

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

September 16, 2008

The City Council meeting of the City of Costa Mesa, California met in regular session September 16, 2008, at 5:05 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 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
City Clerk Julie Folcik

II. PUBLIC COMMENTS

There were no public speakers.

III. CLOSED SESSION:

1. Conference with Legal Counsel - Potential Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b).
2. CONFERENCE WITH LEGAL COUNSEL - Existing Litigation: People v. Acosta, Orange County Superior Court Case No. 06-HN-04320, pursuant to Government Code Section 54956.9(a).

Mayor Bever recessed the meeting at 5:08 p.m. to the closed session in Conference Room 1B.

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

PLEDGE OF ALLEGIANCE - Council Member Linda Dixon

MOMENT OF SOLEMN EXPRESSION - Lead Pastor Leigh Harrison, Lighthouse Coastal Community Church

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
Fire Protection Specialist Brenda Emrick
Fire Chief Mike Morgan
Chief of Police Christopher Shawkey
Police Lieutenant Paul Dondero
Recreation Manager Jana Ransom
City Clerk Julie Folcik

CLOSED SESSION REPORT

City Attorney Kimberly Hall Barlow reported that no action was taken on the closed session items.

PRESENTATIONS

The Mayor announced that Ray Garcia had been selected as a recipient for the Mayor's Award for his efforts to improve traffic safety on Adams Avenue, between Mesa Verde Drive East and the Santa Ana River. He was recognized for his input which led to the modification of traffic lane striping, the addition of signage, and the installation of electronic speed warning radar which resulted in the reduction of traffic flow to a safer 45 miles per hour.

The Mayor introduced the 2008 Costa Mesa Emergency Services Expo presentation. Fire Protection Specialist Brenda Emrick announced the expo is scheduled on October 12, 2008, from 10:00 a.m. to 2:00 p.m., at Fire Station No. 4 and invited everyone to attend. She highlighted the expo events and demonstrations sponsored by the Fire Department, Police Department, and the special services to promote safety.

IV. PUBLIC COMMENTS

1. Chris McEvoy, Costa Mesa, requested a report from the Police Department relating to the gang issue.

2. Stephanie Campbell, Costa Mesa, Orange County Chapter President for Americans United for Separation of Church and State, spoke in opposition to a link to faith based initiative "Be Ready Sunday" link on the city's website and asked to remove the religious symbolism.
3. Terry Shaw, Costa Mesa, spoke on behalf of the Costa Mesa Historical Society, noted the *Story of Costa Mesa* booklet and was on sale for three dollars and announced the Historical Society event honoring local pioneers was to be held on September 20, 2008, from 10:00 a.m. to 3:00 p.m., at Estancia Park.
4. Ernie Feeney, Costa Mesa, expressed concern that could be costly to the City and residents, referencing the recent approval of a rate increase by the Mesa Consolidated Water District. She questioned the effective date of the new rates and the prorated amounts; and requested the City to contact the water district regarding billing.
5. Martin Millard, Costa Mesa, referenced reports relating to the Immigration Customs Enforcement (ICE) detainees and deportation, and commended the City on the ICE program. He reiterated his request regarding a letter that was to be sent to the President regarding the securing the borders by Council Member Foley.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Katrina Foley thanked the Parks and Recreation Department for their efforts on the Concert in the Park series; inquired on the speed reduction to 25 miles per hour on Santa Ana Avenue and Orange Avenue; announced that the application period for Council-appointed committees was open and encouraged everyone to apply; announced applications for Youth in Government Program are being accepted for Fall 2008 and that participants would be able to obtain community service credit; invited the community to the Mesa Del Mar Neighborhood's Luau in the Park Event to be held on September 21, 2008, from noon to 1:00 p.m.; requested the master plan of golf cart ways be agendized to a future study session; requested staff to respond to a public speaker's request relating to a police report on gangs; and thanked the Chief of Police for his report relative to ICE.

Council Member Linda Dixon referencing an article in the Orange County Register regarding a program the City of Fountain Valley was considering that would allow the City to purchase bank owned homes and to sell properties as affordable housing, asked staff to also look into the program.

Mayor Eric Bever announced the Cultural Arts Committee's Artist Showcase will be held on October 11, 2008, 6:00 p.m. to 9:00 p.m., at Triangle Square; quoted an article from the Orange County Register that violent crimes in the city between 2006 and 2007 were down 15 percent; announced a fundraiser will be held for Bill Thomas, a Mesa North resident, who suffered a rare spinal stroke earlier this year; referenced the Costa Mesa Historical Society Open House

event and expressed discontent that they will be honoring Jesse and Gabriel Allen.

Council Member Wendy Leece commented on the West Nile Virus and reminded the public about safety measures against the virus; announced that September is Emergency Preparedness Month reminding everyone to be prepared at home with emergency kits and plans.

Mayor Pro Tem Allan Mansoor referenced a public speaker's comments about a link on the City's website noted that information was available to everyone of all beliefs and commented on the history of separation of church and state; and expressed appreciation to public safety on emergency preparedness.

The Mayor Pro Tem referred to the last item on the agenda relating to the designation of parks for passive or active use and expressed his reservation on the recommendation. He stated that he would like time to personally assess the matter and pointed out that he did not want to keep the audience waiting if there was support to continue the item to a future meeting.

MOTION: Continue Old Business Item No. VIII-3 to a future meeting.
Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Mayor Eric R. Bever.

Council Member Foley recognized people in the audience who were present for the item therefore stated that she did not support the motion and her preference to hear from City staff and the community. Mayor Pro Tem Mansoor reiterated his concern of the recommendation and the desire for more information on the parks.

The motion failed by the following roll call vote:
Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor
Noes: Council Member Linda W. Dixon, Council Member Katrina Foley, Council Member Wendy Leece
Absent: None.

VI. CONSENT CALENDAR

**MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 10, except for Consent Calendar Item No. 2.
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.

1. Reading Folder.

ACTION: The following Claims were received and processed by the City Clerk: Jennifer Carithers; Michelle Cerro; Robert Hamparyan, Esq. on behalf of Karen Crowley; and Mercury Insurance Company on behalf of Ralph Stricker.

3. Warrant Resolution 2230, funding City operating expenses for \$630,590.80.

ACTION: Resolution adopted.

4. Warrant Resolution 2231, funding Payroll No. 818 for \$2,617,844.54, and Payroll No. 817A for negative \$1,367.39 and City operating expenses for \$736,063.04 including payroll deductions.

ACTION: Resolution adopted.

5. Authorize refund of cash deposit in the amount of \$7,900 to All County Environmental, Inc., 1081 North Shepard Street, Suite H, Anaheim, in connection with exterior lead-based paint abatement at the Costa Mesa Police Facility - East Phase - City Project No. 08-11.

ACTION: Approved.

6. Authorize refund of cash deposit in the amount of \$10,000 to CSB Partnership (Lessee), 7872 Edinger Avenue, Huntington Beach, in connection with Encroachment Permit No. PS07-00818 for street improvements located at 322 East 17th Street, Costa Mesa.

ACTION: Approved.

7. Authorize refund of cash deposit in the amount of \$24,717 to Mendez Automotive Services, 3048 Bristol Street, Costa Mesa, in connection with Encroachment Permit No. PS08-00244 for street improvements located at 3048 Bristol Street, Costa Mesa.

ACTION: Approved.

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE FINANCE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

ACTION: Adopted Resolution No. 08-68.

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE LIST OF DESIGNATED POSITIONS FOR THE CITY'S CONFLICT OF INTEREST CODE.

ACTION: Adopted Resolution No. 08-69.

10. Residential Remodeling Incentive Program (RRIP) and Build Green Incentive Program (BGIP).

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, MODIFYING BUILDING AND CONSTRUCTION FEES TO ESTABLISH AND PROMOTE A RESIDENTIAL REMODELING INCENTIVE PROGRAM.

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, MODIFYING BUILDING AND CONSTRUCTION FEES TO ESTABLISH AND PROMOTE A GREEN BUILDING PROGRAM.

ACTION: Adopted Resolution No. 08-70 to promote a Residential Remodeling Incentive Program; and adopted Resolution No. 08-71 to promote a Green Building Program.

ITEM REMOVED FROM THE CONSENT CALENDAR

2. Regular Meeting of September 2, 2008.

MOTION: Continue to the meeting of October 7, 2008.

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.

VII. PUBLIC HEARING

1. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLES 13 AND TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING AND FRONT YARD COVERAGE REQUIREMENTS IN RESIDENTIAL ZONES.

Director of Development Service Donald Lamm informed the Council of staff recommendation for continuance of the hearing to provide additional preparation of the ordinance.

MOTION: Continue to the meeting of October 7, 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.

VIII. OLD BUSINESS

1. From the meeting of March 18, 2008; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE UPDATE OF OPEN SPACE MASTER PLAN OF PARKS AND RECREATION AND TEWINKLE PARK MASTER PLAN REPORT, to reflect the expansion of the Bark Park Boundaries.

Director of Public Services Peter Naghavi presented the staff report and responded to questions from the Council Member Foley regarding removal and relocation of the storage shed, and availability of the high school's tennis courts. Council Member Foley suggested that a snack shop that could provide fundraising opportunities for youth sports groups.

Hank Lloyd, Tennis Center concessionaire for the City of Costa Mesa, responded on the times the high school's Tennis Courts are open to the public and commented on the relocation of the storage shed.

Linda Sneen, Costa Mesa, clarified that the Tennis Courts are closed on the weekends.

Patricia Allen, Bark Park Foundation, thanked the Council and city staff on the expansion of the park noting the content of users, expressing Board's support of the plans.

Council Member Dixon applauded Patricia Allen, the Bark Park Foundation, and the Public Services Director for their efforts on the expansion; encouraged users to make a gift to the foundation and hoped that the City would fund the Bark Park in the next budget. She suggested that the foundation consider alternative grass covering for the park instead of grass turf in the future.

MOTION: Adopt Resolution No. 08-72.

Moved by Mayor Eric R. Bever, seconded by Council Member Linda W. Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. From the meeting of August 5, 2008; Costa Mesa & Newport-Mesa Unified School District (NMUSD) Joint Field Use Master Plan Task Force.

The Public Services Director presented the staff report and responded to question from the Council on when the first meeting would be held.

MOTION: Appoint membership as recommended on the staff report. 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.

3. Parks and Recreation Commission's Recommendation for Designation of Parks and Park Areas for Passive or Active Use.

The Public Services Director summarized the staff report, along with the Police Chief Chris Shawkey and Police Lieutenant Paul Dondero responded to questions from the City Council relating to the recommendation, types and number of complaints received, and parks signage.

Discussion ensued amongst the Council and staff on the recommendation of restricting uses in all City parks. In response to concerns from the Mayor relating to problematic parks due to unsafe conditions or turf degradation, City Manager Allan Roeder suggested referring such concerns to the Parks and Recreation Commission to determine whether or not to post signage restricting team sporting activity.

Council Member Dixon expressed concern of limiting the amount of play in City parks and suggested extending youth night programs at the park. Council Member Foley questioned the amount of staff hours that were spent in the preparation of the report, as she felt a great deal of time was spent where only a few complaints had been received regarding park activity.

Mike Berry, Costa Mesa, reported to Council about problems at Canyon Park and questioned restricted uses.

Stephanie Campbell, Costa Mesa, questioned the recommendations on restricting park uses, expressed concern for the youth, and asked Council to reconsider the issue.

Bruce Krochman, Costa Mesa, opposed determining uses of a park based solely by the concerns of the surrounding neighbors thereby disenfranchising the rest of the community and expressed support for the Parks and Recreation to handle on a case-by-case matter.

Rich Gillock, Costa Mesa, said that passive parks proposals would drive the kids into playing in the streets and opposed the recommendations.

William Sneen, Costa Mesa, questioned Council's direction and the amount of time that City staff had spent working on the issue; stated that he would like to see the item addressed this evening.

Jim Blackie, Costa Mesa, advocate for the homeschool programs stated that they have met for Physical Education at Wakeham Park for the past 11 years. He encouraged the City Council to not disrupt their program and to allow for the opportunity of team sports.

Tracy Botero, Costa Mesa, expressed support of the use of parks by the children and the community. She reported that three boys from her neighborhood received citations for being in the park at dusk and commented on the need for the parks to be utilized.

Tim Kuhlmann, Costa Mesa, stated that disturbances are not due to organized sports activity and opposed park restrictions at Wakeham Park and uniformly categorizing uses for all parks.

Cynthia Blackwell, Costa Mesa, opposed the City taking parks away for play and spoke about the impact on children; stated her son was cited for being at the park at dusk.

Kelly Blackie, Costa Mesa, spoke about how vital keeping Wakeham Park accessible to homeschool programs.

Rachel Perez Hamilton, Costa Mesa, thanked City staff for their efforts on Brentwood Park and would like to keep it as a passive park with no bathroom facility.

Dane Goldman, Costa Mesa, commented on a grant that would allow City's to open fields for additional hours at night in which it reduced gang activities and asked Council to consider.

Mary Auerbach, Costa Mesa, supported a passive park for Brentwood Park.

Lesie Blankshain, Fountain Valley, administers Physical Education classes at Wakeham Park and thanked staff for the opportunity to use the

park.

Chris McEvoy, Costa Mesa, commented that people should be able to use the parks as they were intended to be used.

Bob Serven, Costa Mesa, disagreed on the park restrictions on the community and commented on the impact to his family.

Tamar Goldman, Costa Mesa, said that adults also need the use of the parks and opposed passive parks use pointing out that parks belong to the whole community.

Kim Peterson, Costa Mesa, commended the City's park patrol and implored the Council to not approve this.

Chuck Swain, Costa Mesa, thanked the Council for considering the concerns of the neighbors around a park and asked that Brentwood Park be designated as a passive park.

Martin Millard, Costa Mesa, commented that the neighbors should decide on the matter; and that there should not be a "one size fits all" solution pointing out that not every park was the same.

Mike Miller, Costa Mesa, commented on the master planning process of Brentwood Park and would like to keep it as a passive park.

Ellie Morris, Costa Mesa, said that she would like the freedom to play at a park without a permit and asked not to prohibit play.

Jeff Morris, Costa Mesa, expressed concern for the designation of the farm fields, amount of players, and noise complaints; and opposed the recommendation.

Judi Berry, Costa Mesa, agreed that the neighbors should be able to determine the usage and complained about people charging for admission for a soccer game at Vista Park.

MOTION: Receive and file report.

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.

Council Member Foley referred to Municipal Code Section 12-53(a) and requested the City Attorney to return with alternative language to

determine whether users are a family, group, social organization, or formal league play.

IX. NEW BUSINESS

No New Business scheduled.

X. REPORTS

The City Attorney announced she was appointed by the Orange County's Division of the League of California Cities as representative on the League's Legal Advocacy of Orange County for the next two years.

The City Manager reminded the Council of a special joint meeting with the Newport Beach City Council to be held on September 30, 2008 in which the Go Local would be presented. He advised meeting specifics were forthcoming.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 8:50 p.m., to the Special Meeting to be held on September 30, 2008. The next Regular City Council Meeting will be held on October 7, 2008.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa