

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

June 03, 2008

The City Council meeting of the City of Costa Mesa, California met in regular session June 03, 2008, 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 - Mayor Pro Tem Allan Mansoor

ROLL CALL

Council Members Present: Mayor Eric R. Bever
Mayor Pro Tem Allan R. Mansoor
Council Member Linda W. Dixon
Council Member Katrina Foley
Council Member Wendy Leece

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Development Services Director Donald Lamm
Public Services Director Peter Naghavi
Chief of Police Christopher Shawkey
Police Sergeant Robert Sharpnack
Management Analyst Carol Proctor
City Clerk Julie Folcik

(Council Member Foley entered at 6:39 p.m.)

PRESENTATIONS

A presentation was made by Mark Norton, Water Resources and Planning Manager of the Santa Ana Watershed Project Authority. He highlighted the organization and their "One Water One Watershed" programs that include water efficiency, water recharge and water recycling efforts. For more information he encouraged the community to visit their website www.sawpa.org.

The Mayor presented to Martin Chekel, President of the Talking Page Literacy Organization, a proclamation regarding their National Illiteracy Action Project, "Talking Page Literacy program," which provides volunteer literacy tutors throughout the community.

The Mayor presented a proclamation to Donna Ferguson who was recognized for her efforts in educating parents in recognizing sexual predators, including her production of "Your guide to Child Protection". Ms. Ferguson encouraged the City to implement a program like that used in Santa Barbara.

The Mayor presented a proclamation for Becky Bailey Findley, congratulating her of her retirement as CEO of the Orange County Fair and event center. He recognized her for her 22 years of public service, excellence in business, and her involvement in the community.

IV. PUBLIC COMMENTS:

1. Martin Millard, Costa Mesa, referenced an article in the Orange County Register reporting the academic ranking of public high schools in Orange County, noting low rankings of high schools in Costa Mesa; he commented on gang problems and felt that slum housing attracted the gang element, and also felt that the affordable housing requirement should be met by the new residential development for the Theater Arts District.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Eric Bever informed of his attending a meeting along with Costa Mesa City Manager and staff and the City of Newport Beach's City Manager's office, Mayor and the Newport-Mesa Unified School District regarding sport field opportunities reporting that creative solutions were being considered and that further discussion will take place. He advised that he has requested from staff information regarding the parolee's and transients in Costa Mesa.

Council Member Wendy Leece informed of a meeting held with Newport-Mesa School District regarding the noticeable decrease in enrollment at the local schools as parents find other schooling opportunities; applauded the Memorial Day Service held at the Harbor Lawn Memorial Park; reminded that block party permits are required for the Fourth of July if residents are plan on using the street area for festivities and encouraged safety; and reported that Orange County Vector Control has reported that 13 birds were found with the west-nile virus in Orange County.

(Council Member Foley entered at 6:39 p.m.)

Mayor Pro Tem Allan Mansoor informed that he and the Mayor had sent a letter to the Orange County Transportation Authority (OCTA) encouraging further study of the SR-55 freeway extension, and funding a phase two of the study, he advised that the letter is available for anyone who would like a copy and encouraged residents to e-mail OCTA Board of Directors asking for them to support the funding of the study.

Council Member Linda Dixon announced that the Costa Mesa Library Foundation was fundraising and accepting donations for building of a new library; reported

that the Costa Mesa Bark Park was holding a meeting on June 5, 2008, and encouraged attendance; and requested an update of the demolition of the El Camino Center.

VI. CONSENT CALENDAR

**MOTION: Approve recommendations for Consent Calendar Item Nos. 1 through 8.
Moved by Council Member Linda W. Dixon, seconded by Mayor Eric R. Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

The following Claims were received and processed by the City Clerk: David Crawford; Gregory Head; Douglas M. Phelps; Olga Urquiza.

The following Request for Alcoholic Beverage License was received and processed: Midnight Muncheez LLC, for Midnight Muncheez located at 129 Cabrillo Street, for a type 17 (beer and wine wholesaler) and type 20 (off-sale beer and wine).

The following notification was received: Southern California Gas Company – Notice of Filing of Low-Income Program, Application No. A.08-05-025.

2. Regular Adjourned/Study Session Meeting Minutes of May 13, 2008; and Regular Meeting Minutes of May 20, 2008.

ACTION: Approved.

3. Warrant Resolution 2215, funding Payroll No. 810 for \$2,518,822.24, and Payroll No. 809A for negative \$107.80 and City operating expenses for \$1,461,546.21 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2216, funding City operating expenses for \$626,816.21.

ACTION: Resolution adopted.

5. Professional Services Agreement with VA Consulting, 17801 Cartwright Road, Irvine, for design of Howard Way, Century Place and 16th Street

Rehabilitation Project, in an amount not to exceed \$81,900.

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

6. Sole Source Purchase of eight (8) Panasonic Toughbook pentabooks/laptops and wireless software and licenses from Accela, Inc., 2633 Camino Ramon, Suite 120, Bishop Ranch, San Ramon, for use by the building inspectors as wireless field units, in the amount of \$127,211.85.

ACTION: Approved; and authorized the City Manager to sign.

7. From the meeting of May 20, 2008, adopt plans, and specifications, and working details for the installation of netting along the sides adjacent to the Costa Mesa Golf Course for Fairview Developmental Center Sports Complex.

ACTION: Approved.

8. General Municipal Election on November 4, 2008

(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 4, 2008, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

(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 4, 2008, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

ACTION: Adopted Resolution No. 08-39; and adopted Resolution No. 08-40.

It was unanimously agreed to address Public Hearing No. 1, out of order.

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: Continued from the meeting of May 6, 2008, review of the Planning Commission's determination for Planning Application PA-08-07, for Laura Dunbar, authorized agent for Danny Dunbar, for construction of a two-story second dwelling unit with a minor design review for 91% second-to-first floor ratio (80% maximum recommended); administrative adjustments for 3-ft. side setback (5 ft. required); and 6 ft. and 7 ft. building separations (10 ft. required), with minor modifications to retain an existing driveway and to extend a nonconforming side setback of the

existing front unit with a new closet, located at 242 Ogle Street, in an R2-HD (Multiple-Family Residential District, High Density) zone. Environmental determination: exempt.

The Mayor announced a request for a continuance had been received.

**MOTION: Continue to the meeting of July 1, 2008, at 7:00 p.m.
Moved by Mayor Eric R. Bever, seconded by Council Member Linda W. Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

As it was not yet 7:00 p.m., the time set and noticed for public hearings pursuant to Resolution No. 05-55, the following agenda items were taken out of order.

VIII. OLD BUSINESS

1. From the meeting of March 20, 2008, second reading and adoption of Ordinance 08-4: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.2 ACRE PARCEL FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL - MEDIUM DENSITY) FOR PROPERTY LOCATED AT 320 E. 18TH STREET.

**MOTION: Adopt Ordinance No. 08-4, read by title only, and waived further reading.
Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

IX. NEW BUSINESS

1. 2008 Orange County Fair Cattle Drive

Assistant City Manager Tom Hatch briefly summarized the agenda report and Management Analyst Carol Proctor gave an overview of the cattle drive route.

MOTION: Approve temporary street closures for portions of

**Placentia Avenue, Victoria Street, Harbor Boulevard, and Fair Drive on July 26, 2008, as part of a Special Event Permit request for the proposed 2008 Orange County Fair Cattle Drive.
Moved by Council Member Katrina Foley, seconded by Council Member Linda W. Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS

2. PUBLIC HEARING: Proposed Addendum to Agreement with Nestor Traffic Systems, Inc. to modify existing agreement and to install Proposed Automated Enforcement System installation (Red light Cameras) at the following locations:

* Harbor and Gisler

* Harbor and South Coast

* Harbor and Baker

* Victoria and Placentia

The City Attorney noted that changes that were being proposed in the addendum. Police Chief Shawkey highlighted the accident history at the proposed intersections. He noted that there has been a reduction of the injury accidents and broadside incidents at the intersections where cameras currently exist. Questions from the Council were responded to by the Police Chief, the City Attorney and Sergeant Robert Sharpnack. Topics included rear-end collisions statistics, revenue (neutral), timing of the yellow-lights, legal obligations and contractual terms of the agreement.

Martin Millard, Costa Mesa, commented on his own experience at the intersection of Harbor Boulevard and Baker Street, that when traveling behind trucks he could not see the yellow-light which is sort in timing. He also noted that a U-turn is dangerous at the intersection as well as at the intersection of Fairview Road and Baker Street.

Beth Refakes, Costa Mesa, expressed support for red-light cameras commenting that it had made a difference in the traffic safety on 19th Street.

MOTION: Approve the contract Addendum No. Three with Nestor Traffic Systems, Inc. for installation of additional red light camera approaches to meet the City's original contractual commitment and for continuation of the Red Light Camera Enforcement Program with restructured pricing and terms.

Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.

Mayor Pro Tem Mansoor commented that while he appreciates the effectiveness of the cameras, he would suggest less cameras and alternative solutions.

SUBSTITUTE MOTION: Move that "since we are bound by the legal requirements of an existing contract, I move to approve the recommended action for a total of 20 approaches to satisfy the legal requirements of the contract."

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

The Mayor called for the vote on the original motion.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Linda W. Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: Mayor Pro Tem Allan R. Mansoor

Absent: None.

X. REPORTS

City Manager Allan Roeder reported that the Proposed Operating & Capital Improvement Budget for fiscal year 2008-2009 would be presented at the next Study Session.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 7:22 p.m., to June 10, 2008 at 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held on June 17, 2008.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa