

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

**April 21, 2009**

The City Council meeting of the City of Costa Mesa, California met in regular session April 21, 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.

**PLEDGE OF ALLEGIANCE - Council Member Katrina Foley**

**MOMENT OF SOLEMN EXPRESSION - Father Tashgian, St. Mary Armenian Church**

**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:  
Officials Present:

None  
City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Assistant City Attorney Harold W. Potter  
Development Services Director Donald Lamm  
Public Services Director Peter Naghavi  
Assistant Development Services Director Kimberly Brandt  
Senior Planner Minoo Ashabi  
Management Analyst Alma Penalosa  
CDBG/HOME Coordinator Mike Linares  
Recreation Manager Jana Ransom  
Legislative & Public Affairs Manager Ann Shultz  
Deputy Fire Chief Keith Jones  
City Clerk Julie Folcik

Assistant City Attorney Harold Potter entered the meeting at 6:09 p.m., as City Attorney Kimberly Hall Barlow exited the Council Chambers.

**PRESENTATIONS**

Mayor Mansoor announced the presentation of the Childs-Pace 2008 John Upton Award and introduced Childs-Pace Foundation Representatives Esteban

Durini, Elizabeth Fondern, and Susan Kopicki. The representatives presented the John Upton Award to Costa Mesa Police Officer Frank Christian in recognition of his volunteerism to the program and in honor of his commitment to the welfare of children and families.

The Mayor read a Loyalty Day Proclamation in observation of "Americanization Day." He noted that a resolution was adopted in 1949, designating May 1<sup>st</sup> as Loyalty Day to acknowledge, appreciate, and reaffirm the American principles of freedom and democracy.

City Manager Allan Roeder requested amending the agenda to grant Development Services Director Donald Lamm an opportunity to comment as this was his final City Council meeting and after 23 years of service to the City.

**MOTION: Amend the agenda to provide an opportunity for the Development Services Director Donald Lamm to address the Council.**

**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.

Director of Development Services Donald Lamm introduced his family, recounted his 23 years of tenure with the City, highlighting projects and noting his attendance of 449 City Council Meetings, 279 Study Sessions, worked with 20 Council Members and one City Manager. He thanked the City Council, City Manager, and announced that he would be leaving the City to begin his service as the City Manager for the City of Westminster.

#### **IV. PUBLIC COMMENTS**

1. Rachel Gardner, Costa Mesa, requested the Council to oppose the Proposition 1E, regarding the Mental Health Services Act and pointed out the decreased funding for services and the negative impacts to local hospitals.
2. Teresa Barnwell, Costa Mesa, expressed her concern of the development plans of Banning Ranch and the traffic implications of a proposed major thoroughfare. She felt that the area should be preserved as open space.
3. Philip Bettencourt, Newport Beach, congratulated Development Service Director Donald Lamm on his new position.
4. Martin Millard, Costa Mesa, reported a deceased body was found on Placentia Avenue and opined that the Police Department should post

such matters on the website; referred to speeding along Victoria Street and opposed the resurfacing with rubberized asphalt.

5. Judi Berry, Costa Mesa, commented on the Transient Occupancy Tax (TOT) and Business License Fee. She expressed concern on City employee layoffs and suggested a temporary 10 percent salary cut.
6. Mike Berry, Costa Mesa, opined that loss recovery should be part of the budget discussion and that the Council should evaluate the City's business plan claiming the need for change.
7. Ernie Feeney, Costa Mesa, expressed concern and cautioned against the gold parties scheduled to be held at the Costa Mesa Senior Center noting the potential of seniors being taken advantage of and the selling of antique pieces well below value.
8. David Stiller, Costa Mesa, commented that rubberized asphalt is initially more expensive than regular asphalt, but would be a savings over time. He commended the City and thanked Public Services Director Peter Naghavi for installing the rubberized asphalt on Victoria Street.
9. Paul Flanigan, Costa Mesa, commented on the use and necessary services provided by the Costa Mesa Senior Center, inquired about the closing for a week in June of the Center and noted the concern of program cuts due to the reduction in funding.
10. John Feeney, Costa Mesa, commented regarding the complaints against the management of the Senior Center and alleged disrespect of the seniors by management.

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

Mayor Pro Tem Wendy Leece announced the Costa Mesa Historical Society event on *Costa Mesa In the Beginning* will be held on April 26, 2009; commended volunteers of the Costa Mesa Community Run; announced the 7th Annual Kiwanis Club of Costa Mesa Golf Tournament to be held on May 18, 2009; and commended City staff for the Costa Mesa Community News and Recreation Review. She reported attending the recent Costa Mesa Senior Center meeting and noted that Board Member Mike Scheafer read a statement asking the Executive Committee to consider relinquishing the Center's operation to the City; inquired about the speeding on Victoria Street and requested Public Services Director Peter Naghavi to provide information relating to improvements; thanked the Public Services staff for their efforts on the Newport Boulevard project; and addressed a public speaker's comments on City losses in the retirement system.

In response to a request from Mayor Allan Mansoor, Public Services Director provided a brief update on the proposed Banning Ranch project, informing that an environmental impact process had begun and would include a traffic

analysis of the project's traffic impact to Newport Beach and surrounding cities, and noted that there would future opportunities for the community to voice their concerns throughout the process.

The Mayor addressed speaker's comments regarding gold parties and expressed concern of the City's liability. Assistant City Attorney Harold Potter advised that the potential liability would be remote.

Council Member Katrina Foley referenced the Banning Ranch project, inquired on a response letter relating to the Notice of Preparation, and suggested that the Council be involved in the response process involving large development projects that would impact the City.

Council Member Eric Bever read a statement apologizing for his absence from the last Council meeting and assured the public that the actions taken would not have changed with his attendance; he further commented that upon review of the meeting he questioned the ethics of a recipient of union campaign support and their apparent lobbying on the union's behalf; thanked the Development Services Director for his service and assistance; voiced his concern on the Banning Ranch project and the access to 19th Street; and inquired on a policy relating to recovering losses of the City's fund balance suggesting the City address net revenues in the future.

**VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 15.**

**MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 15, except for Consent Calendar Item Nos. 14 and 15.**

**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.

1. Reading Folder.

ACTION: The following Claims were received and processed by the City Clerk: Jeff Roberts, Esq., on behalf of Chukuwuemeka Achime; Ricardo Fuentes.

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

For Tofer International Inc., for Boardwalk Fresh Burgers & Fries located at 901 South Coast Drive, Suite C170, for an original type 41 (on-sale beer and wine for a bona fide eating place).

For Triangle Square Ventures LLC, for Sutra Lounge located at 1870 Harbor Boulevard, Suite A200, for a person-to-person transfer of a type 47 (on-sale beer and wine for a bona fide eating place).

The following notification letters were received and processed: Southern California Edison Company – Notice of filing of proposed increase in electric rates, Application No. A.09-04-008.

Southern California Edison Company – Notice of filing of proposed increase in electric rates, Application No. A.09-04-009.

2. Regular Adjourned Meeting/Study Session Minutes of March 10, 2009; and Regular Meeting Minutes of March 17, 2009 and April 7, 2009.

ACTION: Approved.

3. Warrant Resolution 2261, funding Payroll No. 907 for \$2,534,824.09, and Payroll No. 906A for negative \$5,716.83, and City operating expenses for \$1,213,570.71 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2262, funding City operating expenses for \$1,009,793.28.

ACTION: Resolution adopted.

5. Agreement with the County of Orange, for participation in the Proposition 42 - City Aid Program (Call-for-Projects) funding for Fiscal Year 2009/2010.

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

6. Award Formal Bid Item No. 1089, for a three-year price agreement for Plant Mix Asphalt Materials, to All American Asphalt Company, Post Office Box 2229, Corona, for an amount not to exceed \$306,150 for the initial year of the agreement, and remaining years subject to annual appropriation of funding.

ACTION: Approved; and authorized the City Manager to sign for any justified rate increase and to extend the contract for three additional one-year terms.

7. Authorize refund of cash deposit in the amount of \$34,098 to Irvine Company, LLC, Post Office Box 57060, Irvine, in connection with Encroachment Permit No. PS06-00686 for the relocation and removal of trees at 450 Anton Boulevard.

ACTION: Approved.

8. Adopt plans, and specifications, and working details for the Roadway Rehabilitation of Sunflower Avenue from Avenue of the Arts to Anton Boulevard, City Project No. 08-16, and award construction contract to All American Asphalt, Post Office Box 2229, Corona, in the amount of \$289,289.

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

9. Adopt plans, and specifications, and working details for the 2008-2009 Slurry Seal Project, City Project No. 09-02, and award construction contract to Bond Blacktop, Inc., Post Office Box 616, Union City, in the amount of \$335,515.

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

10. Completion of Audio Visual Systems for the Police Department Expansion and Renovation Project by TV Magic, Inc., 8112 Engineer Road, San Diego.

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; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

11. Completion of Roadway Rehabilitation of Sunflower Avenue from Harbor Boulevard to 250 feet west of Hyland Avenue, Federal Project No. STPL-5312 (063), City Project No. 07-07, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.

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 seven (7) months thereafter.

12. Completion of 2007-2008 CDBG Projects: Plumer Street (Project "A") and Hamilton Street (Project "B"), City Project No. 08-04, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.

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 twelve (12) months thereafter.

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS

DESIGNEE TO EXECUTE AN AGREEMENT WITH ORANGE COUNTY ENTITLED, AGREEMENT TO PURCHASE EQUIPMENT FOR THE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (PSIC) GRANT.

(a). Acceptance of a Public Safety Interoperable Communications (PSIC) grant for the Police and Fire Departments, in the amount not to exceed \$146,000.

(b). Budget Adjustment No. 09-027 for \$146,000.

ACTION: Adopted Resolution No. 09-27; approved acceptance and authorized the City Manager to sign; and approved Budget Adjustment No. 09-27 and authorized the Mayor to sign.

ITEMS REMOVED FROM THE CONSENT CALENDAR

**14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE CITY OF COSTA MESA.**

(a). Agreement with Southern California Edison for Bridge-Funding until the Utilities Commission program for 2009-2011 is ready for adoption by the Orange County Cities Energy Efficiency Partnership.

Mayor Pro Tem Leece expressed her support and asked that the matter of energy efficiency and the state mandate on energy use be discussed at the future joint Study Session with the Planning Commission.

**MOTION: Adopt Resolution No. 09-28; approved agreement and authorized the City Manager 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.

**15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE HABITAT RESTORATION PROJECT IN TALBERT NATURE RESERVE BY THE ORANGE COUNTY FLOOD CONTROL DISTRICT IN CONFORMANCE WITH CALIFORNIA PUBLIC CONTRACT CODE 21020.9.**

The Public Services Director noted for the Council that the project for was

restoration purposes of the reserve.

**MOTION: Adopted Resolution No. 09-29.**

**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.

**2. Regular Adjourned Meeting/Study Session Minutes of March 10, 2009; and Regular Meeting Minutes of March 17, 2009 and April 7, 2009.**

Council Member Foley made a requested to continue the Meeting Minutes of March 17, 2009.

**MOTION: Continue Meeting Minutes of March 17, 2009.**

**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.

**VII. PUBLIC HEARINGS**

**1. PUBLIC HEARING: Continued from the meeting of April 7, 2009, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-01 OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO OFF-STREET PARKING STANDARDS FOR SINGLE FAMILY DETACHED UNITS WITH FIVE OR MORE BEDROOMS IN R1 ZONES AND SMALL LOT, DETACHED, SINGLE FAMILY COMMON INTEREST DEVELOPMENTS.**

Senior Planner Minoo Ashabi presented the staff report and responded to questions relating to the definition of a home office, parking requirements for homes offices, and street and tandem parking.

Discussion ensued between the Council Members and City staff relating to definitions of Room/Home Office and requirements of parking spaces. Council Member Foley expressed reservation on the ordinance language as it relates to additions and the required additional garage parking



space. In reference to concerns of Mayor Pro Tem Leece, the Senior Planner advised that construction of room additions and meeting parking space requirements will be considered on a case-by-case basis and that a conditional use permit could be required.

Martin Millard, Costa Mesa, commented on home additions and the lack of space for an additional garage; pointing out homes will have front yard garages.

Tamara Goldman, Costa Mesa, felt that the parking requirements would lead to a larger development on properties; expressed concern of three car garages being converted into bedrooms; and suggested limiting square footage for houses and lot coverage.

Frank Linegan, Costa Mesa, questioned the definition of a home office and a bedroom.

David Stiller, Costa Mesa, had inquired as to the homes driveway width and a retroactive provision.

Christy Black, Costa Mesa, felt that government was encroaching on her property; commented on the economic impact and requested to continue the item until the economy was balanced.

Chris Crandall, Costa Mesa, pointed out the definition of a bedroom in the Building Code.

Glen Bowing, Costa Mesa, spoke in opposition to the proposed ordinance.

RECESS: The Mayor declared the meeting recessed at 7:34 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:45 p.m.

Jeff Chenum, Costa Mesa, pointed out the issues with limited garage sizes and opined that the ordinance would force cars on the street.

Darilyn Oliver, Costa Mesa, expressed opposition to the ordinance and felt that property rights were being infringed upon.

Shanty Lamar, Costa Mesa, spoke in opposition to the proposed ordinance.

Chris McEvoy, Costa Mesa, informed that there were people who did not agree with the direction of the Planning Commission.

Jim Atkinson, Costa Mesa, questioned the purpose of the ordinance suggesting that the City look at each case individually.

Jeff Olson, Costa Mesa, said that he could not afford storage for his

vehicles and opposed the ordinance.

Ian Black, Costa Mesa, referred to a flyer he received and asked for clarification on the ordinance.

Celeste Taylor, Costa Mesa, referred to a Daily Pilot article on the ordinance stating that it was to improve neighborhood aesthetics, free up street parking, and limit drug and alcohol recovery homes.

Council Member Foley felt that portions of the ordinance were helpful as it applied to new construction. She pointed out that applying the standards to existing residential would be a hardship and impossible due to the diverse type of lots within the city.

**MOTION: Approve definition for "Tandem Parking."  
Moved by Council Member Katrina Foley, 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.

**MOTION: Approve definition for "Room, Home Office" deleting "lacks a closet space."  
Moved by Council Member Katrina Foley, 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.

**MOTION: Approve modifying the definition of "Room, Bedroom" as proposed.  
Moved by Council Member Katrina Foley, 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.

MOTION: Amend Table 13-85(a) for Single-Family Detached Residence with 5 Bedrooms or More applying to "New Construction" only; Approve modifying footnote no. 2 of Table 13-85(a) to read "For single-family detached residences with five bedrooms or more as it relates to new construction, tandem parking of up to two standard vehicles is permitted in the garage. Tandem garage parking shall exclusively consist of two standard parking spaces, and deleting: "Tandem parking of two or more vehicles on an individual driveway does not satisfy the open parking requirements," and approve deleting footnote no. 3 of Table 13-85(a). Moved by Council Member Katrina Foley, seconded by Council Member Gary Monahan.

Council Member Monahan seconded the motion for discussion. Council Member Bever stated that he would not support the motion pointing out that the changes would be restrictive on new construction and does not address converted group homes. Mayor Pro Tem Leece agreed with Council Member Bever and opposed the proposed changes.

Discussion ensued among the Council and staff relating to Table 13-85(a) of the staff report, large developments and inadequate parking, overflow parking issues, required garage dimension, and the allowance of tandem parking.

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: Send back to the Planning Commission for further clarification. Moved by Mayor Allan R. Mansoor. Motion died for lack of second.

Mayor Mansoor expressed reservation on the proposed changes and opined that applying it to new construction would not address the parking issue. Further discussion ensued among the Council on the proposed changes relative to new construction and remodels, and the allowance of tandem parking. Council Member Foley indicated that the code revisions would provide flexibility for developers to meet parking requirements.

The Senior Planner responded to questions from the City Council clarifying Table 13-85(a) of the proposed amendments. Council Member Leece opined that the ordinance should not apply to all circumstances.

MOTION: Introduce Ordinance No. 09-3 for first reading, read by title only, and waive further reading; amending Table 13-85(a) for Single-Family Detached Residence with 5 Bedrooms or More applying the following to "New Construction and Additions":

New Construction:

1. Garage Parking Spaces three (3) required,

2. Lots without garage access from alley: 2 – Total Parking Spaces five (5) required, and
3. Lots with garage access from alley: 1 – Total Parking Spaces four (4) required.

Bedroom Additions:

1. Garage Parking Spaces two (2) required,
2. Lots without garage access from alley: 2 - Total Parking Spaces four (4) required, and
3. Lots with garage access from alley: 1 - Total Parking Spaces four (3) required.

Approved modifying footnote no. 2 of Table 13-85(a) to read “For single-family detached residences with five bedrooms or more as it relates to new construction, tandem parking of up to two standard vehicles is permitted in the garage. Tandem garage parking shall exclusively consist of two standard parking spaces,” and deleting: “Tandem parking of two or more vehicles on an individual driveway does not satisfy the open parking requirements.”

Approved deleting footnote no. 3 of Table 13-85(a).

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

Council Member Foley expressed concern relating changes to bedroom additions and the costs of variance requests and felt that some decision could be made at the staff level as a minor condition use permit. Council Member Monahan agreed and included the language into his motion.

The motion restated:

**MOTION: Introduce Ordinance No. 09-3 for first reading, read by title only, and waive further reading; amending Table 13-85(a) for Single-Family Detached Residence with 5 Bedrooms or More applying the following to “New Construction and Additions”:**

**New Construction:**

1. Garage Parking Spaces three (3) required,
2. Lots without garage access from alley: 2 – Total Parking Spaces five (5) required, and
3. Lots with garage access from alley: 1 – Total Parking Spaces four (4) required.

**Bedroom Additions:**

1. Garage Parking Spaces two (2) required,
2. Lots without garage access from alley: 2 - Total Parking Spaces four (4) required, and
3. Lots with garage access from alley: 1 - Total Parking Spaces four (3) required.

**Approved modifying footnote no. 2 of Table 13-85(a) to read “For single-family detached residences with five bedrooms or more as it relates to new construction, tandem parking of up to two standard vehicles is permitted in the garage. Tandem garage parking shall exclusively consist of two standard parking spaces,” and deleting: “Tandem parking of two or more vehicles on an individual driveway does not satisfy the open parking requirements.”**

**Approved deleting footnote no. 3 of Table 13-85(a).**

**Approved adding new language to footnote no. 1 to allow tandem parking for open parking spaces subject to approval of a minor conditional use permit.**

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

SUBSTITUTE MOTION: Receive and file report, nullify adopted definitions, and return to the Planning Commission.

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

Council Member Bever opposed creating a process from the dais and indicated that the proposed changes do not address the original intent of the ordinance. Mayor Pro Tem Leece concurred.

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.

Vote was taken on the original motion.

The motion carried by the following roll call vote:

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

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

Absent: None.

The Mayor announced that the following public hearings would be addressed collectively.

2. PUBLIC HEARING: Continued from the meeting of April 7, 2009, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-02 OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO MAXIMUM DRIVEWAY WIDTH STANDARDS FOR SPECIFIED SINGLE-FAMILY DETACHED HOMES.
3. PUBLIC HEARING: Continued from the meeting of April 7, 2009, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING CODE AMENDMENT CO-09-03 OF TITLE 20 OF THE COSTA MESA MUNICIPAL CODE RELATED TO VEHICLE PARKING ON RESIDENTIAL DRIVEWAYS.

The Senior Planner presented the staff reports and responded to questions from the Council relating to driveway width, short driveways, retroactive enforcement, fencing and setbacks, and clarification of the California Vehicle Code relating to vehicles overhanging beyond the driveway and onto the sidewalk.

Council Member Foley expressed reservation on the proposed ordinances as it was not clear as to the primary parking issue.

Wil Thoms, Costa Mesa, advised that he has a small trailer parked in the third driveway space, pointed out the different types of driveway sizes and uses, and felt the proposed ordinances would add parked cars on the streets.

Further discussion ensued between the Council and City staff relating to clarification of the existing and proposed code amendments. Assistant Development Services Director Kimberly Brandt responded to questions from the Council regarding retroactivity of the proposed regulations, vehicle storage in the side and front yard setbacks, driveway widths and provided clarification on the proposed ordinances.

The following are the members of the public who spoke in opposition to the ordinances: Frank Leingang, Kurt Nii, Kyle Johnson, Joe Vargo, Jim Bradford, Charles Ives, Penny Popov, Robert Rasmussen, Shanty Lamar, Karl Roman, Lee Place, Spencer Knott, Jim Atkinson, Jack Valley, Bruce Brockman, Dane Goldman, Larry (last name not given), Chris Eglan, Jose Ayala, Wes Highser, Brooks Morris, Jeff Chapman, Patricia Tenen, Tamar Goldman, Glen Davidson, Gary Armstrong, Theresa Benson, Marian Rosman, Mr. Paulson, Joe Monarch, John Blair, Heather Armbrewster, Raul Ayala, Ken Mathias, Dave Winger, Christy Black, Thomas Harvey, and Gerald Porch.

Communications were received from the following in opposition to the proposed ordinances: Gary Fleeer; John, Jill, Jessica Lucas; Gene and Patricia Novack; Steve Schupak; Kristal Rieder; Laura Hughes; Roger and Susan Frost; Dawn Finicum; John Gillmore; Dino Ditta; Carol Roberts

and Robert Miller; Diane and Paul Hill; LJ Harvey; Clint Brown; Keith Matten; Paul Beckett; Christine Boucke; Lisa Reedy; Tim Sandefer and Wanda Bale; Jeff and Wendy Wilcox; Cheryl Wright; Al and Barbara Dies; Michael R. Gordon; Janet Lee Krochman; Lane Koluvek; Everett Thompson; Segio Arreola; James Silerio; and Darryl Oliver. All communications submitted were in opposition to the item.

**MOTION: Receive and file report relating to code amendment CO-09-03. (Public Hearing VII-3)  
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.

**MOTION: Introduce Ordinance No. 09-4 for first reading, read by title only, and waive further reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-02 OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO MAXIMUM DRIVEWAY WIDTH STANDARDS FOR SPECIFIED SINGLE-FAMILY DETACHED HOMES, as amended by amending Table 13-32 for Residential Driveway width to indicate the following:**

1. For lots that are less than 50 feet wide – Maximum 26 foot width, and
2. For lots that are greater than 50 feet wide – Driveway width shall be a maximum of 50 percent of the lot width, or a maximum 36 foot width, whichever is less.

**Approve code amendment which will not be retroactively enforced and only apply to new single-family residences only.**

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

Council Member Bever expressed reservation opining that the motion only addressed specific driveway types.

**SUBSTITUTE MOTION: Receive and file report relating to code amendment CO-09-02. (Public Hearing VII-2)**

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

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 motion carried by the following roll call vote:

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

Noes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever  
Absent: None.

RECESS: The Mayor declared the meeting recessed at 10:41 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 10:50 p.m.

4. Amendment for Homelessness Prevention and Rapid Re-Housing Program (HPRP).

(a). Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP), and application to the U.S. Department of Housing and Urban Development (HUD) for the HPRP funds.

(b). Request for Proposal to local nonprofit organizations qualified to administer a Rapid Re-housing and Homeless Prevention Program.

(c). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN 2008 ACTION PLAN AND CERTIFICATIONS TO INCLUDE HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, and authorizing the City Manager to act in connection of the submission.

Management Analyst Alma Penalosa gave an overview of the report with CDBG/HOME Coordinator Mike Linares responded to questions from the City Council.

Council Member Monahan suggested first approving Option 2 to issue a Request for Proposal (RFP), then approve Option 1 partnering with the County of Orange. He opined that it would benefit the City by working directly with local nonprofits.

Steve Daff, Costa Mesa, presented pictures of homelessness around his home and 19th Street area, which he felt was a chronic problem in the city.

**MOTION: Approve and authorize staff to issue a request for proposal as a first priority; approve substantial amendment to the**



**Consolidated Plan 2008 Action Plan as a second priority and authorize the City Manager to sign; Adopt Resolution No. 09-30. 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.

## **VIII. OLD BUSINESS**

1. From the meeting of April 7, 2009, Child Care and Youth Services Committee.

Assistant City Manager Thomas Hatch presented the staff report.

**MOTION: Appoint Iman Bar, Alexander Kuang, and Nick Veach as regular members; appointed Sam Chung as an alternate member. 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.

2. From the meeting of March 17, 2009, City Council's timing of adjustments to benefits and adjustments to compensation.

(a). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECREASING SALARIES OF THE CITY COUNCIL MEMBERS.

(b). Adjustments to City Council Benefits.

City Manager Allan Roeder presented the staff report noting that the proposed ordinance would take effect at the seating of the Council following the General Municipal Election of November 2010.

The Mayor noted that he had requested the item to be brought forward and expressed his support of a five percent reduction of Council salaries. He also supported that no increases in Council's benefits would be implemented unless voted upon by the Council, and that any increases in benefit would not take effect until the next municipal election and following Council's vote on the

matter.

Mayor Pro Tem Leece stated that if the employees' salaries are reduced by five percent that she would voluntarily take a reduction in her salary at the same time.

Chris McEvoy, Costa Mesa, commended the City Council for the willingness to take a salary reduction.

**MOTION: Introduce Ordinance No. 09-6 for first reading, read by title only, and waived further reading; approving the reduction of City Council salaries by five percent.**

**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.

MOTION: Not increase City Council benefits unless voted upon by Council and that any increase will take effect after the next municipal election following the vote of the Council.

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

**SUBSTITUTE MOTION: Receive and file report.**

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

The substitute motion carried by the following roll call vote:

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

Noes: Mayor Allan R. Mansoor

Absent: None.

Mayor Mansoor requested that his salary be reduced by five percent effective the next pay period.

## **IX. NEW BUSINESS**

### 1. Field Use and Allocation Policy (FUAP) Report.

(a). Request for initiation of Site Specific Agreement for Jim Scott Stadium

Recreation Manager Jana Ransom presented the report and responded to questions from the Council regarding the definition of an organized group, permit requirement, banners and portable lights.

Mayor Mansoor expressed his concern regarding large group play being allowed at Rea School.

Council Member Bever expressed his reluctance to designate the school as an open unregulated field.

**MOTION:** Approve recommended Item Nos. 1, 2, 4, 5, and 6 as presented in the staff report dated April 7, 2009, with respect to amending of the Field Use and Allocation Policy (FUAP).

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

Council Member Monahan stated he was not interested in supporting Item Nos. 1, Limit Use of Lindbergh School (on Saturday to two Pee Wee games or one 11-on-11 person soccer game at any give time; or 3) Designate Rea School as an open field for unregulated "pick-up" Soccer. The Mayor agreed to revise the motion and the seconder agreed. The motion restated:

**MOTION: Approve recommended Item Nos. 2, 4, 5, and 6 as recommended by the Parks and Recreation Commission, and noted in the staff report dated April 7, 2009, for changes to the Field Use and Allocation Policy (FUAP).**

**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.

Council Member Foley pointed out that there are not open spaces in the Rea School area for pick-up soccer games. Mayor Mansoor spoke positively of field use by local groups, but expressed concern that the presence of very large groups could cause problems that could affect the quality of life in the neighborhood.

**MOTION:** Direct staff to consider options on how to utilize Rea School for pick-up soccer games.

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

Council Member Bever inquired if Council Member Foley would consider substituting Sonora School for Rae School. Council Member Foley was not supportive of change to the motion.

**MOTION: Authorize the City Manager and/or his designee to**

**negotiate a Site Specific Agreement; and direct staff to forward a request to the Board and Superintendent of the Newport-Mesa Unified School District to enter into negotiations.**

**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.

2. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER II, ARTICLE 8, OF TITLE 9 AND SEC. 7-19 OF THE COSTA MESA MUNICIPAL CODE REGULATING FIREWORKS SALES.

Legislative & Public Affairs Manager Ann Schultz briefly summarized the staff report and responded to questions from the Council.

**MOTION: Introduce Ordinance No. 09-6 for first reading, read by title only, and waived further reading.**

**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 Katrina Foley, Council Member Gary Monahan

Noes: Council Member Eric R. Bever

Absent: None.

## **X. REPORTS**

City Manager Allan Roeder wished the best of luck to Development Services Donald Lamm in his new position as City Manager for the City of Westminster.

- XI. ADJOURNMENT – The Mayor declared the meeting adjourned at 11:55 p.m. The next Regular City Council Meeting to be held on May 5, 2009.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa