

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

**October 21, 2008**

The City Council meeting of the City of Costa Mesa, California met in regular session October 22, 2008, at 6:04 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 Katrina Foley**

**MOMENT OF SOLEMN EXPRESSION - Pastor Rod Randall, Harbor Trinity Baptist 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  
Chief of Police Christopher Shawkey  
Police Lieutenant Tom Curtis  
Deputy Fire Chief Keith Jones  
Principal Planner Claire Flynn  
City Clerk Julie Folcik

**PRESENTATIONS**

Mayor Bever announced that Stan Brown had been selected as the recipient of the Mayor's Award. Mr. Brown was commended for his efforts to improve safety and security against crime and traffic problems and as a result, the neighborhood became a safer place to live and play. He was recognized for his contributions to public safety and the partnerships he helped establish between police and citizens. The Mayor presented the award to Yvonne Brown and Cindy Robinson, widow and daughter of Stan Brown, who had recently passed.

A presentation was made by Deputy Fire Chief Keith Jones regarding the Fire

Department's newly acquired 75 Foot Quint Fire Truck. He pointed out the safety compliant features such as cleaner emissions, a larger water tank, a foam tank, more compartmental space for safety equipment and better gas milage and maneuverability. The Deputy Fire Chief recognized the efforts of the Fire Department, Public Services Department, and the City Manager's Office in acquiring of the vehicle which was purchased as a replacement vehicle.

Mayor Pro Tem Allan Mansoor made a presentation highlighting the partnering of the Costa Mesa Police Department and Federal Bureau of Investigation (FBI) in solving crimes in Costa Mesa. He commended the efforts of Police Chief Christopher Shawkey, Lieutenant Tom Curtis, FBI Agents Gina Osborn, Catherine Otis, and Ramyar Tabatabaian of the Cyber Division, Los Angeles Field Office. The Mayor Pro Tem reported on a credit card scheme in Costa Mesa and noted that arrests were made in connection to an interational organized crime ring that conducted sophisticated internet phishing schemes. He thanked the Costa Mesa Police Department, FBI, and those involved in solving the case and protecting the community.

#### **IV. PUBLIC COMMENTS**

1. Robert Graham, Costa Mesa, spoke about the Fairview Park Master Plan and expressed concern regarding the distance and accessibility of the current parking location to the lower portions of the park. He requested that Council consider an additional parking location for better access to the lower Fairview Park area.
2. Martin Millard, Costa Mesa, commented on Fairview Park as a nature park and opposed to additional parking at the park.
3. Chris McEvoy, Costa Mesa, commented on the City's generated revenue and suggested internalizing the police initiated towing prior to the negotiating of a City tow contract. He pointed out a similar program and the revenues generated at the City of Placentia.

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

Council Member Wendy Leece referred to a public speaker's comments relating to Fairview Park and inquired on additional parking; announced a Youth in Government meeting to be held on November 18, 2008, and advised that interest forms were available on the City's website; thanked the Fire and Police Departments for the Public Safety Expo noting that it was well attended; and reported she attended a study session of the Newport Mesa Unified School District regarding the topic of magnet schools.

Mayor Pro Tem Allan Mansoor welcomed the local boy-scouts in attendance at the meeting.

Council Member Katrina Foley referred to the Youth in Government Program and clarified that any student that is a resident of Costa Mesa are welcome to

attend. She thanked Tony Dodero, reporter for the Daily Pilot, for his many years at the Pilot and his involvement in community organizations, and announced that he will be leaving the Daily Pilot due to layoffs.

Council Member Linda Dixon expressed concern of the access for the disabled from the upper parking lot of Fairview Park; and noted if the matter is considered by the future Council, she would like to recommended the utilization of decomposed granite or materials which would allow percolation.

Mayor Eric Bever inquired on a public speaker's concern that was expressed at a previous Council meeting on billing issues of the Mesa Consolidated Water District. City Manager Allan Roeder addressed the application of rate adjustments retroactively and reported that a system will be implemented this coming year that will allow for prorated billing for future increases.

The Mayor read a letter that was jointly sent with the Mayor Pro Tem to the Orange County Transportation Authority (OCTA) regarding the SR-55 Terminus Project. He also reported on the performing visual arts offered at the Orange Coast College.

**VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 11.**

**MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11, except for Consent Calendar Item Nos. 2 and 10.**

**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: Josh Pelock; and Joseph Zulka, AIG, on behalf of Tong Ly.

The following request for Alcoholic Beverage Control License was received and processed: Convenience Retailers LLC, for Circle K, located at 3067 Bristol Street, for a type 20 (off-sale beer and wine).

The following notification letter was received and processed: Southern California Gas Company a Notice of Proposed Rate Increase for the advanced metering infrastructure, Application No. A.08-09-023.

3. Warrant Resolution 2235, funding Payroll No. 820 for \$2,685,397.70, and Payroll No. 819A for \$2,055.26 and City operating expenses for \$768,004.33 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2236, funding City operating expenses for \$998,592.82.

ACTION: Resolution adopted.

5. Grant from the Fireman's Fund Heritage Grant Program for a replacement vehicle for the Fire Department's Operations Deputy Chief, in the amount of \$25,000.

(a). Budget Adjustment No. 09-006 for \$25,000.

ACTION: Accepted; approved Budget Adjustment No. 09-006, and authorized the City Manager to sign.

6. Purchase of thirteen (13) traffic signal poles for the Newport Boulevard Improvement Project from JTB Supply Company, 1030 Batavia, Suite A, Orange, in the amount of \$110,882.54.

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

7. Cooperative Agreements 12-540 and 12-541 with the State of California Department of Transportation (Caltrans):

(a). Amendment No. 1 to Cooperative Agreement 12-540 for the construction of improvements at Fairview Road/I-405 Freeway interchange.

(b). Amendment No. 1 to Cooperative Agreement 12-541 for the construction of improvements at Harbor Boulevard/I-405 Freeway interchange

ACTION: Approved amendment to Cooperative Agreements 12-540 and 12-541; and authorized the Mayor and City Clerk to sign.

8. Reduction of retention funds withheld from the general contractor USS Cal Builders, Inc., 8051 Main Street, Stanton, to five (5) percent of the contract price, for the construction of the Police Facility Expansion and Renovation Project, City Project No. 06-08.

ACTION: Approved.

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE FIRST AMENDED FRANCHISE AGREEMENT FOR RENEWAL OF THE BUS SHELTER FRANCHISE

WITH CLEAR CHANNEL OUTDOOR, INC.

(a). Adjust the minimum guaranteed compensation from \$94 to \$99 per month, per shelter, in accordance with comparable increases in the published Consumer Price Index (CPI) for all urban consumers for the Los Angeles-Anaheim-Riverside region for the year ending August 2008.

ACTION: Adopted Resolution No. 08-77; approved amended agreement and authorized the Mayor and City Clerk to sign; approved adjustment and authorized the Director of Public Services to make subsequent adjustments annually in accordance with increases in the CPI.

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUMMARILY VACATING A PORTION OF EXCESS LANDSCAPE EASEMENT ADJACENT TO SAKIOKA DRIVE LOCATED AT 3400 AVENUE OF THE ARTS.

ACTION: Adopted Resolution No. 08-78; approved and authorized the Mayor and City Clerk to sign; and directed the City Clerk to record Quitclaim Deed 3606.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Adjourned Regular Meeting/Study Session Minutes of September 9, 2008; Special Joint Meeting with the Newport Beach City Council Minutes of September 30, 2008; and Regular Meeting Minutes of October 7, 2008.

**MOTION: Approve the Adjourned Regular Meeting/Study Session Minutes of September 9, 2008, correcting the date from September 14, 2008 to September 9, 2008; and continued the meeting minutes of September 30, 2008 and October 7, 2008.**

**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.

10. Safe Routes to School (SR2S) Program grant awards:

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO EXECUTE THE NECESSARY AGREEMENTS TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTES TO SCHOOL PROGRAM FOR THE BAKER/MENDOZA SIGNAL PROJECT.

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO EXECUTE THE NECESSARY AGREEMENTS TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTES TO SCHOOL PROGRAM FOR THE IRVINE AVENUE.

Council Member Foley thanked community members for participating in the walkability survey and requested the Public Services Director Peter Naghavi for an update on the grant award.

**MOTION: Adopt Resolution No. 08-79, for the Baker/Mendoza Signal Project and Resolution No. 08-80, for Irvine Avenue.  
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.

It was unanimously agreed to address New Business Item No. IX-1 as it was not yet 7:00 p.m, the time set for public hearings pursuant to Resolution No. 05-55.

## **IX. NEW BUSINESS**

### **1. Extreme Home Makeover: Standardized Plans for the Freedom Homes**

Principal Planner Claire Flynn summarized the staff report. Mary Fewel, Costa Mesa resident of Freedom Homes tract and a local realtor, provided feedback in the process in the concept and development of the plans and informed of a preview event held at her home, which was met with great anticipation. She encouraged that the City Council to approve the plans.

Bob Wilson, the architect who produced the standardized plans, expressed appreciation for being part of the process.

Martin Millard, Costa Mesa, recognized the Mayor for bringing the matter forward and commended the revitalization of the homes with in the tract.

**MOTION: Receive and direct staff to make plans available for public distribution.**

**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.

## VII. PUBLIC HEARINGS

### 1. Annual review of the Citywide Traffic Impact Fee Program:

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS, approving the following staff and Traffic Impact Fee Ad Hoc Committee recommendations to continue Citywide Traffic Impact Fee of \$181.00 per Average Daily trip (ADT); continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; and to approve the annual accounting of the Citywide Traffic Impact Fee Program.

Public Services Director Peter Naghavi summarized the staff report. Council Member Foley requested copies of future meeting minutes of the Traffic Impact Fee Ad Hoc Committee.

**MOTION: Adopt Resolution No. 08-81.**

**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

No Old Business scheduled.

## IX. NEW BUSINESS

### 2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AN IDENTITY THEFT POLICY AND PREVENTION PROGRAM AND TO COMPLY WITH FEDERAL REGULATIONS REGARDING ADDRESS DISCREPANCIES.

City Attorney Kimberly Barlow presented the staff report and recommended approval of the resolution to ensure compliance with the

Fair and Accurate Credit Transactions Act of 2003.

**MOTION: Adopt Resolution No. 08-82.**

**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.

3. Cancellation or rescheduling of the regular City Council meeting of November 4, 2008.

The City Manager presented the staff report.

Mayor Pro Tem Mansoor requested consideration of rescheduling the meeting to November 3, 2008. Council Member Dixon noted a prior commitment for that date. Council Member Foley suggested rescheduling the meeting to the Study Session date of November 12, 2008. Discussion ensued amongst the Council and staff on a date specific. Council Member Foley suggested cancelling the meeting pointing out the tentative items scheduled are presentations and consent calendar items.

**MOTION: Cancel the regular meeting of November 4, 2008.**

**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, Council Member Wendy Leece

Noes: None.

Absent: None.

**X. REPORTS**

The City Attorney announced she attended the League of California Cities meeting and reported on updated laws relating to ethics, campaign contributions, and the Fair Political Practices Commission (FPPC).

The City Manager encouraged everyone to shop in Costa Mesa; informed of the efforts of the City Clerk's Office, Orange County Registrar of Voters, and the Police Department to secure sufficient parking at polling places; and reported that the renovation and removal of paint at the City Hall will be halted so as to not

affect residents voting at the site.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 7:28 p.m., to the next regular City Council Meeting of November 18, 2008.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa