

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

May 05, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session May 05, 2009, 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 Lance Nakamoto
Administrative Secretary Leilani Ayers
City Clerk Julie Folcik

II. PUBLIC COMMENT

There were no public comments.

III. CLOSED SESSION:

1. Pursuant to Government Code Section 54957.6., 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).

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

The Mayor reconvened the regular meeting at 6:00 p.m.

PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor

MOMENT OF SOLEMN EXPRESSION - Pastor Mike Gibson, Christ Lutheran

Church of Costa Mesa

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
Acting Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
Fire Chief Mike Morgan
Emergency Medical Services Coordinator Larry Grihalva
Fire Protection Analyst Susan Guzzetta
Legislative & Public Affairs Manager Ann Shultz
Administrative Services Director Stephen Mandoki
Human Resources Administrator Lance Nakamoto
Administrative Secretary Leilani Ayers
City Clerk Julie Folcik

CLOSED SESSION REPORT

City Attorney Kimberly Hall Barlow reported no action was taken.

PRESENTATIONS

Mayor Mansoor announced the presentation of the Excellence in Child Care Planning Award to Costa Mesa. Roseann Andrus, Project Manager of Child Care Connections, spoke about their vision to work with the community to develop quality, sustainable child care facilities for Orange County's working families. She commended the City and Public Services staff; and presented the City of Costa Mesa a recognition plaque from Child Care Connection and recognition awards from offices of Congresswoman Loretta Sanchez, Assemblyman Van Tran, and Senator Lou Correa.

IV. PUBLIC COMMENTS:

1. Eloise Ott, Costa Mesa, announced the National Day of Prayer event to be held on May 7, 2009, at 12:00 p.m., at the City Hall Flag Pole. She invited the Council and everyone to join and bring their food, flag, and

bible.

2. Ernie Feeney, Costa Mesa, reported that the Costa Mesa Senior Center will be closing the first week in June, questioned the decision of the Senior Center Executive Board to close the Center, and inquired when notice of closure will be given.
3. John Feeney, Costa Mesa, referred to the closure of the Senior Center and suggested that the City manage the Center for the week while the Senior Center staff discuss operation matters. He asked the Council to keep the Senior Center open.
4. Darlene Letnes, Newport Beach, reported that she was asked to leave the Senior Center for hindering fundraising and stated she was not creating a disturbance. She questioned the actions of the Center and commented on problems she experienced at the Senior Center.
5. Kathleen Eric, Costa Mesa, spoke about the closing of the Senior Center on the first week of June and was hopeful that the Council could find a way to keep the Center open as many seniors look forward and rely on going to the Center.
6. Edwina Worsham, Costa Mesa, stated she is a charter member of the Senior Center and submitted a petition to the Council requesting to not close the Senior Center in June.
7. Chris McEvoy, Costa Mesa, commended the City Council for the way they handled the parking issues at the last regular Council meeting; asked the City to take a position against new developments with high density due to the impact on traffic and the quality of life; and asked the Council to consider a one percent increase in the Transient Occupancy Tax (TOT).
8. Robert Graham, Costa Mesa, expressed contentment with the improvements on lower Fairview Park, presented pictures of the Park, pointed out an area maintained by the County noting that the trees may be lost due the lack of a water table. He requested the Council to look into restoration of the park area.
9. Bobby Young, Costa Mesa, spoke on behalf of Leadership Tomorrow and announced that applications are being accepted for the 2009-2010 program. He invited those that are interested in the program to attend a free guest luncheon on May 14, 2009, and to R.S.V.P. for the event on-line at www.leadershiptomorrow.org.
10. Terry Shaw, Costa Mesa, spoke on behalf of the Costa Mesa Historical and announced their next event to be held on May 17, 2009, entitled *Captain Archibald Gillespie and the U.S. Marine Corps in Southern California During the Mexican War* by Glen Roosevelt.

11. Diane Swartz, Costa Mesa, spoke about the closure of the Costa Senior Center in June and suggested that the City provide transportation for seniors to attend the Huntington Beach Senior Center during the closure.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Eric Bever thanked everyone involved with the Orange County Marathon and reported on the success of the event.

Mayor Pro Tem Wendy Leece reported on the last event of the Costa Mesa Historical Society and announced the sale of the book entitled *Images of America Early Costa Mesa*; referred the comments made by speakers regarding the closing of the Costa Mesa Senior Center for a week, expressed her concern for the seniors that regularly attend the Center and the services that are provided; she thanked the participants of the Neighbors for Neighbors Spring Clean-up event and also thanked the volunteers of the Costa Mesa Community Foundation; announced the Kiwanis Club will be hosting the 7th Annual Golf Tournament Fundraiser to support the Foundation; announced she attended the Costa Mesa Investment Oversight Committee meeting and reported on discussions; and reminded everyone of the Civil War Re-enactment event to be held on May 9 and 10, 2009, at Fairview Park.

Mayor Allan Mansoor responded to a question from a public speaker relating to fees and taxes pointing out that fees are assessed for services rendered and cannot exceed the cost of services provided.

Council Member Katrina Foley reported she attended a dinner in Anaheim in which the State Superintendent of Instruction recognized the three Costa Mesa schools of Killybrook, Victoria, and Sonora Elementary Schools for having received awards as Title One Schools; attended the Orange County Marathon and reported on a successful event; encouraged the community to visit the Orange County Equestrian Center located in the city; asked the City Manager for an update on the maintenance of Talbert Park; asked the matter of the SoBeca Overlay specific to Randolph Street be agendaized on a future meeting; inquired if the City applied for the state water quality funds; announced the Daily Pilot Cup, local soccer tournament, to be held on May 26 -31, 2009.

Council Member Gary Monahan encouraged everyone to vote in the May 19, 2009 Election noting the importance to the State of California.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 6:

**MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 4, except for Consent Calendar Item Nos. 5 and 6.
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.

The following claim for damages were received by the City Clerk for processing: Allstate Insurance Company on behalf of Haide Bentong; Jeffrey Milman, Esq./Hodes Milman, LLP on behalf of Christopher & Debbie Moskus.

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

For Convenience Retailers LLC, for Circle K located at 3067 Bristol Street, for a stock transfer of a type 20 (off-sale beer and wine).

For Garfield Beach CVS LLC, for Longs Drug Store located at 175 East 17th Street, for a person-to-person transfer of a type 21 (off-sale general).

2. Adjourned Regular Meeting Minutes of April 14, 2009; Regular Meeting Minutes of March 17, 2009 and April 21, 2009.

ACTION: Approved Regular Meeting minutes for March 17, 2009; continued Adjourned Regular Meeting minutes of April 14, 2009, and Regular Meeting minutes for April 21, 2009.

3. Warrant Resolution 2263, funding Payroll No. 908 for \$2,568,769.55, and Payroll No. 907A for \$1,706.37, and City operating expenses for \$660,246.05 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2264, funding City operating expenses for \$781,167.37.

ACTION: Resolution adopted.

ITEMS REMOVED FROM THE CONSENT CALENDAR

The Mayor announced the following items would be heard collectively.

5. **Adopt plans, specifications, and working details for the rehabilitation of Century Place, Howard Way, and East 16th Street, City Project No. 09-01, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$586,127.90.**

6. **Adopt plans, specifications, and working details for the rehabilitation of Orange Avenue from 17th Street to 18th Street, City Project No. 09-09, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$371,678.50.**

Council Member Leece pulled the items and pointed out that projects are not funded by City's funds but from Measure M funding. Director of Public Services Peter Naghavi provided a brief report on the projects.

MOTION: Approve City Project No. 09-01 and City Project No. 09-09; and 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: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, MODIFYING THE EMERGENCY MEDICAL SERVICES (EMS) BILLING PROCESS SO THAT ALL PATIENTS ARE BILLED EQUALLY WITHOUT REGARD TO RESIDENCY.**

Fire Chief Mike Morgan presented the staff report along with Emergency Medical Services (EMS) Coordinator Larry Grihalva was present to respond to questions from the Council relating to billing of non-insured and insured, differences in Basic Life Support (BLS) and Advanced Life Support (ALS) fees, annual costs to operate the paramedic program, and charges for EMS services in taxes and fees.

Discussion ensued among the Council and staff relating to an inclusion of an EMS subscription fee component in the process, billing codes and systems, billing of Costa Mesa seniors, and non-reimbursement of first responder fees.

Perry Valentine, Costa Mesa, spoke in opposition to the proposed fee and commented that the purpose of property taxes were to provide such basic services to local citizens.

Beth Refakes, Costa Mesa, stated she opposed the fees opining that there was no need for such fees and that the resolution was to generate additional revenues for the City.

Terry Shaw, Costa Mesa, opposed the fee proposals and noted the burden to patients.

Martin Millard, Costa Mesa, expressed opposition to the fees and firefighters overtime hours stating that the fees were to offset the budget problems.

Rob Robinson, Costa Mesa, inquired as to the fair implementation of the fees.

Chris McEvoy, Costa Mesa, stated that he disagreed with EMS services as a revenue source instead of a service and expressed concern of patients' hardships relating to the total medical bill.

Council Member Bever commented on the City's budget opining the need to look at other sources of revenue and opposed the fees. Council Member Monahan disagreed and stated that almost all jurisdictions has implemented such program.

**MOTION: Adopt Resolution No. 09-31.
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

Council Member Foley expressed concern of the first responder fee of \$275.00, and stated that she would support the motion if a solution could be implemented to assist patients who are medically uninsured. The EMS Coordinator responded that such cases would be reviewed and determined by the financial hardship criteria; and that staff would work with CARE Ambulance Services regarding these billing issues.

Council Member Leece stated she opposed the proposed fees and opined that the property taxes do cover EMS basic services for local citizens.

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 7:59 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:11 p.m.

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE FISCAL YEAR 2009-2010 FIRE PREVENTION FEE SCHEDULE; relative to the fire prevention plan check and inspection fees program.

The Fire Chief summarized the staff report and noted the fee schedule

was developed at the direction of the Council and would take effect on July 1, 2009. Fire Prevention Analyst Susan Guzzetta was also present to respond to questions relating to the inspection program of apartments and proposed fees. Council Member Monahan indicated that he would like to see more information and comparisons of proposed fees.

Emily Osterberg, represented the Apartment Associations of Orange County, expressed concern of the resolution and the increase of fees, personnel cuts, and questioned if the proposal was in violation of Proposition 218.

Martin Millard, Costa Mesa, opposed the fees and asked to cut City expenses.

The Fire Chief pointed out that the proposed fees are plan check fees for a new construction relating to new fire sprinkler system and agreed that additional time was necessary to address the concerns of the Council and the public.

MOTION: Continue the public hearing to the meeting of June 2, 2009, at 7:00 p.m.

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

Discussion ensued among the Council relating to the initiation of apartment inspection and implementation of fee schedule.

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.

3. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, IMPLEMENTING THE COSTA MESA FIRE DEPARTMENT COST RECOVERY PROGRAM; relative to the motor vehicle accident cost recovery program.

The Fire Chief presented the staff report and responded to questions from the City Council.

Perry Valentine, reiterated his previous comments and noted that paying property taxes should cover basic fire services. He expressed concern of billing for emergency services and the likely increase in insurance premiums.

Martin Millard, Costa Mesa, opposed proposed fees and reiterated his previous suggestion to cut City expenses.

Chris McEvoy, Costa Mesa, disagreed with fees and opined that there are other ways to increase revenue.

Beth Refakes, Costa Mesa, objected to fees and suggested to cut City spending on salaries and benefits.

The Fire Chief introduced Mr. Jim Figueira of EF Recovery who responded to questions from the Council relating to property damage liability and hazardous material spills.

MOTION: Adopt Resolution No. 09-32.

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

Council Member Leece indicated that she would like more information regarding statistics of incidents relating to non-residents and residents and could not support the motion at this time. Council Member Bever inquired on provisions relating to poor people or hardship and the average claim; stated that he could not support the proposed fees.

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.

VIII. OLD BUSINESS

1. From the meeting of April 21, 2009, second reading and adoption of Ordinance 09-3: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-01 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING 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.

Mayor Mansoor announced that a request for a continuance had been received from the staff.

MOTION: Continue to the meeting of May 19, 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 Katrina Foley, Council Member Gary Monahan
Noes: Council Member Eric R. Bever
Absent: None.

2. From the meeting of April 21, 2009, second reading and adoption of Ordinance 09-4: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-02 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING RESIDENTIAL DRIVEWAY WIDTH STANDARDS FOR SPECIFIED SINGLE-FAMILY DETACHED HOMES.

MOTION: Adopt Ordinance No. 09-4, read by title only, and waived further reading
Moved by Mayor Allan R. Mansoor, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

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

3. From the meeting of April 21, 2009, second reading and adoption of Ordinance 09-5: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECREASING SALARIES OF THE CITY COUNCIL MEMBERS.

Chris McEvoy, Costa Mesa, expressed appreciation of Council's action and suggested the City initiate in-house towing to generate revenue.

MOTION: Adopt Ordinance No. 09-5, read by title only, and waived further reading.
Moved by Mayor Allan R. Mansoor, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

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

4. From the meeting of April 21, 2009, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 9-179 AND ADDING SECTION 7-19 OF THE COSTA MESA MUNICIPAL CODE REGULATING FIREWORKS.

Legislative & Public Affairs Manager Ann Shultz presented the staff report

and noted that the ordinance is for first reading due to corrections that should be reflected in our Municipal Code. Assistant City Manager Thomas Hatch was present to respond to questions from the City Council.

Council Member Monahan stated that he would not support the ordinance.

MOTION: Receive and file report.

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

Council Member Monahan expressed concern of personnel overtime hours and opined that the existing fireworks regulations were adequate.

SUBSTITUTE MOTION: Reintroduce Ordinance No. 09-6 for first reading, read by title only, and waive further reading.

Moved by Mayor Pro Tem Wendy Leece, seconded by Mayor Allan R. Mansoor.

At the request of the Mayor, City Attorney Kimberly Hall Barlow clarified the ordinance and noted that added language would be consistent with current state law. The Legislative & Public Affairs Manager responded to questions from the Council relating to the clean-up and additional language relative to state code, the approved revisions of the council policy relative to the number of fireworks stands, and the citation process.

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.

IX. NEW BUSINESS

1. Business Improvement Area (BIA) Reauthorization:

(a) Annual report for the Business Improvement Area (BIA) for Fiscal Year 2009-2010.

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

The Legislative & Public Affairs Manager gave an overview of the staff report and presented a Costa Mesa Conference and Visitors Bureau

(CMCVB) video. The Assistant City Manager was present to respond to questions.

Shawn Robertson, General Manager of the Hilton Costa Mesa and Secretary of CMCVB, commended the City Council for supporting tourism and noted their successful website at www.travelcostamesa.com.

Council Member Foley thanked the CMCVB for marketing and promotions of the city but questioned decisions made that effectively decreased the donation amount for such community events and promotion.

Council Member Bever addressed the fund amount received from CMCVB and advised of the process to bring forward projects for CMCVB to consider.

**MOTION: Approve Annual Report of the BIA.
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.

**MOTION: Adopt Resolution No. 09-33; and set the date for the public hearing for June 16, 2009, at 7:00 p.m.
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.

2. Appraisal of 1100 Bristol Street, Costa Mesa.

Assistant City Manager Thomas Hatch gave an overview of the staff report. Public Services Director Peter Naghavi presented a slide presentation and overview of the site.

Chris Benet, The Lab Holdings, assisted in presentation of conceptual layout and vision; spoke about private funding for public park; responded to questions from the Council relating to full and junior size fields, speed soccer concept, flexibility of field use, and available amenities.

Council Member Foley having coordinated with third-parties for funding, announced that Costa Mesa United, AYSO 120, and AYSO 97, were committed to fund the appraisal fee.

MOTION: Approve the appraisal of the property for the purpose of entering into the negotiations with the County Flood Control (property owner), for the potential reuse of the site, with the condition that it is paid for by third party funding.

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.

X. REPORTS

The City Manager announced former Mayor Dominic Raciti recently passed this weekend and that additional information about services would be forthcoming.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 10:08 p.m., to May 12, 2009, at 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held May 19, 2009.

The Mayor closed the meeting in memory of former Mayor Dominic Raciti.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa