

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

**June 06, 2006**

The City Council meeting of the City of Costa Mesa, California met in regular session June 06, 2006, at 5:05 p.m. in the Council Chambers of City Hall, 77, Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

**ROLL CALL**

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

Council Members Absent: None

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

**PUBLIC COMMENTS**

There were no public speakers present.

1. **Conference with legal counsel pursuant to California Government Code Section 54956.9(a) - existing litigation, Acosta v. City of Costa Mesa, et al, Case Number SACV06-233 DOC (MLGx).**

The Mayor recessed the meeting into closed session to Conference Room 1B, at 5:10 p.m.

Mayor Mansoor reconvened the meeting at 6:00 p.m.

**PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor**

**MOMENT OF SOLEMN EXPRESSION - Pastor Mel Cornwell, Newport-Mesa Church**

**ROLL CALL**

Council Members Present: Mayor Allan Mansoor  
Mayor Pro Tem Eric Bever  
Council Member Linda Dixon  
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 William Morris  
City Clerk Julie Folcik

## **CLOSED SESSION REPORT**

City Attorney reported no action was taken.

## **PRESENTATIONS**

The Mayor recognized the Public Services Maintenance Division Staff Frank Barraza, Michael Basso, James Boucher, Don Brown, John Bull, Richard Cherney, Peter Czenze, Enrique Gomez, Victor Hernandez, Antonio Macias, William McLean, Robert McNealey, James Moureaux, Raymond Pawloski, Raul Perez, Eric Robbins, Dean Rodia, Gaetano Russo, Richard Simons, German Torres, Gerald Vasquez, Robert Watkins, Philip Willey as Employees of the Month for June. He commended them for their work on the Costa Mesa 19th Street Rehabilitation Project.

The Mayor read a proclamation declaring July as Recreation and Parks Month, and encouraged residents to enjoy the social, physical, and mental benefits derived from our Parks and Recreation programs and activities.

## **PUBLIC COMMENTS**

**Donald Nicholson, Costa Mesa, requested the Council to ban fireworks before July 4, 2007.**

**Mildred Nicholson, Costa Mesa, commented on recreational vehicle parking issues, expressed disappointment that chain link fences were banned and requested that Council ban fireworks.**

**Scott Sink, recommended an adult non-fiction book titled, *Harvested Empire* by Juan Gonzalez, he commented on the violence towards Mexicans and referred to the closure of the Day Labor Center.**

**Humberto Caspa, Costa Mesa, referred to terrorists in Costa Mesa and the use of the political system to terrorize the community.**

**Trudy Olwig - Hall, Costa Mesa, advised of the Local Agency Formation Commission (LAFCO) hearing to be held July 12, 2006 regarding annexation. She emphasized the importance of this matter and recommended that Council and Costa Mesa residents to attend.**

**Ann Hogan Shereshevsky, Costa Mesa, advised of the Flea Market to be held at the Senior Center parking lot on June 20, 2006; she reiterated her request that Council ban fireworks and of leaf blowers; commented on the issuing of tickets issued for not wearing seatbelts; and thanked Mr. Frank Barazza, City Maintenance employee, for fixing a plumbing problem at the Senior Center.**

### **COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

**Mayor Pro Tem Bever requested the City Manager to provide an update regarding the upcoming hearings with LAFCO. The City Manager advised that the LAFCO hearing would be held on July 12, 2006, at which time it would consider Costa Mesa's request for a Sphere of Influence change for Banning Ranch and Newport Beach's request for a Sphere of Influence change for West Santa Ana Heights. He further advised that notice of the hearing will be posted on the City's website and on Cable TV.**

**Mayor Mansoor reminded residents to vote. He also referenced a letter sent to the editor of the Daily Pilot in which he and Parks and Recreation Commission Chair, Wendy Leece, corroborated on an idea to help alleviate field use issues by utilizing a portion of the golf course. He indicated that the discussion would be brought to a future Study Session.**

**Council Member Katrina Foley reminded residents to vote; and requested a Moment of Silence for fellow Council Member Steve Ambriz, City of Orange, who died recently in a tragic car accident.**

**Council Member Linda Dixon inquired if funding was available to run a full page advertisement in the Daily Pilot or Orange County Register announcing the upcoming LAFCO hearings.**

### **CONSENT CALENDAR**

**MOTION: Approve the recommended actions for Consent Calendar item Nos. 1 through 17, except Consent Calendar No. 2 for the April 4, 2006, meeting minutes and Consent Calendar No. 13.**

**Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

**Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan**

**Noes: None.**

**Absent: None.**

**1. Reading Folder.**

ACTION: The following claims were received and processed: Christopher Wright Croxson; Enterprise Rent-A-Car; Doyle C. Forth; Solveig Garrett; Steven Luziki; Norma Peralta; Minerva Jaramillo Salazar; Kenneth D. Stewart; and Mary Williams.

The following Requests for Alcoholic Beverage Control Licenses were received and processed: Claim Jumper Restaurants LLC., 3333 Bristol Street, Suite 2078, Costa Mesa, for a multiple LLC membership for an existing type 47 (on-sale general for a bonafide eating place).Garfield Beach CVS LLC, for CVS Pharmacy, 1835 Newport Boulevard, Suite C137, Costa Mesa, for a person-to-person transfer of an existing type 21 (off-sale general).

The following Notification Letter of intent to construct a cellular facility was received and processed: Royal Street Communications, LLC – PCS Wireless Site No. LA0605A.

**2. Corrected Regular Meeting of March 7, 2006, Adjourned Regular Meeting/Study Session of May 9, 2006, and Regular Meeting of April 4, 2006 and May 16, 2006.**

ACTION: Approved corrected Regular Meeting minutes of March 7, 2006, the Adjourned Regular Meeting/Study Session of May 9, 2006, and Regular Meeting May 16, 2006.

**3. Warrant Resolution 2110, funding City operating expenses for \$1,401,913.13.**

ACTION: Approved.

**4. Warrant Resolution 2111, funding Payroll No. 610 for \$2,181,759.78 and Payroll No. 609A for \$1,892.93, and City operating expenses for \$1,001,619.53 including payroll deductions.**

ACTION: Approved.

**5. Warrant Resolution 2112, funding City operating expenses for \$546,170.98.**

ACTION: Approved.

**6. Award Construction Contract, for the Replacement of Condenser Pipes at City Hall, Project No. 06-04, to Refrigerated Air Mechanical Systems, 2050 S. Loara Street, Anaheim, in the amount of \$52,900.**

ACTION: Approved and authorized the Mayor and the City Clerk to sign on behalf of the City.

**7. Amended Professional Services Agreement with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, to extend service for 12 months, for shopping cart retrieval.**

ACTION: Approved and authorized the Mayor and the City Clerk to sign on behalf of the City.

8. **Completion of Exterior Painting of Costa Mesa Senior Center, Project No. 05-16, by Southwest Coatings, Inc., 503 Harker Street, San Pedro.**

ACTION: Accepted work; authorized City Clerk to file a Notice of Completion; released retention monies 35 days thereafter; exonerated the Labor and Material Bond seven (7) months thereafter; and exonerated the Faithful Performance Bond twelve (12) months thereafter.

9. **Participate in the Emission Reduction Strategy Option, and authorize the transfer of credits from City's vendor, Cantor Fitzgerald Brokerage, LP, to the South Coast Air Quality Management (SCAQMD).**

ACTION: Approved and authorized the Mayor and City Clerk to sign on behalf of the City.

- (a) **Contract with Cantor Fitzgerald Brokerage, LP, 345 California Street, Suite 1260, San Francisco, for the purchase and transfer of the Vehicle Emission Reduction Credits to SCAQMD for Rule 2202 compliance for 2006, for an amount not to exceed \$9,760.**

ACTION: Approved and authorized the Mayor and City Clerk to sign on behalf of the City.

10. **Revised Reimbursement Agreement with Orange County Transportation Authority (OCTA) for street improvements on Sunflower Avenue, Anton Boulevard, Bristol Street, Park Center Drive, and Avenue of the Arts, within the Theatre and Arts District (TAD).**

ACTION: Approved and authorized the Mayor and City Clerk to sign on behalf of the City.

11. **Right-of-way Contract-State Highway Donation and Grant Deed with the California Department of Transportation (Caltrans), for Parcel Donation for the I-405/SR-55 Transitway Project.**

ACTION: Approved and authorized the Mayor and City Clerk to sign; and Clerk to have recorded Grant Deed.

12. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUMMARILY RELINQUISHING EXEMPT EXCESS SURPLUS LAND ADJACENT TO AIRPORT CHANNEL IN THE VICINITY OF SR-55 SOUTHBOUND TO I-405 NORTHBOUND CONNECTOR.**

ACTION: Adopted Resolution No. 06-41; approved and authorized the Mayor and City Clerk to sign; and Clerk to have recorded Quitclaim Deed 3606.

**14. Cooperative Agreements for I-405/Susan Street Exit Ramp Project Design:**

**(a) Cooperative Agreement 12-546 with California Department of Transportation (Caltrans) for the design of the I-405/Susan Street Exit Ramp Project.**

ACTION: Approved and authorized the Mayor and City Clerk to sign on behalf of the City.

**(b) Cooperative Agreement with C.J. Segerstrom & Sons for the funding of design of the I-405/Susan Street Exit Ramp Project.**

ACTION: Approved and authorized the Mayor and City Clerk to sign on behalf of the City.

**15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ALLEY 84 ADJACENT TO 164 MAGNOLIA STREET, setting a public hearing for July 5, 2006.**

ACTION: Adopted Resolution No. 06-42; and set the Public Hearing for Wednesday, July 5, 2006, 7:00 p.m.

**16. General Municipal Election on November 7, 2006:**

**(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 7, 2006, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.**

ACTION: Adopted Resolution No. 06-43.

**(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 7, 2006 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.**

ACTION: Adopted Resolution No. 06-44.

**(c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION.**

ACTION: Adopted Resolution No. 06-45.

**17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AMENDMENTS TO THE STREETScape AND MEDIAN DEVELOPMENT STANDARDS; to change the planting palettes for**

**Sunflower Avenue, Bristol Street, Avenue of the Arts, and Anton Boulevard.**

ACTION: Adopted Resolution No. 06-46.

**2. Regular Meeting Minutes for April 4, 2006.**

Mayor Pro Tem Bever requested a continuance to June 20, 2006 to allow for further review of the minutes.

**MOTION: Continue to June 20, 2006 City Council meeting.  
Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**(a) Right-of-Entry permit for improvements to the Fairview Development Center.**

**13. Lease Agreement with State of California for the use of Open Space at Fairview Departmental Center, located at 2500 Merrimac Way, Costa Mesa.**

**(b) Other permit agreements for access, construction, maintenance, and/or use of the Fairview Development Center.**

Mayor Mansoor inquired of the timeline for the preparing the fields at the Fairview Development Center. The City Manager responded that the key element was to gain the Right of Entry agreement to begin work. Council Member Monahan also advised that the Joint Use Agreement with the State of California; and a Memo of Understanding and Lease Agreement is in process.

**MOTION: continue the item to June 20, 2006.**

**Moved by Council Member Gary Monahan, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**VIII OLD BUSINESS**

**1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA,**

**CALIFORNIA, APPROVING THE RENEWED MEASURE M INVESTMENT PLAN FOR THE PURPOSE OF PLACING MEASURE M BEFORE THE VOTERS OF ORANGE COUNTY.**

The Transportation Manager summarized the agenda report and responded to questions from the Council.

Hamid Bahadori, representative of the Automobile Club of Southern California, shared the clubs views and expressed his strong support for the renewal of Measure M Proposal and requested that Council approve the resolution for placement on November's Ballot.

Beth Refakes, Costa Mesa, was hopeful that OCTA would continue to pursue residential traffic issues and a resolution for the 55 Freeway.

Mayor Mansoor expressed his support of the resolution; commented on Prop 42 funds that have been diverted for other uses by he State and expressed the need to address the local street repair issues. He thanked OCTA for providing the funding for the initial study of the terminus of the 55 freeway.

**MOTION: Adopt Resolution No. 06 - 47.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**IX NEW BUSINESS**

**1. Purchase Authority Limits and adoption of the Uniform Public Construction Cost Accounting Act:**

**(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES.**

**(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING ARTICLE 2, CHAPTER V OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE PURCHASING SYSTEM AND ADDING ARTICLE 3 RELATING TO PROCEDURES FOR PUBLIC PROJECTS.**

The Finance Director summarized the report and responded to questions from the City Council.

**MOTION: Adopt Resolution No. 06-48 and give first reading to Ordinance No. 06-13, to be read by title only and to waive further reading.**

**Moved by Council Member Linda Dixon, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**REPORT:**

City Manager reminded the public and Council about the public hearing relating to the City's Operating Budget and Capital Improvement Budget would be held at the next regular Council meeting of June 20, 2006; that a study session would be held on June 13, 2006, at 4:30 p.m.; that an overview and questions and answers from the public would be held on Wednesday, June 15, 2006 at 6:00 p.m. in Conference 1A; and that the Budget was available on the City's website.

**ADJOURNMENT - the Mayor adjourned the meeting at 6:57 p.m. to June 13, 2006, 4:30p.m., for a Study Session.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa