

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

**November 14, 2006**

The City Council meeting of the City of Costa Mesa, California met in regular session November 14, 2006, 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 Mansoor  
Mayor Pro Tem Eric Bever  
Council Member Katrina Foley  
Council Member Gary Monahan

Council Members Absent: Council Member Linda Dixon

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

(Council Member Gary Monahan entered at 5:15 p.m.)

**II. PUBLIC COMMENTS**

There were no public speakers.

**III. CLOSED SESSION**

**1. Bristol Street Mini-Storage**

**(a) Conference with Real Property Negotiators: Property at 1100 Bristol Street, Costa Mesa. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Herb Nakasone), pursuant to Government Code Section 54956.8.**

**(b) Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation, one case, Bristol Street Mini-Storage, pursuant to Government Code Section 54956.9(b).**

**2. Conference with Legal Counsel—Anticipated Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b).**

The Mayor recessed the meeting at 5:05 p.m. to a closed session to be held in Conference Room 1 D.

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

**PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor**

**MOMENT OF SOLEMN EXPRESSION - Reverend Lloyd Sellers, Hoag Memorial Hospital Presbyterian**

**ROLL CALL**

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

Council Members Absent: Council Member Linda Dixon

Officials Present: City Manager Allan Roeder  
City Attorney Kimberly Hall Barlow  
Development Services Director Donald Lamm  
Public Services Director William Morris  
Neighborhood Improvement Officer Muriel Ullman  
CDBG/HOME Coordinator Mike Linares  
City Clerk Julie Folcik

(Council Member Linda Dixon left at 5:50 p.m.)

**CLOSED SESSION REPORT**

The City Attorney announced that the following action was taken:

Bristol Street Mini Storage:

(a) Conference with Real Property Negotiators: Property at 1100 Bristol Street, Costa Mesa. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Herb Nakasone), pursuant to Government Code Section 54956.8.

**MOTION: Not to extend the tolling agreement.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Gary Monahan.

No action was taken on the remainder of the Closed Session items.

## **PRESENTATIONS**

Pat Krone, Orange County Human Relations Commissioner, presented the Commission's 2005-2006 Annual Report. She highlighted the commissions' accomplishments for the past year which included mediation in reported cases of hate crimes, provided local high schools educational programs through their school inter-relations program, violence prevention training, and of the "Walk In My Shoes" symposium.

## **IV. PUBLIC COMMENTS**

There were no public speakers.

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

**Council Member Gary Monahan reported that he attended the recent Orange County Transit Authority (OCTA) board meeting and advised that the Garfield/Gisler Bridge Memorandum of Understandings were adopted unanimously by the Board and therefore the bridge would be a "right-of-way hold" and thanked staff for their efforts. He also announce that at the League of California Cities meeting, held the previous week, Mayor Mansoor was appointed as a board member to OCTA.**

**Mayor Allan Mansoor requested that the condition of the pedestrian/bicycle bridge that crosses the Santa Ana River trail near Fairview Park be assessed and that staff contact the County regarding their findings.**

**Council Member Katrina Foley informed the audience of the newly formed Youth Council and invited interested high school students, that are Costa Mesa residents, to apply by November 20, 2006, at 5:00 p.m.; she announced that item donations for the City's sponsorship of D-Company were being collected and due November 30, 2006, for the holiday distribution, and requested that an announcement be placed on the cable station; she provided a list of suggested care package items. Council Member Foley also requested monthly updates of legal or staff time costs associated with any immigration proposals or mitigation of immigration matters.**

## **VI. CONSENT CALENDAR: CONSENT CALENDAR ITEM NOS. 1 THROUGH 16.**

**MOTION: To approve the recommended actions for Consent Calendar Item Nos. 1 through 16, except Item No. 11  
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 Katrina Foley, Council Member Gary Monahan

Noes: None.  
Absent: Council Member Linda Dixon

1. **Reading Folder.**

**The following claims were received and processed: Irma Garcia; James Grucza; Regina Lazo; Willie “Fred” McLendon; Jerry L. Steering on behalf of Bibi Zemalah Turrin; and Denise Wood.**

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

**Pacific Whey Holding LLC., for the Pacific Whey Café, 3333 Bear Street, Suite 119, for a person-to person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).**

**The following memorudm was received from the City Attorney regarding information on Post Storage Hearings.**

2. **Regular Meeting of September 19, 2006 and October 17, 2006.**

ACTION: Approved.

3. **Warrant Resolution 2132, funding Payroll No. 620 for \$2,389,896.74, and City operating expenses for \$1,281,171.10 including payroll deductions.**

ACTION: Resolution adopted.

4. **Warrant Resolution 2133, funding City operating expenses for \$732,089.19.**

ACTION: Resolution adopted.

5. **Warrant Resolution 2134, funding Payroll No. 621 for \$2,296,591.43 and Payroll No. 620A for \$3,440.07, and City operating expenses for \$996,832.55 including payroll deductions.**

ACTION: Resolution adopted.

6. **Accept the donation from a private citizen, Mr. Ki Nam, for \$13,000 for the Police Department.**

ACTION: Approved.

7. **Purchase of ten 2007 Police Interceptor black and white Ford Crown Victoria vehicles with the police package from Clippinger Ford, 2000 E. Garvey South, West Covina, in the amount of \$247,395.30, through the County of Los Angeles Price Agreement.**

**(a) Budget Adjustment No. 07-025 for \$310,000 to appropriate available balance in the Equipment Replacement Fund for replacement of ten police units.**

ACTION: Approved purchase; Approved Budget Adjustment and authorized the Mayor to sign.

8. **Authorize refund of cash deposit in the amount of \$6,357 to Michael Saia, 14 Delamesa West, Irvine, in connection with Encroachment Permit No. PS06-00422 for street improvements located at 290 Sierks Street.**

ACTION: Approved.

9. **Authorize refund of cash deposit in the amount of \$9,003.10 to Cavecche Engineering & Construction Co., Inc., 4125 Katella Avenue, Los Alamitos, in connection with Encroachment Permit No. PS06-00267 for street improvements located at 3224 California Street.**

ACTION: Approved.

10. **Completion of 2005-2006 CDBG Project: Alley No. 123, Project No. 06-09, by Kalban, Inc., 9075 Glenoaks Boulevard, Sun Valley.**

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

12. **Adopt City Council Policy relating to legal defense of City employees or former employees.**

ACTION: Adopted Council Policy No. 000-14

13. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE TELECOMMUNICATIONS DIVISION OF THE ADMINISTRATIVE SERVICES DEPARTMENT, PURSUANT TO ORDINANCE NO. 75-60.**

ACTION: Adopted Resolution No. 06-88.

14. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT TO TRANSFER OR PURCHASE EQUIPMENT OR SERVICES FOR THE FY 2005 URBAN AREAS SECURITY INITIATIVE GRANT (UASI).**

(a) Authorize the Police Department to accept FY 2005 UASI reimbursement funds allocated to the City in an amount not to exceed \$48,058, for reimbursement of training costs included but not limited to tuition, overtime, and backfill for pre-approved Office of Domestic preparedness-approved training for police, fire, and city personnel.

(b) Budget Adjustment No. 07-035 for \$48,058.

ACTION: Adopted Resolution No. 06-89; Approved authorization; Approved Budget Adjustment and authorized the Mayor to sign.

**15. Agreement with the County of Orange to Transfer Property or Funds for Fiscal Year (FY) 2004-2005 Homeland Security Grant Program for reimbursement of training expenses and receiving equipment.**

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPOINTING AN AUTHORIZED AGENT FOR OBTAINING GRANT MONIES, EQUIPMENT, OR SERVICES UNDER THE 2004 HOMELAND SECURITY GRANT PROGRAM.

ACTION: Approved and Adopted Resolution No. 06-90.

**16. Agreement with the County of Orange to Transfer Property or Funds for Fiscal Year (FY) 2005-2006 Homeland Security Grant Program for reimbursement of training expenses and receiving equipment.**

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPOINTING AN AUTHORIZED AGENT FOR OBTAINING GRANT MONIES, EQUIPMENT, OR SERVICES UNDER THE 2005 HOMELAND SECURITY GRANT PROGRAM.

ACTION: Approved and Adopted Resolution No. 06-91.

ITEMS REMOVED FROM THE CONSENT CALENDAR.

**11. Fire Station No. 6 and Tewinkle Park Restroom Roof Restoration, Project No. 06-21**

(a) Accept bid withdrawal from Vance & Associates Roofing, Inc.

(b) Reject all bids.

(c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING PROJECT NO. 06-21 MAY BE PERFORMED MORE ECONOMICALLY BY LABOR, MATERIALS OR SUPPLIES FURNISHED AT A LOWER PRICE IN THE OPEN MARKET.

(d) Budget Adjustment No. 07-040 for \$25,000.

(e) Authorize staff to negotiate with State licensed roofing contractors to obtain the best available price for the roof restoration at Fire Station No. 6 and TeWinkle Park Restroom, for a combined price not to exceed \$75,000.

William Morris, Public Services Director identified for Council Member Foley that the restroom at TeWinkle Park, located near Presido Square was the building

that was to have roof restoration.

**MOTION: Accept bid withdrawal from Vance & Associates Roofing, Inc.; Reject all bids; Adopt Resolution No. 06-92; Approve Budget Adjustment; authorize the Mayor to sign; and approved authorization for staff to negotiate.**

**Moved by Mayor Allan Mansoor, 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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Linda Dixon

## **VI. PUBLIC HEARINGS**

- PUBLIC HEARING: Continued from the meeting of September 19, 2006 regarding A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF EL CAMINO DRIVE, MENDOZA DRIVE, AND CORONADO DRIVE ADJACENT TO 1011-1045 EL CAMINO DRIVE AND AT 2805 & 2829 SAN JUAN LANE. (Public Hearing set by Resolution No. 06-67.)**

The City Manager advised of the staff's recommendation to continue the hearing to November 21, 2006, so that the applicant could review additional conditions that were being proposed.

**MOTION: Continue the Public Hearing to November 21, 2006, at 7:00 p.m. 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, Council Member Katrina Foley, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: Council Member Linda Dixon

## **VIII. OLD BUSINESS**

- From the meeting of October 17, 2006, second reading and adoption of ORDINANCE 06-22: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-07 WHICH AMENDS TITLE 13, CHAPTER V, ARTICLE 6 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE REVIEW PROCEDURES FOR RESIDENTIAL SECOND-STORY ADDITIONS IN PLANNED DEVELOPMENT ZONES.**

**MOTION: Adopt Ordinance No. 06-22, to be read by title only and waive**

**further reading**

**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, Council Member Katrina Foley, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: Council Member Linda Dixon

## **IX. NEW BUSINESS**

### **1. Revised Community Development Block Grant (CDBG) funded Public Service Grants application rating criteria.**

(a) Consider holding an additional City Council meeting to review the specific CDBG public service grant requests before a final vote is taken by the City Council.

Mike Linares, CDBG/Home Coordinator, presented the staff report and he along with Muriel Ullman, Neighborhood Improvement Officer answered questions from the Council.

Council Member Foley explained her premise behind the suggestion of having the 3-R Committee recommendations come to two meetings of the City Council. She explained that the additional opportunity would allow for the committee to make a more formal presentation, providing more background and the reasons for their recommendations for grants and providing Council more of an opportunity to review the recommendations.

Council Member Monahan commented that he supported the idea of the additional presentation and review by Council but felt that a study session would be more appropriate for the presentations.

Sam Clark, Costa Mesa, member of 3-R Committee, informed the Council that the committee was supportive of the holding of a study session for the presentation and review of their recommendations.

**MOTION: Adopt the revised Community Development Block Grant funded Public Service Grants application rating criteria; direct staff to revise program policies and procedures and the 2007-2008 Public Service Grant application to reflect changes.**

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

Mayor Mansoor commented that he was supportive of a study session but felt that a Council Member could bring forward that request.

Council Member Foley made a standing request that the 3R Committee bring the CDBG recommendations to a study session prior to the scheduled hearing,



during her tenure.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Linda Dixon

**2. Urban Master Plan Screening UMP-06-10 request for 1640 Monrovia Avenue within the Mesa West Bluffs Urban Plan area.**

Mayor Mansoor informed the audience that there was a request by the applicant to pull the item from the agenda and therefore the item would not be heard that evening.

**3. Telecommunications legislation (AB2987) update, allowing for video services by telecommunication companies throughout the State.**

The Public Services Director summarized the agenda report and responded to the questions from the Council.

Council Member Monahan expressed concern regarding the size of the cabinet and its aesthetic value in a residential area.

Beth Refakes, Costa Mesa, spoke in opposition to the size of the cabinet which would be located in front of someone's home; expressed concerns regarding graffiti, safety issues for people walking by, the potential for the relinquishing of the necessary property for the location of the cabinet; questioned why the permits are being issued before the effective date of the legislation, and suggested undergrounding of the box.

Mark Leslie, Vice President for AT&T, indicated that the cabinet would be smaller for residential areas, for aesthetic purposes; that the company will negotiate with the land owner if additional easements are required for the installation of the cabinet, but that the focus is to place the cabinets in the public right-of-way. He clarified that deployment of video service is the focus the legislation and advised that AT&T is not planning on deploying video until March 2007. He emphasized that they wish to work with the communities regarding deployment and advised that the objective of the company is to reach the majority number of homes with the least invasive methods. He responded to questions of the City Council.

Mayor Mansoor expressed that he was concerned about the cabinet and its size.

Eddie Marques, Public Affairs Southern California Edison, expressed a concern and that they would like an opportunity to meet with staff before the implementation of the proposed requirements.

Bob Morelli, Costa Mesa, expressed support of the Council's concerns.

MOTION: Direct staff to include Conditions of Approval for any requested permit in the public right-of-way that includes an above ground cabinet greater than 25 cubic feet in volume and to convey information to all utility companies and AT&T California.

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

Council Member Monahan felt that the radius was too large for notification of such an installation. He felt that notification could be centralized to those most effected in the area.

Mayor Mansoor agreed that the motion be revised to give direction to staff to give notice to a reasonable radius for public notification.

SUBSTITUTE MOTION: direct staff to work with the applicants, League of California Cities, and other cities and City Managers, to draft model Conditions of Approval and ordinance, for approval of the above ground cabinets of larger than 25 cubic feet in volume, and to convey and work with AT&T and Southern California Edison on those matters.

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

The City Attorney expressed concern as there were pending applications that need appropriate conditions of approval issued, unless AT&T is willing to delay the applications.

Council Member Monahan withdrew his second, until the confusion on the discussion items were clarified.

The Mayor exited at 6:10 p.m. and returned at 6:13 p.m.

The City Manager clarified that purpose of the consortium in the working with other cities when addressing the issues that will effect each city with administering of the legislation and approval of such installments.

MOTION: direct staff to work with the communications industry with AT&T, Southern California Edison, and other cities, to come up with model conditions of approval and an ordinance which is to be brought back to the Costa Mesa City Council to have in place when legislation is effective, and that the encroachment applications be delayed, as agreed to by AT&T.

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

Mr. Leslie, for the record, indicated that AT&T would agree to the delay in the applications but for a reasonable and specified period of time. Council Member Foley agreed to review at the second meeting in January, 2007.

Council Member Monahan withdrew his second for clarification of some concerns. He requested for an sample of the cabinet that is being proposed and the surface material that is used by AT&T. He stated that he would not want to delay a decision by awaiting the outcome of the collaborative determination from

the various cities on the conditions of approval, as he felt that staff could work with AT&T, Southern California Edison and Verizon for an satisfactory solution.

**MOTION: Continue to a January 2007 meeting.**

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

Mayor Pro Tem Bever reiterated the desire of the Council that the staff would be working towards cabinets that are aesthetically pleasing and free from graffiti and stickers.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Linda Dixon

**X. REPORTS**

**City Attorney: None**

**City Manager: None**

**XI. ADJOURNMENT - The Mayor adjourned the meeting at 6:19 p.m. The next Regular Council Meeting is November 21, 2006.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa