

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

November 18, 2008

The City Council meeting of the City of Costa Mesa, California met in regular session November 18, 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 - Mayor Pro Tem Allan Mansoor

MOMENT OF SOLEMN EXPRESSION - Pastor Nathan Abbate, Calvary Chapel

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
Assistant City Attorney Harold W. Potter
Development Services Director Donald Lamm
Public Services Director Peter Naghavi
Finance Director Marc Puckett
Budget & Research Officer Bobby Young
City Clerk Julie Folcik
Recreation Manager Jana Ransom

(Council Member Foley entered the Council Chambers at 7:11 p.m.)

Mayor Bever announced a continuance had been received for Public Hearing Item No. 3.

VII. PUBLIC HEARING

3. PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-08-10, for Vicki Green/Sheldon Group, authorized agent for Trinity Christian Center, for a minor conditional use permit to allow outdoor filming activities, a maximum of 12 times per calendar year, without amplified sound, audiences, and/or spectators, located at 3150 Bear Street, in an AP zone. Environmental determination: exempt.

**MOTION: Continue to the meeting of January 20, 2009, at 7:00 p.m.
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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

The Mayor announced a continuance had been received for New Business Item No. 2.

IX. NEW BUSINESS

2. Amendment of Titles 1 And 2 relating to General Provisions and Administration:

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CLARIFYING ITS INTENT WITH RESPECT TO LEGAL SERVICES PROVIDED BY CONTRACT CITY ATTORNEY JONES & MAYER.

(b). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 1 AND TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO GENERAL PROVISIONS AND ADMINISTRATION.

**MOTION: Continue to the meeting of December 2, 2008.
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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

PRESENTATIONS

Mayor Bever congratulated Rick Rolsheim, Storekeeper (Retired), Purchasing Division, on being named Employee of the Month for November 2008. He was recognized for his dedication to excellence and professionalism in public

service for over 30 years.

The Mayor announced the presentation of proclamations to local Olympic athletes recognizing their participation and athletic spirit in the 2008 Olympic Summer Games in Beijing, China. Proclamations from the City and Assemblyman Van Tran were presented to Sharon Day, member of the 2008 U.S. Track & Field National Team; Rami Zur, member of the 2008 U.S. National Canoe & Kayak Sprint Team; and Gold Medal Olympian Misty May-Treanor, member of the 2008 U.S. Women's Beach Volleyball Team.

Council Member Leece honored Costa Mesa resident, Anne Hogan-Shereshevsky for her senior advocacy in the City. She was presented with a Certificate of Recognition for her dedicated service and unflinching devotion to the Costa Mesa senior community.

IV. PUBLIC COMMENTS

1. Richard Reinhardt, Costa Mesa, observed drive-through traffic and speeding at the Costa Mesa Senior Center parking lot and suggested a "No Through Traffic" sign or to change the timing of the traffic light.
2. Dan Worthington, Costa Mesa, Vice Chairman of Orange County Waste Commission, spoke about stopping the unending delivery of unrequested advertising and home solicitations; and noted that free signs to stop solicitations were available from City Code Enforcement citing Section 9-137 of the Municipal Code.
3. Valerie Boston, Costa Mesa, proposed that addresses of homes in the City be visible.
4. Darlene Matthews, Costa Mesa, reported an infestation of rats and water damage at a local storage building. She requested for Council's assistance in the matter.
5. Eloise Ott, Costa Mesa, thanked Council Member Dixon for her direction in cultural arts for the City; advised she toured the water district and commented on the toilet to tap water project; reported trash along the SR-55 freeway (southbound) and northbound of the 405 freeway; and proposed repositioning of DC10 airplanes at El Toro to fight fires during the rise of Santa Ana winds.
6. Laura Johnson, representative of Leadership Tomorrow, announced the acceptance of the nominating of individuals within the community who have demonstrated outstanding civic leadership. The recipient is to be honored at the "Celebrating Leadership" event to be held on February 5, 2009.
7. Martin Millard, Costa Mesa, referred to the Estancia/Tewinkle and Costa Mesa High School Foundations and pointed out that an annual report and

audit has not been filed with the City since 2004. He noted that the filing of the report, that was not made available to the public upon request, was a requirement according to the Foundation's bylaws. He also expressed opposition to funding of a shopping carts program.

8. Anne Hogan Shereshevsky, Costa Mesa, complained of large-sized political mailers; asked the community to have addresses on homes made visible and opined that bikers do not belong on regular streets without bike lanes.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Eric Bever recognized the Costa Mesa High School Mustang Football Team for winning the league championship and reminded everyone that the Holiday Snow Hill Event will be held on December 13, 2008, at the Balearic Community Center.

Council Member Wendy Leece welcomed the students of the Youth in Government in that were in attendance and announced membership openings were still available; thanked Recreation Manager Jana Ransom and staff for the Youth in Government kick-off; reported on the dedication ceremony of the Fairview Park Historical Mural; encouraged the community to attend the Newport-Mesa Unified School District meetings on magnet schools; advised she participated in the mock disaster preparedness drill; and announced the current edition of Costa Mesa Community News and Recreation Review was available and encouraged all to "Shop Costa Mesa". She referred to the City of Rancho Santa Margarita and the displaying of "In God We Trust" in their Council Chambers and she requested staff to prepare a report relative to the display of "In God We Trust" in the Costa Mesa Council Chambers.

Mayor Pro Tem Allan Mansoor requested a report from City staff on the City's obligations relating to funds received by the foundations that was mentioned earlier by a public speaker.

Council Member Linda Dixon requested information on the free signs to stop solicitations, and Leadership Tomorrow nominations information be posted on the City's website; asked the community to remember those who are struggling through economic times and encouraged to give and reach out this holiday season.

VI. CONSENT CALENDAR

**MOTION: Approve recommended actions Consent Calendar Item Nos. 1 through 19, except for Consent Calendar Item Nos. 6 and 18.
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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

1. Reading Folder.

ACTION: The following Claims were received and processed by the City Clerk: Toby Baran; Charlene Pierson on behalf of Farmers Insurance Group; Viola R. Brown, Esq. of Stephenson, Acquisto & Colman on behalf of Hoag Memorial Hospital; Interinsurance Exchange of the Automobile Club (AAA); and Keenan & Associates on behalf of Blanca Gonzalez-Guzmon.

The following request for Alcoholic Beverage Control Licenses were received and processed:

Macys Department Stores Inc., located at 3333 Bear Street, M100 1st Floor (Macy's Home Store), for a type 41 (on-sale beer and wine for a bona fide eating place).

Hope Wine LLC, for Hope Wine, located at 2900 Bristol Street, Suite G203, for type 17 (beer and wine wholesaler) and type 20 (off-sale beer and wine).

Carlos Roman Salazar, for Adobe Grill located at 1525 Mesa Verde Drive East, Suite 117, for a type 41 (on-sale beer and wine for a bona fide eating place).

Macy's Department Stores Inc., (formerly Wolfgang Puck Café), located at 3333 Bristol Street, Suite 200, for a type 41 (on-sale beer and wine for a bona fide eating place).

Viking Glacier Spirits US Inc., for Viking Glacier Spirits US Inc., located at 2777 Bristol Street, Suite E, for a type 13 (distilled spirits importer's general).

2. Regular Meeting Minutes of October 7, 2008, October 21, 2008, and November 4, 2008.

ACTION: Approved.

3. Warrant Resolution 2237, funding Payroll No. 821 for \$2,646,652.12, and Payroll No. 820A for negative \$8,713.70 and City operating expenses for \$2,332,526.85 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2238, funding City operating expenses for \$1,355,155.18.

ACTION: Resolution adopted.

5. Warrant Resolution 2239, funding Payroll No. 822 for \$2,734,189.31, and Payroll No. 821A for \$480.37 and City operating expenses for \$1,588,271.54 including payroll deductions.

ACTION: Resolution adopted.

7. Professional Services Agreement with California Forensic Phlebotomy, Inc., 26012 Marguerite Parkway, Suite H-235, Mission Viejo, for blood withdrawal testing services over a three (3) year term, in an amount not to exceed \$88,000 per year.

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

8. Award Formal Bid Item No. 1121, for the purchase of eight (8) new 2009 Police Interceptor Black and White Ford Crown Victoria vehicles with the police package from Theodore Robins Ford, 2060 Harbor Boulevard, Costa Mesa, in the amount of \$192,551.15

ACTION: Approved.

9. Adopt plans, and specifications, and working details for the Newport Boulevard improvement Project, Federal Project No. RPSTPLE - 5312 (70), City Project No. 08-08, and award construction contract to All American Asphalt, Post Office Box 2229, Corona, in the amount of \$4,295,449.

(a). Budget Adjustment No. 09-009 for \$1,607,710.

ACTION: Approved; authorized the Mayor and City Clerk to sign, and approved Budget Adjustment No. 09-009.

10. Adopt plans, and specifications, and working details for the Baker/Mendoza Traffic Signal Modification, Federal Project No. SRTSF - 5312 (068), City Project No. 08-10, and award construction contract to PTM General Engineering Services, Inc., 5942 Acorn Street, Riverside, in the amount of \$139,129.

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

11. Adopt plans, and specifications, and working details for the Fairview Road/Adams Avenue Intersection Improvement, City Project No. 08-13, and award construction contract to California Engineering & Contracting, Inc., 16027 Brookhurst Street, Suite G-240, Fountain Valley, in the amount of \$189,795 (base bid plus all additive bid items).

(a). Budget Adjustment No. 09-008 for \$82,000.

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

approved Budget Adjustment No. 09-008.

12. Completion of Roadway Rehabilitation of Hyland Avenue from South Coast Drive to Macarthur Boulevard, Federal Project No. STPL - 5312 (057), City Project No. 07-08, by R.J. Noble Company, 15505 Lincoln Avenue, Orange.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration seven (7) months thereafter.

13. Completion of Roadway Rehabilitation of Superior Avenue from southerly City limits to 17th Street, Federal Project No. STPL - 5312 (064), City Project No. 07-12, by R.J. Noble Company, 15505 Lincoln Avenue, Orange.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration seven (7) months thereafter.

14. Completion of construction of Parkway Concrete Repair and New Sidewalk Project, City Project No. 07-27, by S. Parker Engineering, Inc., 2783 Tern Circle, Costa Mesa.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

15. Pre-Tax Payroll Deductions for Employee Contributions to the California Public Employees' Retirement System (CalPERS).

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE ADOPTION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) EMPLOYER PICKUP RESOLUTION, AUTHORIZING THE IMPLEMENTATION OF A PRE-TAX PAYROLL DEDUCTION PLAN FOR (CALPERS) EMPLOYEE CONTRIBUTIONS UNDER INTERNAL REVENUE CODE SECTION 414(h)(2) FOR ALL EMPLOYEE GROUPS.

(b). Authorize Finance Department to take necessary steps to establish this irrevocable plan, and follow through with appropriate arrangements per CalPERS procedures.

ACTION: Adopted Resolution No. 08-83; and approved.

16. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF EAST 19TH STREET AT 419 EAST 19TH STREET, and setting the hearing date for January 6, 2009, at 7:00 p.m.

ACTION: Adopted Resolution No. 08-84; and set the date of hearing for January 6, 2008.

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUMMARILY VACATING STORM DRAIN EASEMENT WITHIN VACATED PORTION OF TOWN CENTER DRIVE.

ACTION: Adopted Resolution No. 08-85; approved and authorized the Mayor and City Clerk to sign; and directed the City Clerk to record Quitclaim Deed 3663.

19. 2009 Appointment to the Board of the Orange County Vector Control District (OCVCD) for the next two years.

ACTION: Approved re-appointment of Council Member Wendy Leece.

ITEMS REMOVED FROM THE CONSENT CALENDAR

6. Warrant Resolution 2240, funding City operating expenses for \$1,533,254.15

Martin Millard, Costa Mesa, opposed City funding of the retrieval of shopping carts. Mayor Pro Tem Mansoor advised a review of the program is forthcoming.

MOTION: Adopt Warrant Resolution 2240.

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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

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

Valerie Boston, Costa Mesa, opposed adoption of the resolution; reported on a criminal incident and believed police records pertaining to the incident would be

included in the destruction.

City Manager Allan Roeder clarified the destruction for police records are for telecommunication recordings for 2003.

MOTION: Adopt Resolution No. 08-86.

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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

VI. PUBLIC HEARINGS - 7:00 p.m. (Resolution No. 05-55)

1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AND ADOPTING SCHEDULES OF RATES, FEES, AND CHARGES FOR FISCAL YEAR 2008-2009 FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA.

Finance Director Marc Puckett summarized the staff report. Public Services Director Peter Naghavi responded to questions from the Council relating to drainage fees.

Mayor Bever expressed reservation on some City programs and the benefit to the community, questioning park fees and utility field rental for residential and non-residential/commercial use and expressed concern on the impact to the surrounding community in providing such uses to non-resident groups.

(Katrina Foley entered at 7:11 p.m.)

Martin Millard, Costa Mesa, expressed concern on the increase of drainage fees per acre.

Beth Refakes, Costa Mesa, questioned fees and the contracts for the services provided by police for special events.

MOTION: Adopted Resolution No. 08-87.

Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Council Member Linda W. Dixon.

The motion carried by the following roll call vote:

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

Noes: Mayor Eric R. Bever
Absent: None.

2. PUBLIC HEARING: General Plan Amendment GP-08-05 to amend the Land Use Element of the Costa Mesa 2000 General Plan addressing Heliports/Helistops pursuant to the JWA Airport Environs Land Use Plan for Heliports.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-08-05 TO AMEND THE LAND USE ELEMENT OF THE 2000 GENERAL PLAN RELATED TO HELIPORTS/HELISTOPS.

Director of Development Services Don Lamm briefly summarized the staff report.

**MOTION: Adopt Resolution No. 08-88.
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

1. Field Use and Allocation Policy.

Recreation Manager Jana Ransom summarized the staff report and responded to questions from the Council relating to user groups, residency requirements and participant outreach of sports teams, and inclement weather policy.

Maintenance Services Manager Bruce Hartley addressed questions from the Council relating to differential field conditions, process and areas of testing, and alternatives to mud line testing. In reference to a question from Council Member Foley regarding sports tournaments, the Maintenance Services Manager noted the alternative of the ad hoc committee's recommendation pointing out the concern of staff time.

(Name inaudible), representative of AYSO 120, questioned if the fields are measured after the sprinklers are turned on and reported of muddy fields

due to over watering. He responded to questions from Council Member Foley relating to the recommendation of the ad hoc committee.

MOTION: Approve the Field Use and Allocation Policy as recommended by the Parks and Recreation Commission; refer the inclement weather procedures back to the Parks and Recreation Commission.

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

Council Member Dixon seconded the motion for discussion.

Council Member Leece expressed concern on reducing the percentage of Costa Mesa resident participation. She commented on the marketing of youth sports organizations to Costa Mesa youths, and expressed concern on the exclusion of Costa Mesa participants due to the lack of outreach.

Discussion ensued amongst the Council and City staff regarding the residency requirement, user group status, AYSO outreach program, and sports programs on the Westside.

SUBSTITUTE MOTION: Approve recommendations of the Parks and Recreation Commission, approved the additional condition: If a Group 1 or Group 3 organization has a Tournament, Playoffs, or other large scale event (such as Opening Day), the organization's president and/or field representative shall have the right to request a review of City field closures due to inclement weather when the organization feels that the empirical methodology and staff observations are questionable. Procedure shall be to contact City maintenance supervisor to meet at the field for a walk-through and measurement analysis. That supervisor shall have the right and authority to allow play on some or all fields at a site under this provision.

Moved by Council Member Katrina Foley, seconded by Council Member Linda W. Dixon.

The substitute 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: Council Member Wendy Leece

Absent: None.

X. REPORTS

City Manager Allan Roeder reported on the involvement of the Costa Mesa Fire Department and CERT Volunteers in the fires during the week; advised that the City will be filing with the State for reimbursement of out-of-pocket expenses; expressed regrets to many families who have lost possessions; and

commended the performance of Fire and City Personnel.

- XI. ADJOURNMENT -The Mayor declared the meeting adjourned at 8:21 p.m. The next Regular City Council Meeting will be held on December 2, 2008.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa