

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

September 01, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session September 01, 2009, 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 R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Katrina Foley
Council Member Gary Monahan

Council Members Absent: Council Member Eric R. Bever

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

II. PUBLIC COMMENTS

There were no public comments.

III. CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - Pending Litigation: Gryde v. City of Costa Mesa, Superior Court of the State of California, Orange County, Case No. 30-2008 00101068, pursuant to Government Code Section 54956.9 (a).

The Mayor recessed the meeting at 5:04 p.m. to Conference Room 1A for the closed session.

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

PLEDGE OF ALLEGIANCE - Richard "Dick" Higgins, Chief Electronic Technician, United States Navy (Retired), WWII and Pearl Harbor Survivor

MOMENT OF SOLEMN EXPRESSION - Pastor Doug Hamp, Calvary Chapel Costa Mesa

MOMENT OF SOLEMN EXPRESSION - The Mayor requested a moment of silence in memory of fallen hero Lance Corporal Donald J. Hogan of the 1st Battalion, 5th Marine Regiment, 1st Marine Division based in Camp Pendleton,

who was killed on August 26, 2009, supporting combat operations for Operation Enduring Freedom in Afghanistan.

ROLL CALL

Council Members Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Katrina Foley
Council Member Gary Monahan

Council Members Absent: Council Member Eric R. Bever

Officials Present: 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
Chief of Police Christopher Shawkey
Management Analyst Alma Penalosa
CDBG/HOME Coordinator Mike Linares
Police Captain Ron Smith
Police Sergeant Robert Sharpnack
City Clerk Julie Folcik

CLOSED SESSION REPORT

The City Attorney reported that no action was taken on the closed session.

IV. PUBLIC COMMENTS

1. Chris McEvoy, Costa Mesa, suggested a cost cutting measure of placing street lights only at corners and intersections.
2. Terry Shaw, Costa Mesa, announced the Annual Open House of the Costa Mesa Historical Society at the Estancia Adobe to be held on September 19, 2009, from 10:00 a.m. to 2:00 p.m.
3. Martin Millard, Costa Mesa, provided a picture of graffiti found in the Mesa North area of the city and identified it as a gang threat, noted an increase of such graffiti and suggested that the city eliminate the "slums" in order to eliminate the gangs. He also suggested discontinuing support of activities that encourage the draw of the homeless to the area.

4. Ernie Feeney, Costa Mesa, reported that the Costa Mesa Senior Center has enacted a requirement that only members of the Center were allowed to use the Senior Center Medical Van and felt that it should be available to all seniors who is need of the service.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Allan Mansoor requested the City Manager to contact the Hoag Foundation and follow-up on the matter of the Senior Center Medical Van. City Manager Allan Roeder indicated that he would also follow-up with the Costa Mesa Senior Center relative to the changes in the service program requirement.

Council Member Katrina Foley reported on her attendance of the Costa Mesa Youth Sport Council meeting and of their accomplishments made over the summer noting the improvements of the TeWinkle Sports Field, Parson's Field, the Estancia Weight Facility, and of the future projects that are in the planning stages. She expressed her appreciation of City staff in their efforts in creating ways of keeping track of users and facility enhancement needs. She commented on a public speaker's suggestion regarding the street lights noting her opposition and pointed out that street lights are a deterrent to crime. She requested clarification on the location of a claim the city received and requested Chief of Police Christopher Shawkey to provide information relating to graffiti in areas near Costa Mesa schools. The Police Chief noted that current discussions were underway to look at new strategies to address the graffiti problem and of the on-going investigation of the particular case.

Council Member Gary Monahan expressed his agreement with Council Member Foley on street lights noting that it is a crime deterrent; referred to the Senior Center Transportation Program and asked that the City Manager look into the Orange County Transportation Authority (OCTA) grant received by the Senior Center.

Mayor Pro Tem Wendy Leece reminded the audience of the cooling center located at the Downtown Recreation Center and to call 714-327-7560 for more information; agreeing with a public speaker regarding the Senior Center Medical Van, indicated that she would like such services to be available to all the seniors who need it; announced her resignation as the liaison to the Senior Center Board of Directors due to an increase in commitments; reported that she attended the Eagle Scout Code of Honor at St. Joachim Church; and thanked all who donated to the Costa Mesa Community Foundation for the Concerts in the Park events.

VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 8.

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 7, except for Consent Calendar Item No. 8.

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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

(With Council Member Monahan abstaining from Consent Calendar Item 7)

1. Reading Folder.

ACTION: The following claims were received and processed by the City Clerk: Gabriel Attallah; Thomas Aaron Nagode; and David E. Cane on behalf of Newport Condominium Association.

2. Regular Adjourned Meeting/Study Sessions of July 14, 2009 and August 11, 2009; Special Meeting of August 11, 2009; and Regular Meeting of August 18, 2009.

ACTION: Approved.

3. Warrant Resolution 2280, funding City operating expenses for \$717,647.18.

ACTION: Resolution adopted.

4. Warrant Resolution 2281, funding Payroll No. 917 for \$2,471,695.73 and Payroll No. 916A for \$11,315.44 and City operating expenses for \$958,364.12 including payroll deductions.

ACTION: Resolution adopted.

5. Adopt plans, specifications, and working details for the rehabilitation of Tustin Avenue (15th Street to 17th Street) City Project No. 09-15; waive minor irregularities; and award construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, in the amount of \$555,091.25.

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

6. Telecommunications Services for Local, Long Distance and Internet Connectivity, migrating existing voice and data services with SBC Global Services, Inc. dba AT&T Global Service on behalf of Pacific Bell Telephone Company, dba AT&T California, 3675 T Street, Room 121, Sacramento.

ACTION: Approved; authorized the City Manager to execute the two requests for a term of two (2) years and to sign the Letter of Agency and Letter of Authorization to order.

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA

MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM".

(a). Budget Adjustment No. 10-005 for \$300,000.

ACTION: Adopted Resolution No. 09-60; approve Budget Adjustment No. 10-005 and authorized the Mayor to sign. (Council Member Gary Monahan abstaining).

ITEM REMOVED FROM THE CONSENT CALENDAR

8. Response to Orange County Grand Jury regarding the Paper Water Report.

Jim Fitzpatrick, Costa Mesa, encouraged more coordination with the water agencies, suggesting a focus on regional solutions and efforts with regards to water conservation.

Terry Shaw, Costa Mesa, attended the California Water Crisis at the Orange County Water District and distributed a copy of a packet concerning the Delta issue to the City Council.

Martin Millard, Costa Mesa, encouraged the City to create and make available a plant palette of native plants for residents to use as a guide when landscaping.

John Feeney, Costa Mesa, opined that in Environmental Impact Reports (EIR) for proposed developments that the availability of water when there is a water shortage should be more accurately addressed.

MOTION: Authorize Mayor to sign.

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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

It was unanimously agreed to proceed with New Business Item No. 1, as it was not yet the time set for Public Hearings.

IX. NEW BUSINESS

1. Approval of Homeless Prevention and Rapid Re-Housing Program (HPRP) funds distribution.

Management Analyst Alma Penalosa presented the staff report and along with CDBG/HOME Coordinator Mike Linares responded to questions from

the City Council regarding outreach efforts to inform of the program, and the criteria for those who would qualify, noting that the benefit would be available to those who were Costa Mesa residents and able to regain their stability.

Jean Wagner, Executive Director of Spin, noted that they had been operating in the City of Costa Mesa since 1990 and advised the organization's outreach efforts in promoting their work through that of churches, 211, the Newport-Mesa Unified School District, other non-profits such as The United Way, through the Newport-Mesa Assistance League, and informed that a local radio station, would be making a public announcement that the program funds were available.

Staff responded to questions regarding relocation costs, rental assistance, HUD's criteria relative to legal residency, Federal criteria for residency, clarity of the program's purpose, and how it differs from the focus of the City's Homeless Task Force.

Martin Millard, Costa Mesa, former member of the 3-R Committee, encouraged the City Council not to vote on the item until the surrounding cities had taken action. Suggested looking further into the operational costs of the non-profits before making a decision and pointed out that the program could benefit people who were in the country illegally.

MOTION: Approve the Redevelopment and Residential Rehabilitation (3R) Committee recommendation for distribution of the Homeless Prevention and Rapid Re-housing Program (HPRP) funds; authorize the City Manager to act as the official representative of the City and to execute all the Professional Services Agreement with the selected sub-grantees related to the receipt of HPRP funds.

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

The Mayor commented that he would not support the motion as the program would identify who was a Costa Mesa resident but not if they were in the country illegally, that it would benefit renters only and noted that it was "not a long-term fix."

Mayor Pro Tem Leece expressed a concern of having to quickly approve a program where there were "many unknowns" and therefore would not support the motion.

Council Member Monahan withdrew his second to the motion.

**MOTION: Continue the item to the meeting of September 15, 2009.
Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

Council Member Foley expressed her disappointment noting that the

program would help those that are struggling and could use the assistance. In response to an inquiry, it was expressed by staff that the deadline for the contract to be enacted was September 30, 2009.

The Mayor noted his concern that the money could benefit an illegal resident and felt that there needed to be safeguards in place.

Council Member Monahan expressed his support of the program; felt that many could benefit from the assistance and noted that the Police Department spends a lot of time addressing homelessness issues.

Mayor Pro Tem Leece was interested in the federal requirements for such aid as she would not like the program assistance to benefit those who were in the country illegally.

Questions from Council were responded to by staff regarding allocations received by other cities and if denied how the money would otherwise be dispersed.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley,
Council Member Gary Monahan

Noes: Mayor Allan R. Mansoor

Absent: Council Member Eric R. Bever

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: Recommended allocation of funds for the 2009-2010 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF).

Chief of Police Chris Shawkey briefly summarized the staff report.

MOTION: Approve.

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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

VIII. OLD BUSINESS

No Old Business scheduled.

IX. NEW BUSINESS

2. Review of Nestor Red Light Camera Enforcement Program.

The Chief of Police introduced the item and Police Sergeant Rob Sharpnack gave a presentation on the Nestor Red Light Camera Enforcement Program which covered traffic safety impacts, and operational issues such as picture quality, billing, citation dismissals, revenue losses, company relations, and alternatives that may be considered relative to the program. Questions from the Council included target enforcement, the issuance, enforcement and impact of the citations, and the alternatives as presented in the staff report.

Terry Shaw, Costa Mesa, encouraged the Council to consider discontinuing the program.

Beth Refakes, Costa Mesa, stated she was initially supportive of the program due to the traffic issues on the Eastside. She opposed the cost to the City of the current program and supported either finding a new vendor.

Chris McEvoy, Costa Mesa, commented that due to the cost of the program suggested alternative three and to obtain a new vendor.

MOTION: Direct staff to bring back for consideration a report on Alternatives Nos. 1, 2, and 3, as noted in the staff report. 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: None.

Absent: Council Member Eric R. Bever

3. Letter of Resignation from Planning Commission Vice Chair James Fisler.

The City Manager presented the staff report and noted the resignation of James Fisler as Vice Chair of the Planning Commission due to his appointment to the Board of the Mesa Consolidated Water District.

Jim Fitzpatrick, Costa Mesa, encouraged the Council to maintain the opportunity for residents to get involved and serve the City.

MOTION: Direct staff to prepare a public notice and establish a deadline for soliciting applications for consideration of an appointment to the Planning Commission and, if necessary, the Parks and Recreation Commission; and also for Council to consider the consolidation of the Planning Commission and Parks and

Recreation Commission.

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

The Mayor explained his motion noting that a member of the Parks and Recreation Commissioner may be interested in applying and therefore, felt that it was appropriate to discuss collectively. Council Member Foley stated that she would not support the motion as she felt that the Parks and Recreation Commission and the Planning Commission address unrelated topics and should be kept separate.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Gary Monahan

Noes: Council Member Katrina Foley

Absent: Council Member Eric R. Bever

X. REPORTS

City Manager reported that former Parks Commissioner Dave Stiller has returned home from surgery and is doing well.

XI. ADJOURNMENT - Mayor Mansoor adjourned the meeting in memory of Lance Corporal Donald J. Hogan. The meeting was adjourned at 7:49 p.m., to September 8, 2009, 4:30 p.m., for a Study Session. The next Regular City Council Meeting is scheduled to be held September 15, 2009.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa