

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

January 20, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session January 20, 2009, at 5:03 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 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
City Attorney Kimberly Hall Barlow
Administrative Services Director Stephen Mandoki
Human Resources Administrator Debra Yasui
Finance Director Marc Puckett
City Clerk Julie Folcik

II. PUBLIC COMMENTS

There were no 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.
2. Pursuant to California Government Code Section 54957, Public Employment: Programmer Analyst II; Request for Special Leave of Absence.

Mayor Mansoor recessed the meeting at 5:03 p.m., to the closed session in Conference Room 1B.

The Mayor reconvened the meeting at 6:25 p.m.

PLEDGE OF ALLEGIANCE - Council Member Eric Bever

MOMENT OF SOLEMN EXPRESSION

The Mayor requested the audience to remain silent for a moment of solemn expression and to remember those who are serving our Country abroad and locally that are in harms way.

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
City Attorney Kimberly Hall Barlow
Development Services Director Donald Lamm
Public Services Director Peter Naghavi
Police Sergeant Bryan Glass
Senior Planner Mel Lee
Chief of Police Christopher Shawkey
Police Lieutenant Mark Manley
Building Official Khanh Nguyen
Police Sergeant Robert Sharpnack
Transportation Services Manager Raja Sethuraman
City Clerk Julie Folcik

CLOSED SESSION REPORT

City Attorney Kimberly Hall Barlow reported no action was taken on Closed Session Item No. 1, and the Council approved Closed Session Item No. 2 by a vote of 4-1, with Council Member Monahan dissenting.

PRESENTATIONS

Mayor Mansoor announced the presentation of the Costa Mesa 2008 Delegation to Wyndham, Australia and 2009 Australian Delegation from Wyndham, Australia. The Mayor recognized the Estancia High School Representatives; presented them with Certificates of Appreciation for representing the City; and thanked Sue Smith for coordinating the Exchange efforts over the years.

The Mayor presented proclamations to the 2009 Wyndham, Australia Sister City Delegation recognizing teachers and students from Werribee Secondary College and Hoppers Crossing Secondary College. David Harding, Educator of Hoppers Crossing, introduced students who commented on their experiences through the program.

Mayor Mansoor announced the presentation of proclamations to Costa Mesa After-School Programs. He recognized Crissy Brooks, Executive Director of Mika's Hope and Maple Learning Centers; Gina Gartner, Program Director of Wilson Street Learning Center; and Randy Barth, Founder & CEO of Shalimar Learning Center for their volunteerism and work in changing the lives and futures of children in Costa Mesa.

Cindy Brenneman, Chairperson of the Costa Mesa Community Foundation, shared the Foundation's mission to enhance community projects and programs committed to mobilize resources to reach the community. She gave the annual report for the Foundation and highlighted projects such as the Veterans Memorial, Angels Playground, and contributions and fundraising opportunities.

IV. PUBLIC COMMENTS

1. James McQueen, Orange County Human Relations Commissioner, gave a brief summary of their annual report and how it affects the City of Costa Mesa. He noted the collaboration with the Police Department involving hate crimes and incidents, and reported on mediations and programs involving Costa Mesa residents.
2. Varick Smith, Costa Mesa, noted that the portable toilet installed at the Community Garden at Elden Avenue is located behind his property and is visible from his master bedroom. He inquired why it has not been removed after reporting it 5 months earlier.
3. Kevin Doane, Costa Mesa, complained he received an additional fine for the landscaping violations he had recently paid.
4. Beth Refakes, Costa Mesa, expressed concern on the public noticing and outreach to businesses and Eastside residents regarding the Newport Boulevard Widening Project.
5. Anthony Peca, Costa Mesa, referred to the SR-55 Freeway Agreement and clarified the existence of the agreement noting the obligations of the agreement; requested Council Member Foley to meet with him regarding the agreement.
6. Michael Moon, Costa Mesa, commented on the cost to fund the Newport Boulevard Widening Project noting that the amount is twice the original estimate. He opposed the project and opined it was poorly planned.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Allan Mansoor referred to a public speaker comments on a portable commode and requested for a written report on the matter.

Council Member Katrina Foley wished everyone a Happy Inauguration Day noting it was a great day for America; thanked the community for supporting the Costa Mesa United Golf Tournament recognizing City Manager Allan Roeder as being named the 2009 Honoree; announced a Costa Mesa United community meeting sheduled for the master plan of sports fields; and agreed to meet with public speaker Anthony Peca concerning the SR-55 Freeway Agreement.

Council Member Gary Monahan recognized the success of the Costa Mesa United Golf Tournament and thanked Council Member Foley for her efforts of organizing and her hard work at the fundraiser.

Mayor Pro Tem Wendy Leece commended the After-School Programs and community volunteers pointing out that it was an excellent example of non-profit organizations that are helpful in keeping kids out of gangs.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 18.

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 18, except for Consent Calendar Item Nos. 12, 16, and 17. 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.

1. Reading Folder.

The following claim was received and processed by the City Clerk:
Robert B. Mello

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

For Ecco Restaurant LLC, for Ecco Restaurant located at The Camp (2937 Bristol Street, A103), for a person-to-person transfer of existing type 47 (on-sale general for a bona fide eating place) and type 58 (caterer permit).

The following Notification Letters were received and processed: Southern California Edison Company - Southern California Gas Company - Notice of an application for a rate increase, "Trigger" Rate Application A.08-12-022.

California Public Utilities Commission – Notice of Availability, Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities. Rulemaking 08-11-005.

2. Regular Meeting Minutes of January 6, 2009.

ACTION: Approved.

3. Warrant Resolution 2248, funding City operating expenses for \$1,033,063.73.

ACTION: Resolution adopted.

4. Warrant Resolution 2249, funding Payroll No. 901 for \$2,893,157.18, and Payroll No. 826A for \$1,372.29, and City operating expenses for \$966,078.96 including payroll deductions.

ACTION: Resolution adopted.

5. Acceptance and allocation of the Edward Byrne Memorial Justice Assistance Grant (JAG) funds for fiscal year 2008-2009.

(a). Budget Adjustment No. 09-014 for \$5,263.

ACTION: Approved acceptance; approved Budget Adjustment No. 09-014 and authorized the Mayor to sign.

6. Acceptance of a grant from the Federal Emergency Management Agency (FEMA) for Fire Department operations to purchase an SCBA filing station, in the amount of \$40,000.

(a). Budget Adjustment No. 09-016 for \$48,000.

ACTION: Approved acceptance; approved Budget Adjustment No. 09-016 and authorized the Mayor to sign.

7. Acceptance of a Law Enforcement grant from Target for a laptop for the Police Department Gang Detail, in the amount of \$2,000.

(a). Budget Adjustment No. 09-019 for \$2,000.

ACTION: Approved acceptance; approved Budget Adjustment No. 09-019 and authorized the Mayor to sign.

8. Proposition 1B Transportation Bond Funding for Citywide Residential Street Maintenance Project and Citywide Parkway Maintenance Project, in the amount of \$1,691,864.

(a). Budget Adjustment No. 09-021 for \$1,691,864.

ACTION: Approved acceptance; approved Budget Adjustment No. 09-021 and authorized the Mayor to sign.

9. Professional Services Agreement with SGH Consulting Services, 3312 Overland Avenue, Los Angeles, for engineering services for design of South Coast Drive Rehabilitation Project, in an amount not to exceed \$91,140.

ACTION: Approved; authorized Mayor and City Clerk to sign.

10. Professional Services Agreement with Land Development Consultants, 1050 N. Tustin Avenue, Anaheim, for engineering services for design of Bristol Street Rehabilitation Project, in an amount not to exceed \$172,670.

ACTION: Approved; authorized Mayor and City Clerk to sign.

11. Professional Services Agreement with West Coast Arborists, 2200 E. Via Burton Street, Anaheim, for the performance of root pruning and installation of root barriers per Formal Bid Item No. 1125, for a three (3)-year contract with the option of renewing for three (3) additional one (1)-year extensions, in an amount not to exceed \$32,000 per year.

ACTION: Approved; authorized Mayor and City Clerk to sign; and authorized City Manager to sign for any justified rate increase and to extend the contract upon recommendation from the Public Services Department.

13. Completion of Sidewalk Improvements on Broadway and Shalimar Drive, City Project No. 08-06, by Elite Bobcat Service, Inc., 1320 East 6th Street, #100, 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 exoneration twelve (12) months thereafter.

14. Final Map for Tract No. 17112 located at 685 W. 18th Street, Costa Mesa, for the subdivision to convert a ten (10) unit apartment complex into a common interest development (condominiums).

ACTION: Approved; authorized City Engineer and City Clerk to sign.

15. Indemnification and Maintenance Agreement for the Use of the Storm Drain Easement at 531 Anton Boulevard, Costa Mesa, for the Construction of the Symphony Towers Parking Structure.

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

18. Request to extend Professional Services Agreement with CorVel Corporation to provide third party administration claims services for the city's self-insured workers' compensation program, from January 1, 2009 through March 31, 2009, with the option of extending through December 31, 2009, with annual fees not to exceed \$261,940.54.

ACTION: Approved; authorized the Mayor and Clerk to sign; and authorized the City Manager to execute all necessary documents.

ITEMS REMOVED FROM THE CONSENT CALENDAR

12. Professional Services Agreement with RPW Services, Inc., 2473 E. Orangethorpe Avenue, Fullerton, for the pesticide application and rodent control services per Formal Bid No. 1127, for a three (3)-year contract with the option of renewing for three (3) additional one (1)-year extensions, in an amount not to exceed \$82,000 per year.

Sandra Genis, Costa Mesa, questioned the frequency of pesticide application at City parks, noted that she would like to be informed of the applications, and expressed concern of the safety of pets. She asked to re-examine the use of chemicals and to post notice of pesticide use.

Council Member Foley inquired on the use of organic pesticide and expressed interest in continuing the item.

MOTION: Continue to the meeting of February 3, 2009.

Moved by Council Member Katrina Foley, 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.

16. From the meeting of January 6, 2009, Addendum No. 4 to Agreement with Nestor Traffic Systems, Inc. to modify existing language clarifying operations.

In reference to a request from Mayor Pro Tem Leece, the City Attorney explained the item pointing out the clarification of the agreement

language.

MOTION: Approve.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Katrina Foley.

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.

17. Professional Services Agreement with Orange County Humane Society (OCHS), 21632 Newland Street, Huntington Beach for Animal Shelter Services, in the amount of \$65,000 per year, with automatic adjustments.

Steve Botan, Huntington Beach, stated he visited the shelter and reported that bedding was not available in the kennels and dogs were laying on wet concrete. He expressed concern on the sharing of food troughs, commented on overcrowding, and the euthanasia policy suggesting a foster care program.

Beverly Wallace, Huntington Beach and member of the Bunny Bunch, pointed out the shelter needs for rabbits noting there were no provisions in the proposed contract regarding the care for rabbits.

Mayor Mansoor exited the Council Chambers at 7:35 p.m.

Bill McCartney, Costa Mesa, expressed concern of animal welfare and requested the same care for all shelter animals regardless of species. He spoke of the care for rabbits and suggested uniform screening of prospective pet adopters. He inquired on agreement language and definition of contagious conditions and euthanasia.

The Mayor returned to the Council Chambers at 7:38 p.m.

Cathy Boyd, Huntington Beach, implored the Council to look at the contract and suggested to be more specific on the care of all animals including rabbits.

Assistant City Manager Thomas Hatch and Police Sergeant Bryan Glass addressed the concerns of the public speakers and responded to questions relating to contract language, disparate treatment, definition of euthanasia, and shelter transition and grievance process.

Dr. Botros, Director of OCHS, further explained cases of euthanasia and responded to questions relating to a foster care program and the

kenneling of animals.

**MOTION: Approve; authorize 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: 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

1. PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-08-10, for Vicki Green/Sheldon Group, authorized agent for Trinity Christian Center, for a minor conditional use permit to allow outdoor filming activities, a maximum of 12 times per calendar year, without amplified sound, audiences, and/or spectators, located at 3150 Bear Street, in an AP zone. Environmental determination: exempt.

Senior Planner Mel Lee presented the staff report and responded to questions from the Council regarding noise monitoring, landscape maintenance, noise generation, and film permit fees. In response to questions from the Council, Chief of Police Christopher Shawkey confirmed that police officers are not employed for traffic control at Trinity Broadcast Center (TBN).

Steve Sheldon of the Sheldon Group, representative of TBN, reported seven tapings were conducted and stated there were no noise complaints prior, during, and after the tapings. He indicated that there was no correlation between the outdoor tapings and noise monitoring; however, noted that TBN would address some of the concerns of the surrounding neighbors. The concerns were identified as follows:

1. Require tree clippings be shred on the northwest side of the property near Bear Street and the I-405 Freeway,
2. Replace the "TBN" leaf blower with a Model 356BF leaf blower,
3. Boom lift is eight years old and when a replacement is needed, it will be replaced with an electrical boom lift, and
4. Top-off trees located along the property line.

Discussion ensued among the Council and Mr. Sheldon relating to sound monitoring equipment, neighborhood complaints, and noise violations.

Steve Schofro, Costa Mesa, believed that the Council should uphold the condition of a two-year noise monitoring pointing out the normal noise

operation and maintenance activities relating to set-up and filming. He noted there were over 70 complaints filed by the surrounding neighbors and should be evidence of violations; he implored the Council to uphold the condition to ensure for enforcement and compliance.

Eleanor Egan, Planning Commissioner, clarified the staff report pointing out the constant conflicts of the surrounding neighbors and sufficient nexus between the requested film permit and noise monitoring device.

Charles Chappell, Costa Mesa, commented on TBN as being bad neighbors; and complained of the noise, activities, and his struggle as a neighbor.

Randall Clark, Costa Mesa, employee of TBN, spoke about the organizations' volunteerism in the community and was hopeful Council would not place the conditions on TBN.

Mariann Chappell, Costa Mesa, requested the original Conditional Use Permit (CUP) be pulled for review for the numerous violations and complaints; asked the Council to deny the application and to uphold the noise monitoring.

Beth Refakes, Costa Mesa, felt the issue has gone on too long and should be resolved; opined that TBN is in violation of zoning codes and that the application and additional entitlements should not be approved.

Lisa Reedy, Costa Mesa, pointed out the issues endured by the surrounding neighbors and agreed with the previous speakers that the C.U.P. be reviewed by the Planning Commission.

Council Member Monahan expressed reservation on the correlation between noise monitoring and requested film permits. Discussion ensued between Mr. Sheldon and the Council relating to the agreement of a noise monitoring device by TBN representative Greg McCafferty at the Planning Commission meeting of October 13, 2008. Council Member Foley stated she would like to see the issue with the neighbors resolved and indicated that she would consider the option to pull the original CUP for review by the Planning Commission.

Council Member Bever inquired if TBN would be willing to monitor noise 12 hours before and after filming. Mr. Sheldon agreed. Mayor Pro Tem Leece disagreed and indicated that sound monitoring would not resolve the neighborhood concerns.

Council Member Monahan made a motion to adopt Resolution No. 09-6 modifying the Planning Commission's decision based upon findings established in Exhibit "A" and subject to conditions of approval in Exhibit "B" deleting Condition of Approval No. 12. Council Member Bever seconded for discussion and requested to add the condition of noise

monitoring for 12 hours prior and after filming for up to four events. Mayor Pro Tem Leece requested to add the conditions agreed to by Mr. Sheldon. Council Member Monahan agreed and restated the motion.

MOTION: Adopted Resolution No. 09-6 modifying the Planning Commission's decision based upon findings established in Exhibit "A" and subject to conditions of approval in Exhibit "B" deleting Condition of Approval No. 12; and adding the following conditions of approval:

1. Require tree clippings be shred on the northwest side of the property near Bear Street and the I-405 Freeway,
2. Replace the "TBN" leaf blower with a Model 356BF leaf blower,
3. Top-off the trees located along property wall,
4. Require that only the electric boom to be used on the residential side; and
5. The noise monitoring equipment shall remain operational for four events, 12 hours before and after film taping, from the date of its initial installation.

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

SUBSTITUTE MOTION: Adopted Resolution No. 09-6 modifying the Planning Commission's decision based upon findings established in Exhibit "A" and subject to conditions of approval in Exhibit "B" modifying Condition of Approval No. 12, last sentence to read, "The noise monitoring equipment shall remain operational for six months from the date of its initial installation"; and adding the following conditions of approval:

1. Require tree clippings be shred on the northwest side of the property near Bear Street and the I-405 Freeway,
2. Replace the "TBN" leaf blower with a Model 356BF leaf blower,
3. Require that only the electric boom to be used on the residential side; no gas booms are permitted to be used on residential side, and
4. Top-off the trees located along property wall.

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

The substitute motion carried by the following roll call vote:

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

Noes: Council Member Eric R. Bever, Council Member Gary Monahan

Absent: None.

RECESS: The Mayor declared the meeting recessed at 9:25 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 9:45 p.m.

It was unanimously agreed to address Old Business Items out of order.

VIII. OLD BUSINESS

1. From the meeting of January 6, 2009, second reading and adoption of Ordinance 09-1: 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.

MOTION: Adopt Ordinance No. 09-1, 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: 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.

2. From the meeting of January 6, 2009, rehearing request by Council Member Foley of the determination regarding the property located at 2258 Orange Avenue, Costa Mesa, in declaring it a public nuisance subject to abatement.

Council Member Foley commented that she had submitted the request to provide the applicant the opportunity to state her reasons for a request for rehearing.

Stephanie Keeler, Costa Mesa, addressed the violations received and stated that the charges were incorrect. She felt it was a dispute with her neighbors, and never received a ticket when an officer came to the house and felt she could have the property cleaned up in a month or two.

Council Member Foley stated that she visited the property noting that there were a lot of things that was viewable from the public right of way. She felt that it was hazardous and did not support the request for the rehearing.

MOTION: Deny the request for a rehearing.

Moved by Council Member Katrina Foley, 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.

VII. PUBLIC HEARING

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE BUILDING OFFICIAL TO ABATE THE PUBLIC NUISANCE CONDITIONS AT 2258 ORANGE AVENUE PURSUANT TO ESTABLISHED COSTA MESA MUNICIPAL CODE PROCEDURES.

Building Official Khanh Nguyen briefly summarized the staff report and responded to questions from the Mayor relating to abatement process, property litigation, and secure fence for the basement.

Holly Gordon, Real Estate agent of First Team, advised of an offer received on the property, and hoped the Council would not demolish the property.

Todd Marsh, Costa Mesa, spoke about the property mess and noise before 7:00 a.m. and after 8:00 p.m., and open to illegal activity; suggested volunteer help to clean-up property.

Bill Switzenberg, Costa Mesa, noted it has been seven years since the demolition of the original house and said he would like the public nuisance resolved.

Francis Brandt reported that he was the property buyer three years ago and was defrauded. He supported the surrounding neighbors and clean up of the property.

Rich Brown, Costa Mesa, commented that the property was an eye sore and a detriment to the value of surrounding properties; and expressed a concern of the pooling of rain in the basement and the dangers of standing water.

George Hanold, Costa Mesa, commented on the liens and judgements against the property; and alleged illegal activity at the property.

Wayne Hendricks, Costa Mesa, advised of the previous Council's decision to subdivide the property that was once a single family home.

The Police Chief and Police Lieutenant Mark Manley responded to questions from the Mayor relating to the types of incidents reported. Council Member Monahan supported ordering the abatement of the nuisance.

MOTION: Adopt Resolution No. 09-7.

Moved by Council Member Gary Monahan, 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.

IX. NEW BUSINESS

1. 2009 OC Marathon

Public Services Director Peter Naghavi presented the staff report and responded to questions from the Council relating to fundraising, marathon route, impact of street closures and notifications, and the advertisement of Costa Mesa.

Bob Seagren, CEO of International City Racing and organizers of the OC Marathon, spoke about the event and the Orange County location; and introduced Jane Martin, CEO of the OC Marathon Foundation.

John Parks, VP of Marketing of International City Racing, made a presentation highlighting the benefits and programs of the marathon to the local communities noting that it promotes tourism, civic pride, physical fitness, and a course that signifies Orange County. He along with Jane Martin responded to questions from the Council relating to charities, marketing, closure issues, and shuttle service for participants.

Jim Righeimer, Costa Mesa, expressed excitement of the event and supported the request.

MOTION: Approve temporary street closures for specified streets on May 3, 2009.

Moved by Council Member Katrina Foley, 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.

2. Review of Stop Sign Requests

Transportation Services Manager Raja Sethuraman presented the staff report and gave an analysis of the requested stop sign locations and reported number of accidents in those locations. He responded to questions from Council Member Monahan relating to guidelines on whether to install or not install a stop sign.

Council Member Monahan referred to the 20th Street/Fullerton Avenue location and the benefit of a stop sign. He commented on the unreported

accidents and the heavy use by bikers and pedestrians; and believed that it was a dangerous intersection.

In reference to comments by the Mayor, the Public Services Director recommended out of the four stop sign requests that a stop sign be installed at the intersection of Monrovia Avenue and Arbor Street due to the visibility. Council Member Bever suggested to trimming the curbside landscape for better visibility.

Barbara Kelly, Costa Mesa, spoke of the need for a stop sign at the intersection of Broadway and Westminster Avenue pointing out the unreported accidents at that location.

Syndy Cortesy, Costa Mesa, opposed the installatin of stop signs at Broadway and Westminster Avenue; and commented on the impacts to the neighborhood opining that it will not solve problems with speeding, cut-through traffic, or noise. She requested that Council consider extending the red curbing on the northwest corner of Broadway.

Mike Moon, Costa Mesa, commented he was not in support of stop signs because he felt that speeding was the primary problem.

T.J. Reyes, Costa Mesa, read a letter from Mary and Steven Gray expressing their concern for safety at the intersection of Broadway and Westminster Avenue; and would like to see an installation of a four-way stop sign. He expressed his support of stop signs at the Broadway location due to accidents and near misses.

Jan Goerrissen, Costa Mesa, requested a stop sign at the intersection of Monrovia Avenue and Arbor Street for pedestrian safety and suggested vehicular traffic be limited to right turn only.

Charlie Lundberg, Costa Mesa, referred to the 20th Street and Fullerton Avenue intersection and stated it would be safer with a 4-way stop.

Elizabeth Hoewel, Costa Mesa, spoke in opposition to the installation of a 4-way stop at 20th Street and Fullerton Avenue; stating that it would impact her quality of life severely as the sign would be placed directly opposite of her front door.

Kerry Weisbruch, Costa Mesa, inquired on the reasons for the installation of the stop signs; pointed out the division between neighbors on the matter; and suggested a meeting with Broadway residents to consider some alternatives.

Krista Murphy, Costa Mesa, referred to the intersection of Monrovia Avenue/Arbor Street pointing out the poor visibility; she supported stop signs, crosswalks, red curbs, and trimming the foilage.

Beth Refakes, Costa Mesa, addressed Broadway/Westminster Avenue and stated she did not support the installation of stop signs; noting that speeding was the issue and the need for enforcement.

Mayor Pro Tem Leece indicated that she was not in support of approving any stop signs due to the many different opinions received. She commented that she was willing to meet with Eastside residents.

Council Member Foley felt that installing stop signs at all the locations was not the answer and instead supported looking at alternatives and enforcement. She noted the agreement of residents and staff, and made a motion to approve the installation of stop signs at the intersection of Monrovia Avenue and Arbor Street.

Council Member Bever requested the maker of the motion to include the consideration of adding red curbs and to address overgrown foliage. Council Member Foley agreed. The motion restated:

**MOTION: Approve the installation of stop signs at the intersection of Monrovia Avenue and Arbor Street; and directed staff to consider adding red curbs and to address overgrown foliage.
Moved by Council Member Katrina Foley, seconded by Council Member Gary Monahan.**

Mayor Pro Tem Leece stated she could not support the motion because of a correspondence received by a resident opposing the stop signs at the Monrovia Avenue/Arbor Street intersection.

The motion carried by the following roll call vote:

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

Mayor Mansoor stated his reason for his dissent noting that he would have wanted to look at the location more in depth. Council Member Monahan expressed his interest in continuing the remainder of the stop sign requests to a later date. Discussion ensued among the Council on a forum and a date specific to continue the item.

Council Member Foley made a motion to continue the review of stop sign requests for intersections of Broadway/Westminster Avenue and 20th Street/Fullerton Avenue to the next Study Session. The motion was seconded by Council Member Monahan.

The Mayor expressed reservation on continuing the item to a Study Session. Council Member Monahan removed his second from the motion.

MOTION: Continue the review of stop sign requests for intersections of Broadway/Westminster Avenue and 20th Street/Fullerton Avenue to the meeting of March 3, 2009.

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

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.

COUNCIL MEETING TIME LIMIT: The Mayor noted the time limit for City Council meetings and advised by majority vote of the Council to continue, meetings shall conclude at midnight.

MOTION: Continue the meeting to New Business Item No. 3.

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.

3. Appointments to the Planning Commission and Parks and Recreation Commission.

Assistant City Manager Thomas Hatch introduced the item and City Clerk Julie Folcik explained the commission appointment process noted in the staff report (option 3).

David Kinkade, Costa Mesa, recommended to the Council to consider applicant Colin McCarthy because of his legal background and experience.

Colin McCarthy, Costa Mesa, encouraged the Council to give serious consideration of the many applications received and hoped they would consider his appointment.

Chris McEvoy, Costa Mesa, introduced himself as an applicant for the Planning Commission and hoped the Council consider overcrowding when making an appointment.

Mayor Pro Tem Leece said she supported reappointment of Donn Hall to the Planning Commission because of his background, knowledge, and

experience; and pointed out that he brings continuity.

The City Council recognized the number of applications received and thanked the applicants for their willingness to participate.

The Council Members made the following nominations in the order they had drawn numbers.

MOTION: Appoint Colin McCarthy to the Planning Commission for a four-year term.

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

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Absent: None.

MOTION: Appoint Stephen Mensinger to the Planning Commission for a four-year term.

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.

The City Clerk announced the names of the applicants for the Parks and Recreation Commission.

Cindy Brenneman, Costa Mesa, recommended Jeffrey Harlan and believed he is fair, has a great point of view, and has a heart for the City.

Stephen Mensinger, Costa Mesa, endorsed Kim Pederson for appointment.

Mayor Pro Tem Leece expressed support of Brittany Koper because of her athleticism and noted she is also an applicant for the Parks and Recreation Commission.

The Council Members redrew numbers for the order of nominations.

MOTION: Appoint Brittany Koper to the Parks and Recreation Commission for a four-year term.

Moved by Mayor Pro Tem Wendy Leece. Motion died for lack of second.

MOTION: Appoint Marnie Primmer to the Parks and Recreation Commission for a four-year term.

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

The motion failed by the following roll call vote:

Ayes: Council Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever

Absent: None.

MOTION: Appoint Jeffrey Harlan to the Parks and Recreation Commission for a four-year term.

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

MOTION: Appoint Jeff Mathews to the Parks and Recreation Commission for a four-year term.

Moved by Council Member Eric R. Bever, 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 Gary Monahan

Noes: Council Member Katrina Foley

Absent: None.

MOTION: Appoint Kim Pederson to the Parks and Recreation Commission for a four-year term.

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 Attorney reported that she will not be present at the next meeting of February 3, 2009, due to a trial in San Francisco.

The City Manager announced two community meetings held on January 21, 2009, at TeWinkle Middle School and also on January 22, 2009, at Costa Mesa High School concerning the Athletic Facility Master Plan; and inquired with the Council the matter of agendaizing the issue of public noticing at a future Study

Session. The Mayor recognized the sufficient efforts of notification and publication and Council agreed that a Study Session item was not necessary.

- XI. ADJOURNMENT – The Mayor declared the meeting adjourned at 12:35 a.m. The next Regular City Council Meeting will be held on February 3, 2009.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa