 09-2.

ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Professional Services Agreement with CNC Engineering, 8 Corporate Park, Suite 100, Irvine, for engineering services for design of the Joann Street Bike Trail Project, in an amount not to exceed \$110,000.

Mayor Pro Tem Leece announced the item and thanked City staff.

Judi Berry, Costa Mesa, expressed support of the project and noted that monies that are not used would be lost due to state budget reductions.

MOTION: Approve; authorized the Mayor and City Clerk to sign. Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem Wendy Leece.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

9. Professional Services Agreement with Jacobs, 5757 Plaza Drive, Suite 100, Cypress, for construction management and inspection support services for the Newport Boulevard Improvement Project, in an amount not to exceed \$233,017.99.

Public Services Director Peter Naghavi spoke about the impact of the project on businesses and neighborhoods surrounding Newport Boulevard.

Anthony Peca, Costa Mesa, opposed the Newport Boulevard widening project. He commented on an existence of a freeway agreement and asked the Council to look into the agreement before proceeding with the project.

Beth Refakes, Costa Mesa, expressed concern on the availability of funding for the projects and stated she would like prior notices of any street closures and community outreach.

Discussion ensued between the Council and staff relating to funding, impacts, and the California Department of Transportation (Caltrans) freeway agreement.

MOTION: Approve; authorized the City Manager and/or City Attorney to make minor revisions based on final discussions with the Consultant; and authorized the Mayor and City Clerk to sign. Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Council Member Katrina Foley, Council Member Wendy Leece, Council Member Linda W. Dixon, Mayor Pro Tem Allan R. Mansoor, Mayor Eric R. Bever

Noes: None.

Absent: None.

10. Cooperative Agreements term extension for Newport Boulevard Improvements:

(a). Cooperative Agreement 12-457 A-2, with the State of California Department of Transportation (Caltrans), to extend the term for environmental, design, and right-of-way oversight of improvements to Newport Boulevard between 17th Street and 19th Street to December 31, 2010.

(b). Cooperative Agreement 12-553 A-1, with the State of California Department of Transportation (Caltrans), to extend the term for Caltrans' contribution of \$330,000 toward improvements to Newport Boulevard between 17th Street and 19th Street to December 31, 2010.

Anthony Peca, Costa Mesa, commented on the existence of a Caltrans freeway agreement, noted its validity and advised that the street and highways code requires that a freeway project that has begun and is incomplete would be given priority, and questioned why it has not been completed.

MOTION: Approve Cooperative Agreements 12-457 A-2 and 12-553 A-1; authorized the Mayor and City Clerk to sign agreements. Moved by Council Member Eric R. Bever, seconded by Mayor Allan R. Mansoor.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

11. Accept a grant from the State Farm Insurance Company, for high-visibility vests, in the amount of \$5,000.

(a). Budget Adjustment No. 09-015 for \$5,000.

Mayor Pro Tem Leece and Mayor Mansoor thanked State Farm Insurance Company for the grant.

MOTION: Approve grant; approved Budget Adjustment No. 09-015 and authorized the Mayor to sign. Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem Wendy Leece.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

18. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO APPROVE A LIST OF PROJECTS AND ACCEPT PROPOSITION 1B FUNDING FROM THE STATE OF CALIFORNIA DEPARTMENT OF FINANCE TO BE USED ON ELIGIBLE TRANSPORTATION PROJECTS WITHIN THE CITY OF COSTA MESA.

MOTION: Adopt Resolution No. 09-3.

Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

19. Addendum No. 4 to Agreement with Nestor Traffic Systems, Inc. to modify existing language clarifying operations.

The Mayor requested to continue the item to the meeting of January 20, 2009.

MOTION: Continue to the meeting of January 20, 2009.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF EXCESS RIGHT-OF-WAY AT 419 EAST 19TH STREET.

The Public Services Director presented the staff report and responded to questions from the Council.

MOTION: Adopt Resolution No. 09-4; authorized the Mayor and City Clerk to sign the Quitclaim Deed; and authorized the City Clerk to record.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Council Member Katrina Foley, Council Member Wendy Leece, Council Member Linda W. Dixon, Mayor Pro Tem Allan R. Mansoor, Mayor Eric R. Bever

Noes: None.

Absent: None.

3. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING CONDITIONS AT THE PROPERTY KNOWN AS 2258 ORANGE AVENUE, COSTA MESA, TO BE A PUBLIC NUISANCE SUBJECT TO ABATEMENT.

Building Official Khan Nguyen presented the staff report; explained the history of property and the conditions that have contributed to the consideration of the building site being deemed a public nuisance.

Todd Marsh, Costa Mesa, neighbor to the property presented pictures of the conditions at the property; reported that development began in 2005 and noted the negative impacts to the surrounding neighbors; expired building permits, late hour construction, early morning deliveries, and retaliation for reporting the matter to the City. He encouraged the Council to declare the property a public nuisance.

Stephanie Keeler, Costa Mesa, property owner, advised the property is pending litigation with the contractor relative to issues of the inground concrete foundation; informed of her husband's declining health and their efforts to clean and clear the property. She advised that the neighbors had not contacted her on their complaints about the property; complained about the citations they had received for such items as cutting firewood and taking the trash out and informed of the difficulties in trying to sell the property.

Discussion ensued between Council Member Foley and City staff relating to property's litigation and the process of abatement.

MOTION: Adopt Resolution No. 09-5.

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

Council Member Monahan noted the 47 police calls, six years, and eight citations; pointing out the unsightly property conditions. The Mayor echoed comments by Council Member Monahan and opined that the property is a public nuisance. He noted that the City has tried to resolve

prior to declaring the property as a public nuisance.

Mayor Pro Tem Leece expressed support of the motion.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

RECESS: The Mayor declared the meeting recessed at 8:19 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:30 p.m.

VIII. OLD BUSINESS

1. From the meeting of December 2, 2008, second reading and adoption of Ordinance 08-8: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 1 AND TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO GENERAL PROVISIONS AND ADMINISTRATION.

MOTION: Adopt Ordinance No. 08-8, read by title only, and waived further reading.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

IX. NEW BUSINESS

1. Request for "Resident Only" parking restriction on Babb Street, between Baker Street and Denver Drive.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON BABB STREET, BETWEEN BAKER STREET AND DENVER DRIVE.

Public Services Director Peter Naghavi presented the staff report and responded to questions from the City Council.

Mary Ann O'Connell, Costa Mesa, as a resident at Somerset Homes, shared how the parking situation has become exceedingly difficult with the the increase in tenants with more than one automobile, garages

used for storage, and guest parking that was recently brought into compliance to city code. She was hopeful that the city would permit a variance for the complex allowing the guest parking to be converted to resident parking.

Dave Hengsteler, Costa Mesa, suggested the permitting of resident parking on Baker Street noting that it would alleviate parking issues on Babb Street.

Sara (last name inaudible), Costa Mesa, expressed a concern that if the parking is permit only, it would further contribute to the parking situation for the residents. She also was concerned for the safety for residents needing to park far from their homes and shared her own experience with the Council.

Judi Berry, Costa Mesa, spoke in regard to using the City streets for resident parking and suggested that if the streets are to be considered resident parking, it could be a way for the City to raise money.

Martin Millard, Cost Mesa, noted the "green area" adjacent to the Somerset Homes which he thought could be used for additional parking for the complex. He supported moving forward with the request for permitted parking on Babb Street until the a new parking location for the complex could be worked out and brought up to current standards.

Laura (last name inaudible), Costa Mesa, resident of Somerset Homes concurred with a previous speaker's suggestion of requesting a variance to permit guest parking to resident parking so that it would help alleviate the parking problem with the residents parking on Babb Street.

Mike Berry, Costa Mesa, felt that if the request for permitted parking was approved that the problem would just be "pushed around."

Richard Cohn, Costa Mesa, Manager of Somerset Homes, spoke in opposition of the request for permitted parking.

Gloria Rutgers, Costa Mesa, resident of Babb Street, noted that on Monday and Thursday the parking situation has kept her from having the street swept or the trash picked up in front of her house.

Discussion ensued amongst the Council regarding parking along Baker Street, guest parking at the Somerset Homes complex as well as consideration of other alternatives in solving some of the parking problems for residents both on Babb Street and the complex. Council Member Foley supported continuing the item.

Mayor Pro Tem Leece stated that she would like to continue the item in

order to allow staff to provide more information.

MOTION: Continue the item.

Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.

In response to an inquiries from the Council Member Bever, Mrs. O'Connell explained the history of the parking situation at the complex that had brought the Home Owners Association to the City a couple years ago when looking for assistance. She pointed out for the Council the demographic change in the complex and how that has contributed to the increase in cars to the complex that has limited parking. Council Member Bever felt that alternative solutions could be found without the need for permitted parking.

SUBSTITUTE MOTION: To receive and file the request and direct staff to work with the management and the Home Owners Association (HOA) of Somerset Homes to find a solution that will not impact the residents on the adjacent streets.

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

Mrs. O'Connell responded to further questions from the Council about the parking situation within the complex and solutions that they have tried and the legal limitations of the Board on parking with in the garages and the complex in general.

Council Member Monahan suggested charging a fee for use of the "guest" parking areas.

The substitute motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever

Noes: Mayor Allan R. Mansoor, Council Member Katrina Foley, Council Member Gary Monahan

Absent: None.

The vote on the original motion was taken:

The motion carried by the following roll call vote:

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

Noes: Council Member Eric R. Bever

Absent: None.

2. Request of Council Member Monahan for review of Senior Center Programs/Services; Establishment of a Task Force or Ad Hoc Committee.

Council Member Foley noting a conflict of interest due to a business interest recused herself from the discussion of the item and left the

Council Chamber at 9:15 p.m.

Council Member Monahan summarized his request noting that before the renewal of the contract with the Senior Center Corporation comes before the Council for review in a year that the ad hoc committee he was proposing would have completed their tasks in providing recommendations for such areas as fundraising, City and Senior Center Corporation relations, and possible city funding. He offered his suggestion for the committee make-up.

Discussion ensued amongst the Council regarding the scope of the ad-hoc committee, and the apparent limitation of the City's authority in the Center's conflict resolution.

Mayor Pro Tem Leece commented that as the Council liaison to the Board of Directors she supported the suggestion and felt that there were areas that could be improved.

Arlene Flanigan, President of the Board of Directors for the Costa Mesa Senior Center Corporation, commented that she was in support of the recommendation expecting that it would be in the best interest of the senior citizens and the community.

Ernie Feeney, Costa Mesa, spoke in support of Mayor Pro Tem Leece's efforts as Liaison to the Board of Directors and encouraged her to remain involved and to be a part of the ad hoc committee. She felt that the City should have more authority over how the center is run as she believes that the City contributes more than a third of Center's budget.

Beth Refakes, Costa Mesa, spoke in support of the recommendation, suggesting a slightly larger committee for greater volunteer involvement. She also expressed her concern regarding the fundraising and requested a report of the complaints received relative to the center for clarity of issues that the committee may be addressing.

Martin Millard, Costa Mesa, expressed support of the ad hoc committee but also felt that it should be expanded. He expressed his support for Mayor Pro Tem Leece and her efforts as a liaison and felt the City should demand the liaison become a voting member, noting the financial support by the City.

John Feeney, Costa Mesa, speaking in support, commenting that he hoped the committee would be a "balanced" committee, and felt that Mayor Pro Tem Leece needed to be on the committee in order of it to be so. He further commented that with the center's support by taxpayers' money that "they" should have a voice in what takes place at the center.

Council Member Monahan noted that the committee was not to be

established instead of the Council liaison to the board, and stated he was open to expanding the number on the committee.

Mayor Mansoor commended Mayor Pro Tem Leece and felt she has done a good job as liaison. Council Member Bever concurred and further suggested that the committee should be charged in investigating the complaints that have been made at the center, that the corporation should consider hiring a fundraiser consultant and noted that the current contract does not address dispute resolution as is found in other city models.

MOTION: Approve the formation of an ad hoc committee with the recommended goals, tasks, and objectives; directed staff to formally contact the Costa Mesa Senior Board with the request for membership and suggestions; and to advertise for Ad Hoc Committee membership recruitment.

Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.

The motion carried by the following roll call vote:

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

Noes: None.

Abstain: Council Member Katrina Foley

Absent: None.

Council Member Foley returned to the Council Chamber at 9:40 p.m.

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING SECTION 11-194 OF TITLE 11 (OFFENSES- MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE REGARDING NARCOTICS AND GANG RELATED CRIME EVICTIONS.

Police Chief Christopher Shawkey and Assistant City Attorney Harold Potter made a presentation noting that the ordinance was to clean up an inconsistency in two sections of the code. They responded to questions of the City Council relative to the effectiveness, applicability to motels, minors, and technical aspects of the ordinance.

John Feeney, Costa Mesa, speaking in support of the ordinance, recounted a history of incidents in his neighborhood that were abated after the adoption of a proactive ordinance such as this.

MOTION: Introduce Ordinance No. 09-1 for first reading, read by title only and waived further reading.

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

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan
Noes: None.
Absent: None.

X. REPORTS

The City Manager informed the Council of the passing of former Council Member Dave Wheeler and requested they adjourn the meeting in his memory.

XI. ADJOURNMENT

The Mayor adjourned the meeting at 9:58 p.m. in the memory of former Council Member Dave Wheeler. The meeting was adjourned to January 13, 2009, at 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held on January 20, 2009.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa