

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

July 01, 2008

The City Council meeting of the City of Costa Mesa, California met in regular session July 01, 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 - Council Member Linda Dixon

MOMENT OF SOLEMN EXPRESSION - Pastor Mark Allen, Calvary Chapel Costa Mesa

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
Recreation Supervisor Lisa McPherson
Recreation Manager Jana Ransom
Administrative Services Director Steve Mandoki
Human Resources Manager Terri Cassidy
Fire Chief Mike Morgan
EMS Coordinator Larry Grihalva
Principal Planner Claire Flynn
Senior Planner Mel Lee
City Clerk Julie Folcik

PRESENTATIONS

Mayor Bever introduced the 2007-2008 Youth in Government Program and presented Participation Award Certificates to students Sarah Hammarlund, Kimberly Bjelland, Dylan Abel, and Erica Thomas. The students were recognized for their involvement in the Youth in Government Program for the year of October 2007 to May 2008.

Recreation Supervisor Lisa McPherson spoke about the activities of the Youth in Government Program and the students highlighted their experiences.

Mayor Bever congratulated Gregg Steward, Fire Marshall; David Hollister, Fire Protection Analyst; Susan Guzetta, Fire Protection Analyst; Cheryl Wills, Fire Protection Specialist; Brenda Emrick, Fire Protection Specialist; and Arlene Franco, Office Specialist II for being named Employees of the Month for July, 2008, in recognition of going above and beyond their responsibilities to form strong working relationships and having a positive and helpful attitudes. The Mayor commended the staff of Fire Prevention for their commitment to excellence and professionalism in a time of large change overs and high work volumes.

The Mayor presented a Proclamation to Recreation Manager Jana Ransom proclaiming the month of July as Parks and Recreation Month. The Recreation Manager encouraged the use of City parks and announced a recreation calendar for July is available.

PUBLIC COMMENTS

1. Kyle Davis, Costa Mesa, reported that there were parking citations given to residents prior to the posting of warning signs in an alley that front their homes. He asked that the Council consider the street's unique situation and the timing in the issuing of citations, which he felt were unfairly given.
2. Thomas Ward, Costa Mesa, confirmed that the parking tickets were given before the signs were placed on their street.
3. Doug Hansen, Costa Mesa, made a plea to the community relative to the graffiti, vandalism and trash found at the newly dedicated Angels playground, to "keep it clean."
4. Anne Hogan Shereshevsky, Costa Mesa, spoke on topics of the post office; the Governor's plead to limit the use of fireworks; the expense of the enforcement for the fourth of July activities within the City; the Grand Jury's inquiry of the cities that still allow fireworks; and expressed congratulations to Angels Playground and the Costa Mesa Senior Center.
5. Terry Shaw, Costa Mesa, read the press releases regarding fireworks, to bring awareness to the regulations, encouraged the community to exercise caution, and to use only safe and sane fireworks.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Katrina Foley mentioned she attended the dedication of Angels Playground located at TeWinkle Park and of the two utility fields at the Fairview Developmental Center and applauded the cooperation of public and private entities who partnered together for the benefit of the community. In celebration

of the July fourth holiday, she announced that the neighborhoods of Mesa Verde, Halecrest, and Mesa Del Mar were each conducting parades and encouraged the public to participate or to attend.

Mayor Eric Bever announced that he established a new award called the, Mayor's Choice Award, which runs in conjunction with the Artist's Showcase for Local Artists, and that the first recipient of the award was Terry Kim. He announced that Mr. Kim received the award at the Ninth Annual Artists Showcase held on June 14, 2008, and that his painting would be displayed in the Mayor's office. The Mayor reported of his attendance to the dedications of the utility fields at the Fairview Developmental Center and of Angels Playground; the unveiling of the William J. Gillespie Concert Organ at the Henry and Rene Segerstrom Concert Hall; and the Halecrest Hall of Fame Pancake Breakfast that was held. The Mayor sadly announced the passing of his Father-in-law and expressed his appreciation to the community for their support.

Council Member Wendy Leece announced that she also attended the Angels Playground dedication and expressed her appreciation to the Costa Mesa Community Foundation and others involved to help make that dream come true; and reminded the community to have a safe and sane fourth of July holiday, and expressed appreciative for the electronic signs and other measures that were being taken to remind those visiting and living in the community of the laws regarding fireworks within the City.

Mayor Pro Tem Allan Mansoor requested the City Attorney to follow-up regarding regulations surrounding sex-offenders within the City; and requested a review of the City of Orange's ordinance relative to the limiting the number of people living in a motel.

VI CONSENT CALENDAR

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9, except for Consent Calendar Item Nos. 6, 8, and 10.

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

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.

ACTION: The following Claims were received and processed by the City Clerk: James M. Parsa & Associates on behalf of Arely Dimas; Anita Monarez on behalf of Enterprise Rent A Car; Ghanshaym Persaud on behalf of The Hartford/Newport Harbor Animal Hospital Inc.; Barry Besser, Esq. on behalf of Jana E. Lavender; Scott A. Klages; and Rob C.R.

Stonecipher.

The following notification letters were received and processed: Costa Mesa Sanitary District – Notice of public hearing of proposed increase of sewer collection rates.

Southern California Edison Company – Notice of Filing of Application for Increase in Electric Revenues Demand Response Programs, Application 08-06-001.

Southern California Gas Company – Notice of Filing of the Gas Cost Incentive Mechanism (GCIM), Application No. A.08-06-016.

2. Regular Adjourned Meeting/Study Session of June 10, 2008 and Regular Meeting of June 17, 2008.

ACTION: Approved.

3. Warrant Resolution 2219, funding Payroll No. 812 for \$2,542,050.66, and City operating expenses for \$937,844.54 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2220, funding City operating expenses for \$1,437,594.14.

ACTION: Resolution adopted.

5. From the meeting of June 17, 2008, Amendment No. 2 to Professional Services Agreement with the companies of: Scott Fazekas & Associates, Inc., 9 Corporate Park, Suite 200, Irvine; Bureau Veritas, 2001 East First Street, Santa Ana; Harris & Associates, 34 Executive Park, Suite 150, Irvine; and CSG Consultants, Inc., 151 Kalmus Drive, Suite C-200, Costa Mesa, for building plan review and inspection services, for one (1) year, for an aggregate amount not to exceed \$100,000.

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

7. Professional Services Agreement with A.C.T. GIS, 19000 Grovewood Drive, Corona, for support services of the city's Geographic Information System (GIS) from July 1, 2008 through June 30, 2009, in the amount of \$92,122.

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

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA FIREFIGHTERS ASSOCIATION TO REFLECT THE ESTABLISHED

LABOR MARKETPLACE PURSUANT TO THE 2007-2010 MOU.

(a) Budget Adjustment No. 09-002 for \$843,551

ACTION: Adopted Resolution No. 08-49; approved Budget Adjustment No. 09-002 and authorized the Mayor to sign.

ITEMS REMOVED FROM THE CONSENT CALENDAR

6. Professional Services Agreement with David Volz Design Landscape Architecture, Inc., 151 Kalmus Drive, Suite M8, Costa Mesa, to provide professional services for the master planning of the Brentwood Park and 261 Monte Vista Avenue, in an amount not to exceed \$84,690.

Council Member Leece expressed support of the proposal and commended the Public Services staff for their review.

Public Services Director Peter Naghavi responded to questions from Council Member Dixon regarding the time frame of completion for the master plans.

MOTION: Approve; and authorize the Mayor and City Clerk to sign. 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.

8. Authorize initiation of contract with CARE Ambulance Company, Inc., 1517 W. Braden Court, Orange, for the provision of emergency ambulance and patient billing services (RFP #1117).

Anne Hogan Shereshevsky, Costa Mesa, asked for clarification for the contract award.

Ray Iskander, representative of Pacific Ambulance, questioned the award pointing out the offerings of Pacific Ambulance such as the number of dedicated ambulances to the City, the moving of the corporate office to Costa Mesa, lower billing rates; and inquired of the process in the making of the determination.

At the request of Council, Fire Chief Mike Morgan and EMS Officer Larry Grihalva responded to the questions raised pointing out the standards that were noted in the Request for Proposal, the expertise of the grading panel, the current contract, back-up service providers and the

development of the detail for the criteria in the RFP.

Martin Millard, Costa Mesa, recounting an experience with CARE Ambulance Service commented that he was not in support of the award.

Council Member Foley expressed support for the Fire Chief's recommendation but was also interested at looking at the possibility of bringing the ambulance service in house.

Steve Sheldon, representative of Pacific Ambulance, requested the ability to review the scoring sheets.

Rick Richardson, Co-CEO of CARE Ambulance Service, responded to comments made by the previous speakers, highlighting the model of service that they provide, their response time, years of service, accreditation, and encouraged the approval of the recommendation.

Discussion took place amongst the Council and staff regarding the provision within the RFP that prohibited the service providers from having contact with the Council Members after the issuing of the RFP.

**MOTION: Approve and authorize the Mayor and Clerk to sign.
Moved by Council Member Wendy Leece, seconded by Mayor Pro Tem Allan R. Mansoor.**

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.

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE PLANNING DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Mayor Pro Tem Mansoor expressed he would like to review options in the maintenance of the videos of the Planning Commission meetings for archival purposes.

**MOTION: Continue the item.
Moved by Mayor Eric R. Bever, seconded by Council Member Wendy Leece.**

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.

VII. PUBLIC HEARING

1. PUBLIC HEARING: 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 and Dorothy Dunbar, for construction of a two-story second dwelling unit with an administrative adjustment for 3-ft. side setback (5 ft. required) and a minor modification to retain an existing driveway, located at 242 Ogle Street, in an R2-HD (Multiple-Family Residential District, High Density) zone. Environmental determination: exempt.

Senior Planner Mel Lee briefly summarized the staff report and responded to questions from the Council relating to the re-design of the laundry room.

Laura Dunbar, architect and representative of the applicant, expressed appreciation of the efforts of the Planning Department.

**MOTION: Adopt Resolution No. 08-50, approving Planning Application PA-08-07 as modified.
Moved by Mayor Pro Tem Allan R. Mansoor, 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

Noes: None.

Absent: Council Member Wendy Leece

2. PUBLIC HEARING: Review of the Planning Commission's determination of Tentative Tract Map T-17248 for authorized agent Justin McMillen of InHabitation Design. T-17248 involves the proposed subdivision of the property for condominium purposes for a 7-unit, multi-family attached, residential development previously-approved under Final Master Plan PA-07-31. The subject property consists of two parcels located at 616 Center Street and 613 Plumer Street in the Mesa West Residential Ownership Urban Plan area and in the R2-HD zone. Environmental Determination: exempt.

At the request of the Mayor, City Attorney Kimberly Hall Barlow gave the perimeters of the discussion noting that the item in review was the tentative tract map and not the master plan.

Council Member Foley informed as to the reason for her request for

review noting the concerns from the surrounding residents relative to the project the Planning Commission's determination and that this would provide an opportunity to respond to the concerns raised.

Principal Planner Claire Flynn presented the staff report. Council Member Foley advised that if the Council approves the project, the applicant requested to participate in the green building permit fee waiver program. Development Services Director Don Lamm explained a LEED certified building and pointed out that the project could be the first residential building in the City LEED certified.

Andre Ferreira, property and project owner, gave an overview of the project noting the design process and meeting the gold LEED certification. He explained the reason for his proposal, presented a video of the proposed project, and responded to questions from the Council.

In reference to an inquiry by Council Member Leece regarding noise, the applicant advised that the issue had been addressed and that changes have been made to the design.

Ross Faust, Costa Mesa, spoke in opposition to the approval of the project, commented on the City's disregard of established rules, and pointed out that the project does not meet the one acre requirement.

Martin Millard, Costa Mesa, commented on inherent problems on the Westside and expressed support of the project.

Francis Bijon, Costa Mesa, read a letter from a neighbor in support of the development and hoped that the Council would support the project.

Rod McMillen, Costa Mesa, stated he originally opposed the project. However, after much effort on the part of the applicant in working with the community, supports the project and encouraged the Council to approve.

Shawna Wendell, Costa Mesa, expressed excitement of the project and would like to see more pride of ownership on the Westside; recognized the efforts of the developers and expressed support of the project.

David Beacon, Costa Mesa, said that he was looking forward to purchasing a unit and urged the Council to approve the project.

Chris (last name inaudible), Costa Mesa, voiced his support of the project and noted that he was looking to purchasing a unit.

Alex Martinez, Costa Mesa, stated he was employed by In-Habitation Design; attested to the detail of the project's design and expressed his support of the project.

The Mayor recognized the direction of the Westside and commended the

Council's vision to support the Westside Urban Plan. He addressed public speaker's comment relating to established guidelines, commented on the flexibility of the overlay zone and the need to look at projects on an individual basis. Mayor Bever expressed support to uphold the decision of the Planning Commission.

MOTION: Adopt Resolution No. 08-51, upholding the Planning Commission's approval of Tentative Tract Map T-17248. Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.

Council Member Foley expressed support of the project and commended the developers for their creative green building and their consideration of the surrounding neighbors. Council Member Leece also voiced support of the project.

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.

MOTION: Extend the green building program for 30 days to the developers in order to file required permits. Moved by Council Member Katrina Foley, 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.

VIII. OLD BUSINESS

1. From the meeting of June 17, 2008, second reading and adoption of Ordinance No. 08-5: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, in order to implement the 2.5% at 55 retirement formula for Miscellaneous employees.

Human Resources Terri Cassidy was present to respond to questions from the Council.

MOTION: Adopt Ordinance No. 08-5, read by title only, and waived further reading.

Moved by Council Member Katrina Foley, 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.

X. REPORTS

The City Attorney advised that she would be leaving for vacation and would return on July 8, 2008, and in her absence the Assistant City Attorney Harold Potter would be available.

The City Manager reminded the community the discharge of fireworks was from 4:00 p.m. to 10:00 p.m., on July 4, 2008; noted that the legal defined sunset time was 8:34 p.m., and that those visiting the City parks must vacate them at that time. In reference to a request from the Mayor, the City Manager advised that signs were posted at fireworks stands concerning the prohibited use of fireworks by the surrounding cities.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 8:23 p.m., to July 8, 2008, 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held on July 15, 2008.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa